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7 Alan Woodruff, David Kirk, Lisa Blodgett, Tiffani LoBue

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF RIVERSIDE**

10 ALAN WOODRUFF, DAVID KIRK, LISA  
11 BLODGETT, TIFFANI LOBUE,

12 Petitioners,

13 vs.

14 ERIN GETTIS, in her official capacity as  
15 Director, Riverside County Department of  
16 Animal Services; RIVERSIDE COUNTY  
17 DEPARTMENT OF ANIMAL SERVICES;  
18 COUNTY OF RIVERSIDE; JEFF VAN  
19 WAGENEN, in his official capacity as  
20 County Executive Officer, County of  
21 Riverside; DOES 1 through 10, inclusive,

22 Respondents.

CASE NO.: CVPS2405127

**FIRST AMENDED PETITION FOR WRIT  
OF MANDATE; FIRST AMENDED  
COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

1. Writ of Mandate for Violations of Civil Code §1834.4(a), Penal Code §599d, and Food & Agriculture Code §17005(a);
2. Writ of Mandate for Violations of Civil Code §1834.4(b) and Food & Agriculture Code §17005(b);
3. Writ of Mandate for Violations of Civil Code §§1834 and 1846 for Failure to Provide Animals with Necessary And Prompt Veterinary Care, Nutrition, and Shelter, and to Treat Them Kindly;
4. Writ of Mandate for Violations of Riverside County Code of Ordinances §6.08.120 – Altered and Unaltered Animals;
5. Writ of Mandate for Violations of Public Records Act California Constitution, Art. I, §3; Government Code §7920, et seq.;
6. Writ of Mandate for Violations of Food & Agricultural Code §32003;
7. Taxpayer Suit Pursuant to Code Civ. Proc. §526a and Common Law – Hassen Contract;
8. Taxpayer Suit Pursuant to Code Civ. Proc. §526a and Common Law – Gettis Employment Contracts; and
9. Taxpayer Suit Pursuant to Code Civ. Proc. §526a and Common Law – RCDAS Employee Nepotism

1 Petitioners Alan Woodruff, David Kirk, Lisa Blodgett and Tiffani LoBue bring this First  
2 Amended Petition for a Writ of Mandate; First Amended Complaint for Declaratory and  
3 Injunctive Relief, pursuant to *Code of Civil Procedure* §1085 and *Civil Code* §525, *et seq.*, and  
4 allege as follows against Respondents Erin Gettis (“Gettis”), in her official capacity as the  
5 Director of Respondent Riverside County Department of Animal Services, Respondent  
6 Riverside County Department of Animal Services (“RCDAS”), Respondent County of  
7 Riverside, Respondent Jeff Van Wagenen (“Van Wagenen”), in his official capacity as County  
8 Executive Officer, County of Riverside, and Does 1 through 10, inclusive. The following  
9 allegations are based on information and belief, unless otherwise specified.

10 **PRELIMINARY STATEMENT**

11 Two weeks after the filing of this action on August 20, 2024, Respondent Erin Gettis  
12 suddenly resigned from her position as Director of Respondent Riverside County Department of  
13 Animal Services and was rewarded with, as she described it publicly, a “promotional  
14 opportunity.” Gettis and Respondent County of Riverside were initially coy about where she  
15 was going, despite taxpayers in the County of Riverside certainly having the right to expect  
16 transparency and County management to adhere to their fiduciary duties to taxpayers.

17 Regardless, the County of Riverside ultimately acknowledged Gettis was being moved  
18 to an Executive Director position with the Riverside University Health System Medical Center.  
19 As set forth in the original Petition and Complaint, Gettis had no experience in animal services  
20 before being hired as Director of Riverside County Department of Animal Services, and  
21 likewise, her resume is devoid of any experience in health services, hospital-based clinics,  
22 medical research studies, patient care, and clinical support services, though those are some of  
23 the responsibilities specified in the job listing. Oddly, a degree in architecture meets the  
24 education requirements for this health care/patient management position, and lo and behold,  
25 that is precisely the degree that Gettis has (she does not have a degree in business, nursing,  
26 healthcare, or public administration which are the other degrees that, understandably, meet the  
27 education requisites for the position). *This cavalier, and frankly corrupt, action by Respondents*

1 *to force Riverside County taxpayers to subsidize the salary for Gettis, who is yet again gifted a*  
2 *position she is unqualified for, is plainly violative of the fiduciary duties Respondents owe to*  
3 *their constituents. See e.g., Nussbaum v. Weeks (1989) 214 Cal.App.3d 1589, 1597 (“a public*  
4 *office is a public trust ... [an officer of a county] should therefore act with the utmost good*  
5 *faith”). As set forth below, the actions of Respondents are far afield of the requisite fiduciary*  
6 *duties and good faith owed to the community and taxpayers in the County of Riverside.*

7       As if this imprudent and wasteful spending for a “promotion” that Gettis neither  
8 deserves nor is qualified for was not enough, on September 17, 2024, Respondent Jeff Van  
9 Wagenen (“Van Wagenen”), the County Executive Officer, recommended that the Board of  
10 Supervisors of the County of Riverside approve a motion for a \$2,450,075 “consulting contract”  
11 (with a \$245,007 aggregate contingency packed in, to boot), for a total of \$2,695,082, for the  
12 fringe animal shelter consultant, Kristen Hassen. (See link:  
13 (<https://cloud.wclgportal.com/s/jkRgyWiKGcDNwHA>.) The duration of the contract was 26  
14 months, providing compensation to Hassen and her Texas LLC Outcome for Pets Consulting, at  
15 the rate of \$94,233.65 a month (not counting the “aggregate contingency”). This is a stunning  
16 waste of public funds, particularly given the previous hiring of Gettis by Respondent Van  
17 Wagenen, despite the fact that she had utterly no skills or experience in animal care or shelter  
18 management, though her husband, Aaron Gettis, was County Counsel for the County of  
19 Riverside, when she was hired.<sup>1</sup> If a qualified person had been hired by Van Wagenen in the  
20 first place, Hassen would not be in the picture now.

21       The Board of Supervisors, being the elected body to oversee the business of the County  
22 of Riverside, and safeguard taxpayer funds, had a fiduciary responsibility to check for  
23 themselves that the information provided by Van Wagenen was correct and accurate.

24  
25 \_\_\_\_\_  
26 <sup>1</sup> If Aaron Gettis participated in some manner in the making of his spouse’s contract to serve as  
27 Director of RCDAS, this pleading will be amended to add a violation of Govt. Code §1090  
28 which prohibits a public official from participating in making a contract in which that official  
has a financial interest. Aaron Gettis would have had a financial interest in the Gettis contract  
because he is married to Respondent Gettis and had a financial interest in his spouse’s salary  
and benefits.

1 Shockingly, the Board of Supervisors—after a vapid eight-minute discussion (a minute and a  
2 half of which were devoted to a childish rant on media coverage on this important issue) devoid  
3 of any substantive value, other than one Supervisor rightly noting that the contract amount was  
4 “very, very significant”—approved this boondoggle. (See link:  
5 ([https://youtu.be/u4Gm\\_iP1zo4](https://youtu.be/u4Gm_iP1zo4).) The Supervisors were too sheepish to ask: (1) why was  
6 Hassen selected? (2) why was no one else considered? (3) what is Hassen’s background and  
7 how is she viewed in the animal shelter area? (4) what warrants such an astronomically large  
8 contract? (5) what negotiations took place on the contract amount? (6) why is the County hiring  
9 a “consultant” before it hires a Director to replace Gettis? and (7) why is the County not  
10 consulting with the nearby and well-respected no-kill shelter in Palm Springs, or Nathan  
11 Winograd, the definitive expert in no-kill shelters and a participant in the drafting of the Hayden  
12 Act, rather than spending \$2.45 million on a fringe person?

13 To be fair, Van Wagenen’s executive summary (link below) was woefully inadequate,  
14 and indeed, misrepresented and concealed relevant portions of Hassen’s checkered career, *never*  
15 *mentioning her well known atavistic philosophy that animals should be kept out of shelters as*  
16 *much as possible and left to fend for themselves on the streets, and the devastation she has*  
17 *caused in communities from her approach which is more concerned with calculating numbers at*  
18 *her desk than caring for animals in a shelter.* (See link:

19 <https://cloud.wclgportal.com/s/yBR9esFBxipQdp7>;

20 <https://cloud.wclgportal.com/s/KiP5Y9ZttKMHFbq>.)

21 Though Van Wagenen indicated this was a “sole source” contract<sup>2</sup>, none of the supporting  
22 materials in the above links provide any insight into why Hassen was the only person in the  
23 world who could fulfill the contract’s requirements. And, needless to add, she most certainly  
24 was not.

25  
26  
27 <sup>2</sup> A sole source contract is awarded without the usual competitive bidding process when only  
28 one business can fulfill the contract’s requirements. Of course, that is demonstrably false with  
respect to this contract, and further evidence of blatant collusion and corruption.

1 As Nathan Winograd, who helped draft the Hayden Act and is the Executive Director of  
2 the No Kill Advocacy Center, stated:

3 *“This begs the question for Riverside County officials: Instead of hiring a “shelter”*  
4 *director who doesn’t know what they are doing [Gettis] and then spending millions*  
5 *more on a consultant, why not hire a director who is passionate about saving lives, has*  
6 *the skill set to do so, and is willing to spend the money the taxpayers allotted for its*  
7 *intended purpose: to care for animals?”* Nathan Winograd, @NathanWinograd.com,  
8 September 20, 2024.

9 Indeed, at the next Board meeting on October 8, 2024, Supervisor Karen Spiegel, who  
10 was not present at the previous meeting raised concerns about the “sole source” contract without  
11 consideration of any other options and noted the “serious concerns brought up” at the previous  
12 meeting about the contract. (See link: <https://youtu.be/ejhujHD1i9s>.) When Supervisor Spiegel  
13 asked for an explanation as to the process for cancellation of the contract, Van Wagenen  
14 initially went mute and Supervisor Perez chimed in that the inquiry by Supervisor Spiegel was a  
15 “non-agenda item.” Plainly, Van Wagenen and Perez had no desire for transparency and  
16 preferred to squelch discussion. Ultimately, a County representative explained that the Hassen  
17 contract could be cancelled at any time with 30-days notice. And, that is precisely what needs  
18 to happen.

19 As set forth below, in addition to the serious and ongoing violations of the Hayden Act,  
20 and related laws and ordinances for the safety of animals under the care of a facility set forth in  
21 the original pleading, the facts of this case, and ongoing malfeasance (to say the least), required  
22 this amended pleading which adds causes of action, under both statutory and common law, for  
23 the illegal expenditure and waste of taxpayer funds, as well as fraud, collusion, *ultra vires*, and  
24 failure to perform a duty.

25 The taxpayer suit claims arise out of 1) Van Wagenen’s hiring of Gettis, with no  
26 qualifications or experience to serve as Director of RCDAS, 2) Van Wagenen’s “promotion” of  
27 Gettis to a position which she has no qualifications or experience for, and 3) Van Wagenen’s  
28

1 recommendation for the useless, unnecessary, excessive and financially imprudent Hassen deal  
2 for \$2,450,007, that he asked the Board of Supervisors to approve, and 4) rampant nepotism in  
3 RCDAS which negatively affects the workplace in countless ways.

4 Petitioners intend to seek a preliminary injunction to stay the performance of the Hassen  
5 contract, and thereby save taxpayer money, unless the County of Riverside will act in good  
6 faith, and consistent with its fiduciary duties to its residents and taxpayers, and cancel the  
7 Hassen contract, or, at the very least, stipulate to stay the performance of the \$2,450,007  
8 contract, pending judicial review. *It is so easy to imagine the good that would come for*  
9 *allocating that \$2.45 million not to Hassen, but to improving the lives of the animals at the*  
10 *facilities. For instance, simply expanding the space available to kennels would save so many*  
11 *dogs and cats from being killed by RCDAS.*

12 *Government service is a public trust; it is not an opportunity for those in power to*  
13 *reward others, including family or friends, with employment opportunities which they are*  
14 *woefully unqualified for and financial windfalls which waste taxpayer money.*

### INTRODUCTION



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22  
23  
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25  
26 1. The disturbing photographs above, and those throughout this pleading, were  
27 taken by a community member visiting RCDAS facilities. Some photographs were taken after  
28

1 the original pleading was filed. What she saw was appalling—the dog in the picture on the left  
2 had been dead for some period of time and the dog pictured on right was laying on an  
3 excrement-covered floor with more excrement on the dog’s body. How long the dogs were left  
4 in these inhumane conditions is unknown. These disturbing photographs of animal cruelty are  
5 emblematic of the fundamental failings and pervasive deficiencies, the inertia and inaction, of  
6 RCDAS and its former Director, Gettis. RCDAS under the direction of Gettis was plagued with  
7 lack of leadership, mismanagement, budget opacity, disdain for the health and safety of animals  
8 in its custody, disinterest in working with the community and rescue organizations to place  
9 animals in homes, inertia in moving to adopt no kill policies, and a focus on killing, rather than  
10 saving, dogs and cats. This must stop.

11 2. Animals should be treated “kindly,” as required by law, and not, as RCDAS  
12 treats them, in dirty kennels, under inhumane conditions, subject to being killed in a helter-  
13 skelter manner and placed in barrels to be disposed. ***Dogs and cats in the custody of RCDAS***  
14 ***deserve to go out the front door to a new beginning, not the back door with their lives cut***  
15 ***short to end up in a landfill or rendering facility.***

16 3. The original pleading in this action sought the removal of Gettis and an  
17 injunctive relief compelling RCDAS to follow—not evade—the applicable law. And, the No  
18 Kill Equation—a set of simple and straightforward elements, developed by Nathan Winograd of  
19 the No Kill Advocacy Center, that when implemented comprehensively in animal shelters can  
20 eliminate the killing of healthy or treatable animals—must be adopted by RCDAS, just as it has  
21 been in communities, large and small, urban and rural, wealthy and less wealthy, throughout the  
22 country.

23 4. ***It is troubling that in 2024, and despite a budget of \$39,000,0000, Riverside***  
24 ***County Department of Animal Services is notorious for its extraordinarily high kill rate. In***  
25 ***2023, Best Friends Animal Society, a nationally respected organization with particular***  
26 ***expertise in shelter statistics, stated that RCDAS facilities killed more animals than any other***  
27

1 *reporting shelter in the United States in 2022.*<sup>3</sup> *Indeed, 24,000 animals have been killed in*  
2 *the last two years—roughly 1,000 each month.*<sup>4</sup> *The priorities of RCDAS must change.*

3           5.           One purpose of this action was to permanently remove Gettis as Director of  
4 RCDAS—and that has been achieved within 15 days of filing the action—as well as to compel  
5 RCDAS to follow and obey the law, to treat animals in their custody with necessary and prompt  
6 veterinary care, nutrition, shelter, “to treat them kindly” as the law requires, and to stop killing  
7 healthy and adoptable animals, and animals that could be made adoptable with reasonable  
8 efforts. Sadly, so many other animals at RCDAS suffer the same fate as those in the  
9 photographs in this pleading—an utter and profound lack of care, concern and dignity that they  
10 are entitled to. It is time for that to change. As set forth below, the excessive killing of animals  
11 without rhyme or reason and a death sentence that can come at any time, often based on a  
12 pretext that the animal has a behavioral or medical issue, not matter how minor or treatable (in  
13 one instance, it was a cough), is unconscionable. This disregard for the law must stop, a no-kill  
14 policy must be adopted, and the replacement for Gettis (who was entrusted with the stewardship  
15 of RCDAS, despite absolutely no relevant experience) must be a leader truly committed to  
16 acting in the best interests of animals in the custody of RCDAS.

17           6.           This case involves a shocking, callous, and ongoing failure to follow California  
18 law by RCDAS and Gettis, who has referred to the Hayden Act—the well-established and  
19 controlling statutory scheme regulating animal shelters—as nothing more than “legalese.”<sup>5</sup>

21 \_\_\_\_\_  
22 <sup>3</sup> RCDAS has engaged in “sleight of hand” statistical manipulation to publicly contend  
23 otherwise. The tactics are as transparent as the statistical results are unconvincing. The level of  
24 deceit is disturbing, but par for the course for RCDAS and Gettis.

25 <sup>4</sup> To refer to the killings as “euthanasia” is, to say the least, misleading. Euthanasia refers to  
26 ending the life of someone who is terminally ill or in great pain and suffering. The  
27 overwhelming number of dogs and cats killed at RCDAS are healthy and adoptable, or could be  
28 made adoptable with reasonable efforts. Though the term may be a convenient one for RCDAS  
to use, ending the lives of thousands of healthy and adoptable animals is anything but  
euthanasia.

<sup>5</sup> Interview with Investigative Reporter Mary Strong, KMIR, May 16, 2024. In this same  
television interview, Gettis suddenly and disdainfully rolled her chair off camera to avoid  
answering questions about her management of RCDAS and the applicable law. (See link:  
<https://youtu.be/bJ1c7TLgLn0>.)



1 This indifference to the law is appalling. *Despite Gettis’ contempt for, and disregard of, the*  
2 *well-established Hayden Act, California law is clear: animals should be saved, not destroyed.*

3 7. The enactment of the Hayden Act placed California at the forefront of saving,  
4 rather than destroying, the lives of animals in animal care facilities. Indeed, the Hayden Act  
5 was recently affirmed less than one year ago in *Santa Paula Animal Rescue Center, Inc. v.*  
6 *County of Los Angeles* (2023) 95 Cal.App.5th 630, 637 where the Court of Appeal stated:  
7 “[Food and Agriculture] section 17005, subdivision (a), Civil Code section 1834.4, subdivision  
8 (a), and Penal Code section 599d, subdivision (a), *all state that it is California’s policy that no*  
9 *adoptable animal should be euthanized.*” The law is clear and Respondents’ willful failure to  
10 adhere to it—and indeed disregard of it—compels Court intervention.

11 8. Petitioners asked in the original pleading that Gettis be permanently removed  
12 from her position with RCDAS, and RCDAS be ordered to follow state laws as set forth herein,  
13 to cease practices which directly lead to the death of animals under the supposed care of  
14 RCDAS, and to stop abusive practices which are harmful to animals without any reciprocal  
15 benefit to the animals or to the public. With Gettis removed, this action continues with the  
16 original Hayden Act claims, in addition to a taxpayer suit for the waste of public of funds, and  
17 the misconduct associated with such waste.

18 **THE PARTIES**

19 9. The Petitioners in this action have spent, collectively, over a half-century  
20 devoting countless hours to animal advocacy and welfare, animal rescue, shelter management,  
21 animal safety, community education and no kill policies (as opposed to Gettis who evidently  
22 spent no time in any of these areas before her employment with RCDAS).

23 10. Petitioner Alan Woodruff is an individual and 35-year resident and taxpayer of  
24 the City of La Quinta, County of Riverside, State of California, and has paid, or is liable to pay,  
25 to the County of Riverside a tax assessed on Petitioner by the County of Riverside. He is a  
26 former head coach of track and field, and cross country, at Palm Desert High School. Petitioner  
27 is beneficially interested in this action as a citizen of the State of California in having the laws  
28

1 discussed herein executed properly and the statutory duties owed by RCDAS and Gettis  
2 enforced. Petitioner Woodruff is the founder and CEO of Alan’s All Animal Rescue  
3 Foundation (“AAARF”). AAARF is devoted to reuniting lost pets with their owners, finding  
4 homes for animals in danger of being euthanized, providing meals to animals in need, and  
5 rescuing dogs that sometimes become trapped in the mountains surrounding La Quinta Cove.  
6 Petitioner starts his days at 4:00 a.m. feeding dozens of feral and abandoned cats in his  
7 community. He has rescued and found homes for over 231 dogs. The La Quinta City Council  
8 has awarded him a “Pillar of the Community” award for his dedication to the devotion of all  
9 animals. His motto is simple: Adopt and love all animals.” Petitioner Woodruff feels strongly  
10 that this core principle is not one adhered to by Respondents.

11 11. Petitioner David Kirk is an individual and 14-year full-time and 19-year part-  
12 time resident and taxpayer of Palm Desert, County of Riverside, State of California, and has  
13 paid, or is liable to pay, to the County of Riverside a tax assessed on Petitioner by the County of  
14 Riverside. Before retiring to the Coachella Valley, Petitioner Kirk was a senior executive in  
15 Fortune-10 technology companies in Silicon Valley and Washington, D.C. Petitioner Kirk is  
16 beneficially interested in this action as a citizen of the State of California in having the laws  
17 discussed herein executed properly and the duties owed by Gettis and RCDAS enforced.  
18 Petitioner Kirk first became involved with RCDAS in 2008 when his wife (Dr. Leigh Kirk,  
19 DVM, MS), prior to graduating as a veterinarian from Colorado State University with a specific  
20 interest in Feline and Shelter Medicine, volunteered with RCDAS. Petitioner Kirk quickly  
21 learned that RCDAS had a very high kill rate for cats and Petitioner began to review and  
22 analyze their published data. Based on Petitioner’s calculations of RCDAS published statistics  
23 for 2009, 4 out of every 5 cats who entered RCDAS did not leave alive. In 2015, upon learning  
24 that RCDAS was killing hundreds of underage kittens (less than 8 weeks of age, because they  
25 needed 24-hour care which RCDAS would not provide), Petitioner Kirk converted one of his  
26 outbuildings to a kitten nursery and started saving cats that would otherwise be killed by  
27 RCDAS. Between 2010 and 2022, Petitioner Kirk and his spouse rescued approximately 1500  
28

1 cats and kittens. Petitioner worked diligently to bring resources to RCDAS to achieve higher  
2 life-saving rates.

3 12. Petitioner Kirk has extensively reviewed and analyzed the statistics provided by  
4 RCDAS, and has found that the public information contains, and continues to contain, gross  
5 irregularities (e.g., earlier this year, the public records stated that approximately 15,700 animals,  
6 going back to 2016, were “still in the shelter”), clearly an absurdly ridiculous assertion. In a  
7 subsequent meeting with RCDAS staff, it was disclosed that the public data did not accurately  
8 represent the actual internal data, and that a faulty process implemented in 2016 had  
9 cumulatively introduced the erroneous data each month and the quality assurance procedures  
10 were either not performed or failed to detect the errors for the following eight years. Further,  
11 using internal shelter data records, it would appear to be mathematically highly improbable to  
12 produce a calculation showing a live release rate of 97% for cats, and 95% for dogs, in RCDAS  
13 facilities, without either (a) double counting dogs and cats who transfer between shelter and  
14 foster homes (a matter that was suggested to the then staff in 2016), and (b) counting cats  
15 involved with Trap Neuter Return (TNR) and Community Cat Programs – both of which distort  
16 LLR erroneously to provide “better” results. In sum, the kill rates at RCDAS facilities appear  
17 exponentially higher than those represented by RCDAS and Gettis, and RCDAS is inaccurately  
18 reporting data, including LRR data.

19 13. Petitioner Lisa Blodgett is an individual and 40-year resident and taxpayer of the  
20 City of La Quinta, in the County of Riverside, State of California, and has paid, or is liable to  
21 pay, to the County of Riverside a tax assessed on Petitioner by the County of Riverside.  
22 Petitioner is beneficially interested in this action as a citizen of the State of California in having  
23 the laws discussed herein executed properly and the duties owed by Gettis and RCDAS  
24 enforced. Petitioner Blodgett has been involved in animal safety, animal rescue and community  
25 education for over 16 years, beginning in 2008 with speaking out on the cruelty of the Palm  
26 Springs rodeo in conjunction with the nonprofit Desert Paws. In 2009, Petitioner volunteered  
27 with the Humane Society of the Desert, assisting with fundraising events, and adopted a pit  
28

1 bull. Petitioner first experienced and witnessed the inhumane and illegal treatment of pets at the  
2 Indio Animal Shelter in about 2010. Animals were kenneled in substandard conditions, and  
3 volunteers, including Petitioner, paid to install a misting system. During the fundraiser that was  
4 held at the Indio Shelter, many people saw the deplorable conditions. Petitioner, along with  
5 others, began to volunteer.

6 14. Petitioner Blodgett worked diligently with the Mayor of Indio to teach the staff  
7 how to clean kennels, transform the shelter from high-kill to no-kill, implement the programs,  
8 and hire a qualified director. Petitioner communicated with Best Friends Animal Society to  
9 help with a search for a director. The Grand Jury investigated the conditions at the Indio  
10 shelter. A lawsuit was also filed against the city of Indio for the deplorable  
11 conditions. Afterwards, the town of Indio chose to shut down the shelter in 2012 and contract  
12 with the county of Riverside Animal Services. Over 200 pets were at the Indio shelter. Through  
13 the relationships with rescues in Canada and Washington, the volunteers coordinated several  
14 flights to safety and homes. A few local rescues also had adoption events. Every dog and cat  
15 from Indio made it out alive and did not get transferred to RCDAS. Petitioner Blodgett has  
16 fundraised at events and fostered for the Pet Rescue Center in Coachella. Petitioner has  
17 volunteered with Wings of Rescue and coordinated flights with dogs from Coachella Valley  
18 Animal Campus and the Palm Springs Animal Shelter to rescues in Bellingham, Washington,  
19 and Canada. Petitioner has also whelped and raised almost 20 canine families from the  
20 Coachella Valley, preventing them from entering the shelter system.

21 15. Petitioner Blodgett pulled three puppies under four months old from RCDAS in  
22 2014 directly from what they called the “jeopardy” cage back behind closed doors. Petitioner  
23 was allowed back there with the Animal Samaritans rescue coordinator. Petitioner has two  
24 today. They were going to be killed for being fearful. They have been beautiful pets and part of  
25 Petitioner’s family for ten years. Once Petitioner exposed this at an RCDAS commission  
26 meeting, she could no longer pull dogs from jeopardy cages. Since then, Petitioner has saved  
27 many dogs from RCDAS and San Bernardino Shelter, and found them homes. Over the past  
28

1 years, Petitioner has had extensive experience and interaction with RCDAS including past  
2 directors and the staff.

3 16. Petitioner Blodgett believes strongly that a no-kill facility *is achievable, but*  
4 *requires a compassionate, hard-working Director with experience in the field leading the way*  
5 *and not rubber-stamping the continued killing of animals.*

6 17. Petitioner Tiffani LoBue has been at the forefront of animal advocacy for 27  
7 years, and is a resident and taxpayer of the City of Palm Springs, County of Riverside, State of  
8 California, and has paid, or is liable to pay, to the County of Riverside a tax assessed on  
9 Petitioner by the County of Riverside. Petitioner is beneficially interested in this action as a  
10 citizen of the State of California in having the laws discussed herein executed properly and the  
11 duties owed by Gettis and Riverside County Department of RCDAS enforced. Petitioner  
12 LoBue’s journey to animal rights and advocacy began before moving to Palm Springs, but upon  
13 arrival, Petitioner quickly immersed herself in volunteering with Save-a-Pet, in Desert Hot  
14 Springs, an organization that rescued stray and discarded animals from the fields and streets in  
15 the area. Petitioner also volunteered with Orphan Pet Oasis (now the Humane Society of the  
16 Desert) and worked with both organizations until 2003.

17 18. In 2004, Petitioner LoBue volunteered with Animal Samaritans doing  
18 administrative work, cleaning kennels and walking dogs. Later, Petitioner began a 7-year  
19 project of transporting dogs from the Thousand Palms facility to homes in Southern California.

20 19. Thereafter, Petitioner LoBue began to regularly speak at city council Board  
21 meetings through the Coachella Valley in support of a variety of causes, including spay/neuter  
22 programs, backyard breeding, and related proposed ordinances.

23 20. In 2013, Petitioner LoBue began to volunteer with the Palm Springs Animal  
24 Shelter which now serves as a model for no kill shelters. In addition, Petitioner has volunteered  
25 for the Animal Rescue Center of California, based in Coachella, California, which works to save  
26 dogs from the East Valley. Petitioner has attempted time and time again to meet with Gettis to  
27

1 discuss her concerns, was successful in meeting with her once, but her efforts to meet again  
2 have been ignored for two years.

3 21. Respondent Erin Gettis is, and at all times relevant hereto has been, the Director  
4 of Respondent Riverside County Department of Animal Services. Coincidentally, Respondent  
5 Gettis' husband, Aaron Gettis, is Chief Deputy County Counsel for the County of Riverside.<sup>6</sup>

6 22. Respondent Jeff Van Wagenen is, and at all times relevant hereto has been, the  
7 County Executive Officer of the County of Riverside, State of California.

8 23. Respondent Riverside County Department of Animal Services provides all  
9 animal services for Respondent County of Riverside, including shelter services and operates  
10 four facilities that house dog, cats and other animals. The shelters are (1) the Western Riverside  
11 County/City Animal Shelter in Jurupa Valley, California, (2) the San Jacinto Valley Animal  
12 Campus in San Jacinto, California, (3) the Coachella Valley Animal Campus in Thousand  
13 Palms, California, and (4) the Blythe Animal Shelter in Blythe, California.

14 24. Respondent County of Riverside is a political and geographic subdivision of the  
15 State of California established and operating under the laws of the State of California and  
16 created for the provision of government services.

17 25. The true names or capacities, whether individual, corporate, partnership, joint  
18 venture, or otherwise of Respondents DOES 1 through 10, inclusive, are unknown to  
19 Petitioners, who therefore sue these Respondents by such fictitious names. Each of the  
20 fictitiously named Respondents is responsible in some manner for the occurrences and  
21 violations herein alleged. Petitioners will amend this Petition to allege the true names and  
22 capacities of Does 1 through 10 when ascertained.

23 26. At all times herein mentioned, each Respondent was acting as the agent, servant,  
24 representative, partner, employee, joint venturer and/or co-conspirator of each remaining  
25 Respondent. Each Respondent was acting in concert with each of the remaining Respondents in  
26

27 <sup>6</sup> An obvious conflict of interest arises with respect to Mr. Gettis' position with the County of  
28 Riverside and the representation of his spouse, Respondent Gettis, in this action.

1 all matters herein alleged. At all times herein mentioned, each of the Respondents was acting  
2 within the course and scope of such agency, employment, representation, partnership, joint  
3 venture, conspiracy, and/or concert of action, with the advance knowledge, permission,  
4 acquiescence, authorization, direction, or subsequent ratification of each and every remaining  
5 Respondent.

6 **JURISDICTION AND VENUE**

7 27. This Court has jurisdiction under *Code of Civil Procedure* §1085 and *Civil Code*  
8 §525, *et seq.* The County of Riverside is the proper venue for this Petition since the acts  
9 performed by the Respondents, including but not limited to, the violations of statutes, took place  
10 and continue to take place in the County of Riverside. Further, the impact of Respondents’  
11 decisions, policies, acts, and failures to act have had and will continue to have severe adverse  
12 impact upon Petitioners, the County of Riverside, its citizens and its dogs, cats, and other  
13 animals, as more fully set forth herein.

14 **FACTUAL BACKGROUND**

15 28. Petitioners have satisfied the requirements for a Writ of Mandate in that (1)  
16 Petitioners have a beneficial interest in the outcome of this Petition in that each of them have  
17 been involved in animal advocacy for decades and have a strong interest in requiring  
18 Respondents to follow the law, including the Hayden Act; (2) there is no plain, speedy, or  
19 adequate remedy at law; (3) dogs and cats will continue to be killed daily by RCDAS and (4)  
20 the lack of adherence to the law by RCDAS will continue unless the Court orders Respondents  
21 to follow and obey the applicable law and issue injunctive relief as requested herein.

22 29. An actual controversy exists in that Petitioners contend Respondents have failed  
23 and continue to fail to follow the laws as set forth herein. Petitioners further contend that  
24 Respondents have established a pattern and practice of violations of the law, and that the  
25 conduct and lack of action alleged herein is neither isolated nor random. Indeed, Respondents  
26 have ignored the request of employees, volunteers, rescue organizations and the general public,  
27 and insist they have acted in accordance with the laws, and that the policies and procedures of  
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1 RCDAS and Gettis are consistent with the law. This is so despite Gettis’ stated blatant  
2 disregard for the provisions of the Hayden Act.

3 30. Thus, Petitioners seek injunctive relief and respectfully request that the Court  
4 intervene and resolve this conflict, order RCDAS to comply with the law, enjoin RCDAS to  
5 adhere to policies and procedures that are consistent with, and required by, the applicable law,  
6 in order to ensure that animals in the custody of RCDAS are treated humanely and kindly,  
7 provided necessary and prompt medical condition, accurate records are properly maintained,  
8 and animals that are adoptable or could be made adoptable with reasonable efforts are not  
9 killed. Further, Petitioners respectfully request the Court appoint an independent third party to  
10 oversee compliance and report findings back to the Court. Given the gravity of this situation,  
11 and the lack of transparency by Respondents, the appointment of a third party to report back to  
12 the Court is critical to ensure compliance with the law as well as to protect the health, safety and  
13 dignity of animals in the custody of RCDAS.

14 31. Gettis publicly stated that the Hayden Act is not an enacted law—cavalierly  
15 describing it as “legalese” that she does not have “to dwell on.” This displays an utter lack of  
16 understanding of the law. In fact, provisions of the Hayden Act were upheld as recently as  
17 September 2023. *See e.g., Santa Paula Animal Rescue Center, Inc. v. County of Los Angeles*  
18 (2023) 95 Cal.App.5th 630 (provisions of the Hayden Act “all state that it is California’s policy  
19 that no adoptable animal should be euthanized”). (See link: <https://youtu.be/Q1m5yCQvahk>.)

20 32. In 1998, noting the “social and economic costs of euthanasia,” the California  
21 Legislature enacted—on an almost unanimous vote—the Hayden Act with the purpose of  
22 shifting California’s animal shelter system from *taking lives* to *saving lives* of animals that  
23 found their way to an animal shelter. The Hayden Act’s provisions are codified throughout the  
24 *Civil Code*, the *Food and Agricultural Code*, and the *Penal Code*. *In all three codes, the*  
25 *Legislature specifically emphasized the policy of California to save, not kill, animals. See Civil*  
26 *Code §1834.4 (“It is the policy of this state that no adoptable animal should be euthanized if it*  
27 *can be adopted into a suitable home.”); Food & Agriculture Code §17005 (same); Penal Code*



1 §599d (same). Under the statutes, even animals that are not technically “adoptable” should not  
2 be euthanized “if they could become adoptable with reasonable efforts.” ***This policy preference,***  
3 ***enacted by the People of the State of California, is the law and does not warrant the derision***  
4 ***by Gettis as “legalese.”***

5 33. The annual budget of RCDAS for fiscal year 2023/2024 is \$39,138,743.00. This  
6 is an almost \$17,000,000.00 increase over fiscal year 2022/2023. Instead of allocating that  
7 money to the care and welfare of the animals to which it is entrusted and facilitating their  
8 adoption to the public and rescue organizations, RCDAS and Gettis use the money to inflate  
9 upper management salaries and spend it in ways that are opaque, at best, and do nothing to  
10 proactively move RCDAS to a no kill facility.<sup>7</sup>

11 34. RCDAS cuts costs by carrying out a policy to kill healthy, adoptable animals,  
12 instead of spending resources feeding, caring for and housing them, and hiring sufficient  
13 personal to perform those duties and veterinary services, and ensuring that the animals are  
14 adopted in the community or through animal rescue organizations.

15 35. RCDAS refuses to spend money necessary to carry out their basic duties towards  
16 dogs and cats, and the taxpaying citizens of the County of Riverside, including (1) the  
17 recruitment and hiring of critically needed kennel attendants and employees who actually render  
18 care and services to the animals, (2) ensuring that proper and necessary veterinary medical care  
19 is available to all animals; (3) educating and training kennel staff to properly handle, interact,  
20 treat, and assess animals, and (4) develop and implement proven and successful animal welfare  
21 programs where the public or rescue organizations are encouraged to adopt animals.

22 36. These critical duties are out of reach in large part due to Gettis being hired by  
23 Van Wagenen as the Director of RCDAS. Gettis had no prior education, work experience or  
24 background in animal welfare, animal behavioral science or shelter management. Gettis has a  
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26 \_\_\_\_\_  
27 <sup>7</sup> To illustrate, RCDAS accounting records show hundreds of dollars paid to Gettis for such  
28 items as “public service transportation” and “meals.” Another entry shows a check issued for  
\$29,719.00 for “professional services,” with no vendor identified.

1 Bachelor's degree in Architectural Studies and a Master's degree in Architecture. Her work  
2 experience before arriving at RCDAS consisted of the following:

3 \* November 2003 – March 2005: Historic Preservation Manager, City of San Juan  
4 Capistrano:

5 \* March 2005 – January 2006 – County Historic Preservation Officer, Riverside  
6 County Regional Parks and Open-Space District;

7 \* January 2006 – February 2018 – City of Riverside, Division Manager-  
8 Neighborhood Engagement Division (March 2013 – February 2018), Principal Planner  
9 (March 2011 – February 2013), City Historic Preservation Officer (January 2006 –  
10 March 2011)

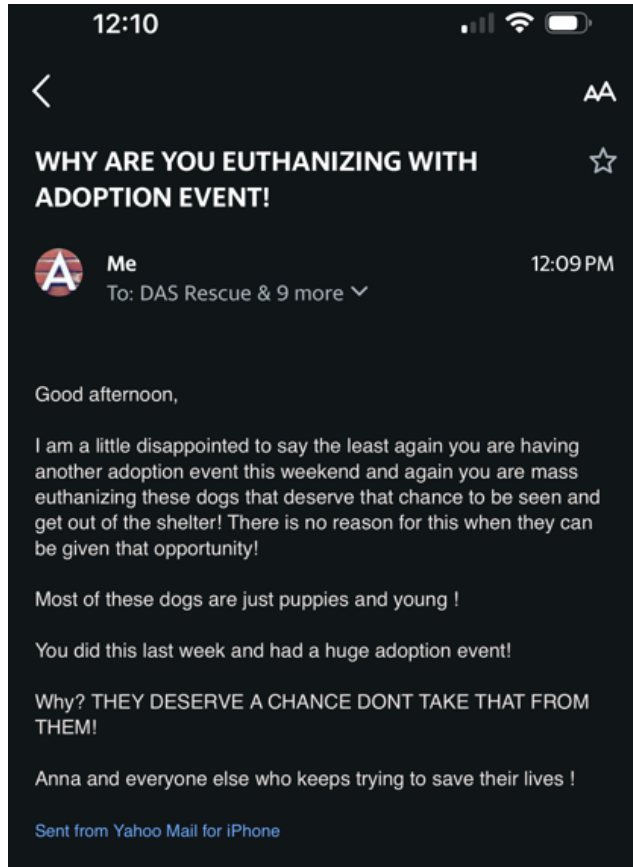
11 \* March 2018 – March 2022 – Riverside County Regional Parks and Open-Space  
12 District, Bureau Chief – Planning and Development (March 2018 – December 2019);  
13 Assistant Director (December 2019 – March 2022).

14 37. In sum, Gettis' works history is essentially Parks and Rec. That is the extent of  
15 it. Before becoming Director of RCDAS in March 2022, she had absolutely no experience with  
16 animal care, animal welfare or shelter management, *let alone being entrusted to run an*  
17 *organization with a 39-million-dollar budget.* Respondent Gettis' lack of qualifications,  
18 training and experience plays an inordinate role in giving RCDAS the dubious distinction of  
19 being an animal shelter with the highest kill rate among reporting shelters *in the entire United*  
20 *States.*

21 38. Notably, Gettis' hiring as Director of RCDAS was, to say the least, opaque and  
22 secretive. *She was not hired by the County of Riverside Board of Supervisors nor were any*  
23 *public hearings held relating to her employment by the County of Riverside. Gettis was*  
24 *appointed to the position of RCDAS Director by Van Wagenen. This appointment was*  
25 *effective on March 10, 2022. As the CEO made this appointment, there was no associated*  
26 *agenda item at a Board of Supervisors meeting. Yet, Gettis was hired, despite her lack of any*  
27 *requisite skills to guide RCDAS and oversee its budget.*



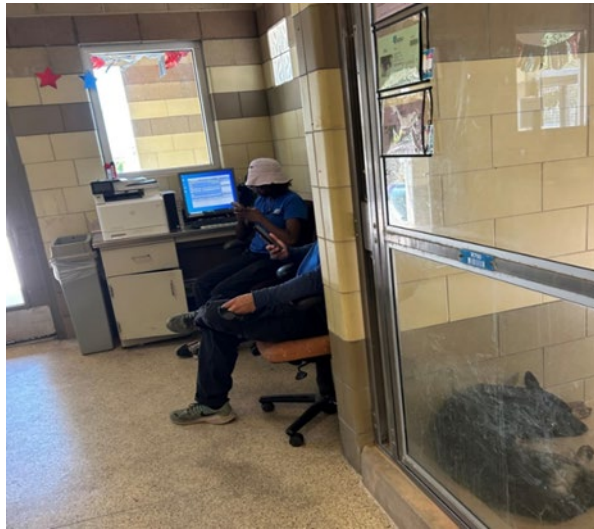
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43. Dogs remain in kennels for days without any interaction or exercise, and the only break comes if a volunteer is able to spend some time with the animal.

44. The prolonged confinement causes stress on the animals and adversely affects the animal’s mental and physical condition. Over time, without a means to release the pent-up energy, a dog will begin to exhibit signs of kennel stress, such as barking excessively, jumping up and down when a person walks by, or over excitement such as jumping on a person if the person attempts to connect with the dog. Moreover, given the abysmal kennel conditions (the photographs below are indicative of those conditions) animals often suffer from kennel cough or giardia which is used as a pretext to then kill the animals, despite the fact that these infectious conditions are easily treatable with minimal expense.

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45. These behavioral issues not only decrease the likelihood of adoption, but in fact, increase the dog’s likelihood of being killed by RCDAS. Indeed, RCDAS, with the support of Gettis, uses the pretext of animal behavioral problems to support the killing of the animal. Even young puppies and kittens are not spared from this haphazard killing.

46. To ensure temperament and behavioral evaluations before sentencing a healthy animal to death, RCDAS must hire qualified professionals such as properly qualified animal behaviorists and veterinarians. These professionals may then perform evidence-based, proper and lawful behavioral evaluations to determine whether the dog has a behavioral or temperamental defect that could pose a health or safety risk or otherwise make the animal unsuitable for adoption, before reaching the irreversible decision to kill an animal. The

1 individuals currently entrusted with deciding whether an animal will lose his or her life at  
2 RCDAS lack those qualifications.

3 47. RCDAS kills adoptable dogs without any warning and without providing  
4 adequate warnings of impending euthanization on its website since the “red list” of animals  
5 about to be killed is not on the adoption section of the website. Virtually every day dogs are  
6 denied the chance of adoption because of this defective and limited system of alerts, and despite  
7 the fact that community members and qualified rescue organizations are ready and able to adopt  
8 the animals.

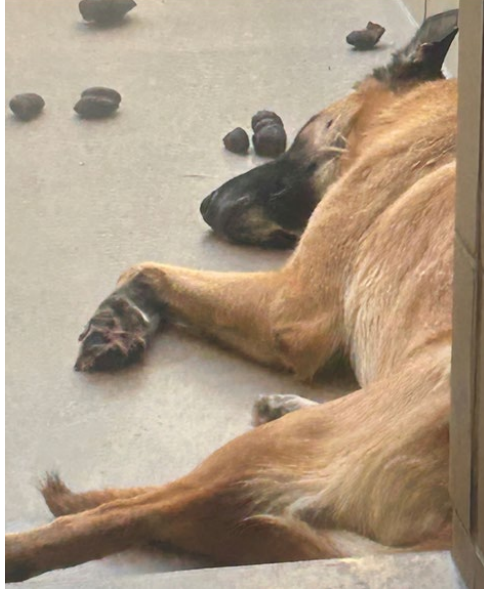
9 48. The limited hours of operation (10:00 a.m. – 4:00 p.m.) make it difficult for  
10 those who are employed to visit the shelter during the week. The facilities are not open in the  
11 evenings. Moreover, telephone calls are not answered on Saturdays which is yet another  
12 roadblock to adoption.

13 49. Moreover, far too many times, community members show up at the shelters with  
14 an interest in adopting a particular dog or cat they have seen online or expressed an interest in  
15 adopting to RCDAS staff, only to be told the animal has been killed when they come to the  
16 shelter. No reason is stated, just that it was killed.

17 50. Equally egregious, there have been instances where a person arrived at the  
18 facility to adopt a pet and was prevented from doing so by RCDAS staff. On one occasion, a  
19 person went to adopt the dog “Penelope” on May 30, 2024. She was prevented from doing so.  
20 One day later, on May 31, 2024, RCDAS records state Penelope underwent “euthanasia.”  
21 Penelope was pregnant when she was killed and was only one year old herself. These heartless  
22 policies are utterly inconsistent with the legal obligation to save adoptable animals, not destroy  
23 them.

24 51. Rather than continue to kill adoptable animals, RCDAS must focus their  
25 resources on programs that promote and encourage adoption. Such programs would include  
26 training and educating kennel attendants and volunteers, recruiting volunteers, having sufficient  
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1 veterinary care available for animals, and increasing meaningful community and rescue  
2 outreach.



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13 **SECOND CAUSE OF ACTION**

14 **Writ of Mandate for Violations of *Civil Code* §1834.4(b) and**  
15 ***Food & Agriculture Code* §17005(b)**

16 **(Against Respondents Gettis, RCDAS, County of Riverside)**

17 52. Petitioners reallege and incorporate all allegations herein as if fully set forth in  
18 this cause of action.

19 53. *Civil Code* §1834.4(b) and *Food & Agriculture Code* §17005(b) state: “It is the  
20 policy of the state that no treatable animal should be euthanized. A treatable animal shall  
21 include any animal that is not adoptable but that could become adoptable with reasonable  
22 efforts.”

23 54. As shown in the video link herein, there are many animals that arrive at RCDAS  
24 with treatable conditions or develop treatable conditions after arrival. (See link:  
25 <https://youtube.com/shorts/Zd1A2vrobU0?feature=share.>)

26 55. Given the abysmal kennel conditions, animals often suffer from kennel cough or  
27 giardia which may be used as a pretext to then kill the animals, despite the fact that these  
28 infectious conditions are easily treatable with minimal expense.





1           60.       Civil Code §1846(b) states, “A gratuitous depositary of a living animal shall  
2 provide the animal with necessary and prompt veterinary care, adequate nutrition and water, and  
3 shelter, and shall treat it humanely and, if the animal has any identification, make reasonable  
4 attempts to notify the owner of the animal’s location. Any gratuitous depositary that does not  
5 have sufficient resources or desire to provide that care shall promptly turn the animal over to an  
6 appropriate care facility.” Subsection (c) states that even “[i]f the gratuitous depositary of a  
7 living animal is a public animal shelter ... the depositary shall comply with all other  
8 requirements of the Food and Agricultural Code regarding the impounding of live animals.”

9           61.       Despite the sizable budget of 39 million dollars for RCDAS there is no  
10 veterinarian present full-time at each of the three larger facilities for daily routine and  
11 emergency care. Currently, many animals are seen and examined by veterinary technicians  
12 only.

13           62.       As a result, many animals do not, and have not, received necessary and prompt  
14 veterinary care, in violation of *Civil Code* §1834. Indeed, Gettis public admits that RCDAS  
15 does not comply with its statutory duties with respect to veterinary care and contends it is the  
16 responsibility of others. (See link: <https://youtu.be/MWgHVezfBkI>.)

17           63.       Instead, animals with minor health issues that could easily be corrected are  
18 ignored and not treated, and those minor and treatable conditions are used as pretext to then kill  
19 the animal. Conditions such as kennel cough and giardia are prevalent at RCDAS and could be  
20 treated at little expense. Indeed, allocating just a few hundred dollars to medicines for dogs at  
21 RCDAS—rather than Gettis’ meals—would improve the health and happiness of so many  
22 animals stuck in the RCDAS kennels.

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**FOURTH CAUSE OF ACTION**

**Writ of Mandate for Violations of Riverside County  
Code of Ordinances §6.08.120 – Altered and unaltered animals  
(Against Respondents Gettis, RCDAS, County of Riverside)**

64. Petitioners reallege and incorporate all allegations herein as if fully set forth in this cause of action

65. Riverside County *Code of Ordinances* §6.08.120 provides that “[a]n owner *or custodian* of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this chapter. An owner *or custodian* of an unaltered cat must have the animal spayed or neutered or provide a certificate of sterility.” (Emphasis added.)

66. RCDAS is, under any analysis, a custodian of the dogs and cats in its facilities. There is no exemption in the Code of Ordinances for RCDAS. However, rather than follow § 6.08.120, RCDAS has dodged it for years and neglects to spay or neuter the dogs and cats in its custody before they are adopted or released.



1 member made a public records request on August 24, 2024 to RCDAS, seeking documents,  
2 including those relating to numbers of employees, budget, management, kennel cleaning,  
3 feeding protocols, incident reporting, vaccinations, adoption protocol, and intake and euthanasia  
4 statistics. To date, no documents have been provided. Consequently, Petitioners, who have a  
5 beneficial interest in having the constitutional and statutory duties executed properly by  
6 Respondents, and those duties enforced by the Court, require this Court’s intervention and an  
7 order directing Respondents to comply with the applicable law and produce the requested  
8 records.

9 72. RCDAS is governed by the public disclosure requirements of Article 1, §3, of the  
10 California Constitution and *Government Code* §7920, *et seq.*

11 73. The California Constitution, Art. I, § 3(b)(1), declares that “[t]he people have the  
12 right of access to information concerning the conduct of the people’s business, and, therefore,  
13 the meetings of public bodies and the writings of public officials and agencies shall be open  
14 to public scrutiny.”

15 74. The CPRA, *Government Code* § 6250, declares that “access to information  
16 concerning the conduct of the people’s business is a fundamental and necessary right of every  
17 person in this state.”

18 75. The CPRA provides, *Government Code* §7921.000, that “access to information  
19 concerning the conduct of the people’s business is a fundamental and necessary right of every  
20 person in this state.”

21 76. Respondents have not complied with their constitutional and statutory duties.  
22 By refusing to produce documents, Respondents have violated the California Constitution, Art.  
23 I, §3, and the CPRA, thereby causing Petitioners to seek the desired relief.

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**SIXTH CAUSE OF ACTION**

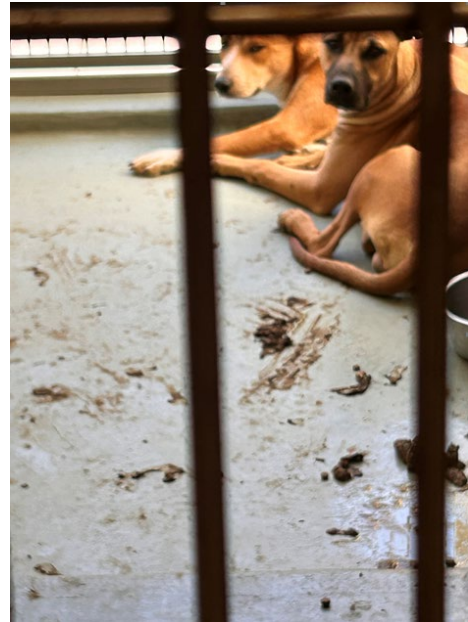
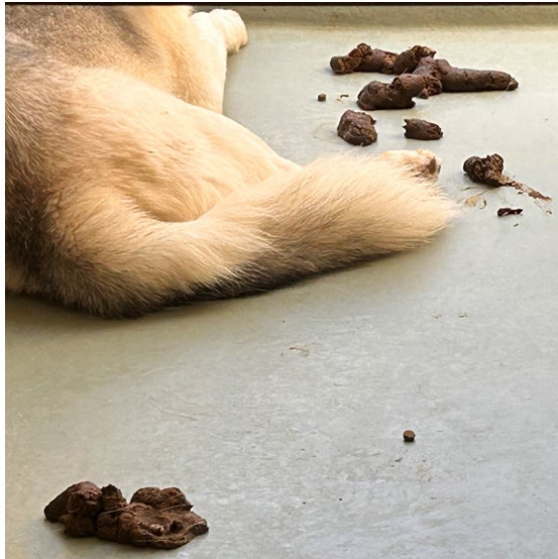
**Writ of Mandate for Violations of Food & Agricultural Code §32003  
(Against Respondents Gettis, RCDAS, County of Riverside)**

77. Petitioners reallege and incorporate all allegations herein as if fully set forth in this cause of action.

78. Food and Agricultural Code §32003 requires that all public shelters keep accurate records for every animal taken up, impounded, or treated. In addition to including information such as the date of euthanasia and final disposition of the animal, the records must include the “circumstances under which the animal was taken up, medically treated, euthanized or impounded.”

79. Respondents consistently violate this statute by failing to accurately and truthfully record information about the circumstances under which they kill animals, and report intake and outcomes. For instance, Respondents maintain inaccurate records that do not correctly state information relating to animals under their care. Further, Respondents routinely falsify records by listing the reason for euthanasia as “medical” or “behavioral” when, in truth, the decision to kill the animal was made by Respondents for reasons completely unrelated to medical condition since the animals are healthy and adoptable, and instead based on a sham reason, unsupported by actual facts. Further, records state that a rescue organization was sought

1 for a “behavioral” animal, then sometimes moments later, an entry is made that no rescue is  
2 available, and thereafter, the animal is killed.



### SEVENTH CAUSE OF ACTION

#### **Taxpayer Suit pursuant to Code Civ. Proc. §526a and Common Law – Hassen Contract (Against Respondents County of Riverside, RCDAS, and Van Wagenen)**

80. Petitioners reallege and incorporate all allegations herein as if fully set forth in  
this cause of action.

81. “It is settled that a taxpayer can bring suit against governmental bodies in  
California under either of two theories, one statutory, the other based upon the common law.  
[citing Code Civ. Proc. §526a]. This provision is to be compared to and contrasted with the  
common law authority for taxpayer suits [citation omitted] that a ‘taxpayer in his representative  
capacity can sue a municipality only in cases involving fraud, collusion, ultra vires, or a failure  
on the part of the governmental body to perform a duty specifically enjoined.’” *Los Altos  
Property Owners Assn. v. Hutcheon* (1977) 69 Cal.App.3d 22, 26.

82. Section 526a provides in part that “an action to obtain a judgment, restraining  
and preventing any illegal expenditure of, waste of, or injury to, the ...funds ... of a local  
agency, may be maintained against any officer thereof, or any agent, or other person, acting in

1 its behalf” by a resident taxpayer, as defined in the statute. This is commonly recognized as a  
2 taxpayer suit and it has a strong public policy behind it since the enactment of the statute in  
3 1909. The primary purpose of the statute is to “enable a large body of the citizenry to challenge  
4 governmental action which would otherwise go unchallenged in the courts because of the  
5 standing requirement.” *Id.* at 27, internal citation omitted. The statute is liberally construed to  
6 achieve its remedial purpose. *Los Altos Property Owners Assn. v. Hutcheon* (1977) 69  
7 Cal.App.3d 22, 27.

8 83. “The essence of a taxpayer action is an illegal or wasteful expenditure of public  
9 funds ....” *McGee v. Torrance Unified School District* (2020) 49 Cal.App.5th 814, 825. As  
10 stated in *Ceres v. City of Modesto* (1969) 274 Cal.App.2d 545, 555, “a court must not close its  
11 eyes to wasteful, improvident and completely unnecessary public spending, merely because it is  
12 done in the exercise of a lawful power.” A claim for taxpayer waste of public funds may also  
13 be found where the expenditures provide (1) “no public benefit” or (2) are “totally unnecessary  
14 or useless” or (3) “for a plan costing much more than any alternative plans considered, without a  
15 finding of any additional public benefit.” *Mohler v. County of Santa Clara* (2023) 92  
16 Cal.App.5th 418, 425; *Trim, Inc. v. County of Monterey* (1978) 86 Cal.App.3d 539, 543, citing  
17 *Los Altos Property Owners Assn. v. Hutcheon* (1977) 69 Cal.App.3d 22, 30.

18 84. Moreover, “disgorgement of public funds is a remedy available ... in a  
19 taxpayer’s action.” *Davis v. Fresno Unified School District* (2020) 57 Cal.App.5th 911, 942.  
20 Indeed, almost a century ago, in *Osburn v. Stone* (1915) 170 Cal.480, 482, the California  
21 Supreme Court held that section 526a “does not, in letter or in spirit, forbid a taxpayer from  
22 seeking to recover, on behalf of his municipality, ...moneys if illegally expended.” *See also*  
23 *Blair v. Pitchess* (1971) 5 Cal.3d 258, 268 (citing *Osburn*); *Stanson v. Mott* (1976) 17 Cal.3d  
24 206, 210 (state employee “may be held personally liable to repay expended funds” if he failed to  
25 exercise due care in authorizing the expenditure of the funds); *Harman v. City and County of*  
26 *San Francisco* (1972) 7 Cal.3d 150, 160 (holding that taxpayer may seek “damages in behalf of  
27 the city” for the difference between actual value and sale price of the sale of public property);  
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1           85.       As set forth herein, Van Wagenen recommended that the Riverside County  
2 Board of Supervisors approve the Hassen consulting contract on September 17, 2024. The  
3 Board of Supervisors did so. Notably, just weeks before, at a Board of Supervisors meeting on  
4 August 27, 2024, Board members were clamoring that the cities in the Coachella Valley should  
5 build their own animal shelters. *Suddenly, the focus shifted, with Van Wagenen’s engineering,*  
6 *that the Board reward Hassen with a multi-million-dollar contract, which, of course, would*  
7 *have been completely unnecessary had Van Wagenen not hired Gettis in the first place. The*  
8 *Hassen contract is an utter waste of taxpayer funds. As set forth below, Hassen’s animal*  
9 *shelter philosophy is more suited for the 19th century than today.*

10           86.       The goal of Hassen is to leave animals on the streets to fend for themselves and  
11 die, to take away the ability of the citizens in a community to take the animals to the designated  
12 shelter, and to force the community to do the job Animal Services is budgeted to do. Across  
13 multiple communities and organizations, Hassen has built a troubling track record of failure,  
14 masked by intentional manipulation and self-serving strategies. While she presents herself as a  
15 leading figure in the world of animal welfare, her actual influence has left every organization  
16 and community she has touched worse off than before, with her pockets full of money intended  
17 to help animals and support the people working to protect them. Rather than helping, she has  
18 left behind a legacy of harm and despair.

19           87.       As Nathan Winograd notes:

20                    “At Austin Pets Alive, Hassen was one of the chief architects and promoters  
21                    of Human Animal Support Services (HASS), urging “shelters” to make  
22                    pandemic-era closures permanent by turning away stray animals. She also  
23                    sat on the National Animal Control Association board, which encouraged  
24                    shelters to re-abandon animals people found on the streets. These policies  
25                    manipulate intake and placement rates by abandoning the fundamental  
26                    purpose—indeed the *very* definition—of a shelter; to provide a safety net  
27                    of care for lost, homeless, and unwanted animals. Under HASS, “Intakes  
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1 of healthy strays and owner surrenders doesn't exist anymore," and there  
2 is "No kennel space for rehoming, stray hold or intake." Instead, the  
3 community—whose taxes and donations already pay for shelters—is  
4 expected to pick up the slack (hence the euphemism "community sheltering")."

5 88. Hassen's time as Austin Pets Alive serves as a prime example of how her  
6 influence can dismantle an entire system. Under her leadership, animals were left on the streets  
7 and public safety was severely compromised. To the casual observer, it might have seemed like  
8 she was delivering results. However, a deeper look reveals that her "success" was nothing more  
9 than a clever manipulation of statistics. She deliberately misled the community to make it  
10 appear as though her policies were working when, in reality, they were a disaster. The City of  
11 Austin is still dealing with the aftermath of her leadership, forced to clean up the mess she left  
12 behind.

13 89. Unfortunately, this was not an isolated incident. Her time at Pima County in  
14 Tucson, Arizona, followed the same damaging pattern. Although she touted favorable numbers  
15 and promoted her supposed successes, those who looked closer saw a different reality. Shelters  
16 were in disarray, animals roamed the streets as strays, and the community faced increased  
17 challenges. Her strategies were not about solving problems, but creating the illusion of  
18 improvement. She knowingly pushed animals out of shelters and into the community,  
19 preferring to reduce shelter numbers at any cost—even if that cost mean sacrificing the welfare  
20 of the animals and the safety of the public. These decisions were not mistakes; they were  
21 intentional moves to boost her personal reputation, while the community suffered in the long  
22 term.

23 90. Her involvement with the Human Animal Support Services (HASS) initiative  
24 during the COVID-19 pandemic further highlights her ability to manipulate a crisis for personal  
25 gain. Instead of genuinely supporting municipal animal services during a critical time, she used  
26 the pandemic to push her own agenda. She eroded trust in professional municipal animal  
27 services, instead relying on unauditible statistics to present false narrative of success. In reality,  
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1 her actions left communities confused and unprepared, all the while she used the crisis to further  
2 her career. This was not an accidental byproduct of her decisions—it was a calculated move to  
3 once again inflate her influence and profits, using smoke and mirrors to divert attention from the  
4 damage she was causing.

5 91. Similar strategies employed by a group of fringe organizations including Hassen  
6 left El Paso, Texas in shambles with pets suffering without aid on the streets. Hassen finds  
7 refusing to help pets suffering on the streets not only acceptable but preferred to allowing them  
8 the comfort of shelter, nutrition, veterinary care and a home where they are loved. One of  
9 Hassen's components of her program is called Finder to Foster or Friendly Finder: people who  
10 find a stray can "register" the stray online with the shelter. Hassen states this is successful in  
11 getting more lost animals "back home" without that animal having to come into the shelter. She  
12 claimed her program had an almost "100%" success rate of registered animals being returned  
13 back to their owner/home. In 2023, 3,860 "found animals" were registered with El Paso Animal  
14 Services and only 793 "registered animals" made it back home as reported by the finders, far  
15 afield of her claim of being close to 100%. The status of the remaining 3,067 animals is  
16 unknown. Whether they even survived is unknown since there is no follow-up done by the  
17 shelter. In 2023, a total of 4,703 animals within the shelter system are missing/unaccounted  
18 for.

19 92. The most disturbing element of Hassen's career is that these actions were  
20 intentional. She is not someone who merely mismanaged responsibilities or failed to  
21 understand the complexities of the field. Rather, she actively chose to manipulate statistics and  
22 deceive communities to further her own agenda. In each case, her priorities were clear: create  
23 favorable optics to advance her career and profit financially off of animals in need, regardless of  
24 the harm done to the animals or the people working to help them. This has become especially  
25 apparent since she founded her own consulting company, where her primary focus has been  
26 personal profit, not the animals or communities she claims to serve. Simply stated, personal  
27 profit extracted from taxpayer funds.

1           93.       In every organization or community she has influenced, the outcomes are the  
2 same. Shelters were left worse off, communities are left to struggle with increased strays, and  
3 the animals themselves are left in increasingly dire situations. Her impact has been universally  
4 harmful, and the damage she causes is not by accident, but rather by intention. The despair left  
5 in her wake is the result of intentional manipulation, with Hassen profiting at every turn while  
6 those truly dedicated to animal welfare are left to pick up the pieces.

7           94.       It is essential to recognize the danger of allowing a fringe person, Hassen, and  
8 her fringe organization, Outcome for Pets Consulting, LLC, to continue influencing municipal  
9 animal services. Hassen’s actions demonstrate a clear lack of regard for the animals and  
10 communities she pretends to protect, replaced by a relentless pursuit of personal gain and  
11 influence. As her track record shows, the communities that place their trust in her suffer the  
12 consequences, often for years after her departure.

13           95.       True leadership in animal welfare requires accountability, compassion, and a  
14 genuine commitment to solving problems, not masking them or pretending they do not exist.  
15 Hassen has proven, time and time again, that she is not interested in any of these core values.  
16 Instead, she exploits systems, inflates her success, and moves on to the next opportunity—in  
17 this case, Riverside County and her \$2,500,000 boondoggle—leaving behind only chaos and  
18 despair. The consequences of allowing her to wreak havoc in Riverside County are as obvious  
19 as they are dangerous, and the costs will be borne by the animals she falsely claims to help and  
20 the communities who are forced to expand her bank account through taxpayer funds.

21           96.       *Enough is enough, the Hassen contract must be cancelled and restitution to*  
22 *Riverside County paid by Van Wagenen for all monies paid under the contract. The contract is*  
23 *an extraordinary waste of taxpayer funds. By way of example, the Board of Animal Services*  
24 *Commissioners of the City of Los Angeles sought approval to pay Hassen and her LLC \$25,000*  
25 *for an assessment of animal services. Somehow, the County of Riverside thought it smart to pay*  
26 *100 times what Los Angeles thought was reasonable. It boggles the mind. Further, the contract*  
27 *is the result of fraud, collusion, and/or ultra vires conduct, given its nonsensical “sole source”*

1 *claim, as well as the inaccurate and misleading presentation to the Board of Supervisors by Van*  
2 *Wagenen.*

3 97. After about a year and a half after Hassen’s program with the El Paso shelters, a  
4 group of local rescues presented to the El Paso City Council a letter outlining many of the issues  
5 with the HAAS program and noting “[i]t is time to permanently end HASS in the City of El  
6 Paso.” (See link: <https://cloud.wclgportal.com/s/4rDGArtFnJiyY2Z>.) The letter gives an  
7 example of the failings in El Paso:

8 “Nesa, a rescued dog who was adopted out by one of the local rescues, was lost  
9 and picked up by a good Samaritan. This individual tried to take her to Animal  
10 Services. Animal Services refused to take Nesa in and instructed the individual  
11 that if her could not keep the dog or hold her, then he should release her back  
12 on the street. Due to his circumstances he was not able to keep her. Consequently,  
13 following the instructions of Animal Services, he released Nesa. The employee at  
14 Animal Services did not even both to scan Nesa for a microchip. Nesa was found  
15 dead a few days later.”



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25 Sadly, Nesa had a microchip, it was registered to the rescue and had the shelter called the  
26 rescue, Nesa would have been picked up in less than 15 minutes and would not have taken any  
27 kennel space. The good Samaritan explained to shelter staff that he was on his way to work and  
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1 had no means to care for Nesa. Shelter staff instructed the good Samaritan to release Nesa back  
2 into the streets, and stood by and watched as Nesa was let go. Nesa’s body was found two days  
3 later, she had been hit by a car and killed, just a few blocks from the shelter. *For Nesa, and*  
4 *dogs like her, the Hassen approach has proved fatal. This callous and inhuman treatment of*  
5 *animals is not what the County of Riverside deserves, and under no calculus is such systematic*  
6 *cruelty worth taxpayer funds of two and one-half million dollars. The animals in our County,*  
7 *and the taxpayers in our community, deserve much better than Hassen’s cold and cruel*  
8 *response to animals in need of help, care and love.*

9 98. The common theme with municipal shelters that have used Hassen is that the  
10 shelter directors have no experience and are unqualified to manage a shelter. That is precisely  
11 the situation in Riverside County that Hassen seeks to profit from: Gettis had no experience in  
12 animal shelter management; none whatsoever. Hassen manipulated this situation to promote her  
13 failed and flawed approach. Unfortunately, municipal management and elected leaders may be  
14 just as uninformed—or gullible—as those persons running a shelter. Surprisingly, the Hassen  
15 contract—for the enormous sum of \$2,450,000—was given the green light with no substantive  
16 discussion, in part because Van Wagenen in his summary to the Board concocted a story about  
17 Hassen grounded more in fiction than fact.

18 99. Petitioners therefore request that the Court (1) restrain and enjoin Respondent  
19 County of Riverside from performing the Agreement between Respondent County of Riverside  
20 and Outcome for Pets Consulting, LLC, recommended for approval by Respondent Van Wagenen  
21 on September 13, 2024, and approved by the Riverside County Board of Supervisors on  
22 September 17, 2024; (2) cancel the Agreement between Respondent County of Riverside and  
23 Outcome for Pets Consulting, LLC, pursuant to paragraph 5.1 of the Agreement; and (3) compel  
24 restitution by Respondent Van Wagenen to Respondent County of Riverside of all monies paid  
25 by Respondent County of Riverside pursuant to the Agreement between County of Riverside  
26 and Outcome for Pets Consulting, LLC.

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**EIGHTH CAUSE OF ACTION**

**Taxpayer Suit pursuant to Code Civ. Proc. §526a and Common Law – Gettis  
Employment Contracts  
(Against All Respondents)**

100. Petitioners reallege and incorporate all allegations herein as if fully set forth in this cause of action.

101. As set forth above in ¶36, Respondent Gettis has a Bachelor’s degree in Architectural Studies and a Master’s degree in Architecture. For 17 years, she had Parks and Rec experience with the County of Riverside. Before she was hired by Van Wagenen as Director of RCDAS, she had no experience with animal care, animal welfare, shelter management or animal advocacy. Nor did she have any experience overseeing an organization with a 39-million-dollar budget.

102. Nonetheless, Gettis was hired in a secretive and opaque manner. She was not hired by the County of Riverside Board of Supervisors nor were any public hearings held relating to the position of Director of RCDAS or her employment by the County of Riverside. Instead, Gettis was appointed to the position of RCDAS Director by Van Wagenen, effective

1 March 10, 2022. As Van Wagenen made the hiring decision, there was no associated agenda  
2 item at a Board of Supervisors meeting.

3 103. The unanswered questions as a result of this shrouded hiring ploy include why  
4 was Gettis hired with no experience or qualifications for the position, what other applicants  
5 were interviewed and considered for this position, and *is it really believable that the most*  
6 *qualified candidate for the position was someone with a degree in architecture with (1) no*  
7 *background in animal services, (2) no qualifications for the position, but (3) a spouse who was*  
8 *Chief Deputy County Counsel for the County of Riverside at the time Van Wagenen made his*  
9 *decision.*

10 104. According to public records, for 2022, Gettis received total pay of \$202,670.34,  
11 and total pay and benefits of \$255,621.29. For 2023, Gettis received total pay of \$221,867.73,  
12 and total pay and benefits of \$278,216.02. In other words, in just one year, she received close to  
13 a 10% increase in total pay and benefits.

14 105. During this time, as set forth herein, RCDAS suffered from a lack of leadership,  
15 mismanagement, budget opacity, flouting of the Hayden Act, disregard for the health and safety  
16 of animals under its care, disinterest in working with the community and rescue organizations to  
17 place animals in homes, lack of veterinary care for the animals under its care, killing adoptable  
18 animals, or animals that could be made adoptable with reasonable efforts, in violation of the  
19 Hayden Act, keeping inaccurate records that, for example, labeled animals as having  
20 “behavioral” problems when they did not, then using that false label as an excuse to kill them,  
21 and brazen nepotism.

22 106. The secretive and transparently collusive hiring of Gettis constitutes a waste of  
23 taxpayer funds since it was a useless expenditure of public funds with no public benefit. Gettis  
24 had no experience or qualifications in animal control or shelter operations. Notably, the County  
25 of Riverside Position Brochure for Animal Services Director for Gettis’ replacement  
26 (<https://cloud.wclgportal.com/s/mg6Kczb4kDPWFQS>) makes it crystal clear what  
27 qualifications are essential for this position:  
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1 “Bachelor’s degree from an accredited college or university, preferably with a major  
2 in business or public administration, or a closely related field is required.

3 Master’s degree from an accredited college or university with a major in business of  
4 public administration, or a closely related field is preferred.

5 ...

6 *Over four years of experience in a management or administrative capacity in a*  
7 *public or private organization involved in animal control and shelter operations.”*

8 (Emphasis added.)

9 The Position Brochure also notes that “[r]esumes should reflect years and months of positions  
10 held, as well as size of staff and budgets you have managed.” (Emphasis in the original.)

11 107. Gettis, as discussed above, lacked both the education and experience  
12 qualifications set forth in the Position Brochure for her replacement. These requisite  
13 qualifications, of course, were as critical in 2022 when Gettis was hired as they are now in 2024  
14 when Respondent County of Riverside is looking for her replacement. The difference being that  
15 Gettis was hired by Van Wagenen outside the public eye, with no public vetting, and no input  
16 by the Board of Supervisors, and, coincidentally, with her spouse being the County Counsel for  
17 the County of Riverside at the time.

18 108. As a result of the dubious hiring of Gettis, Van Wagenen and the County of  
19 Riverside have wasted approximately \$500,000 in taxpayer funds to pay Gettis as Director of  
20 RCDAS when she had no experience, no qualifications, mismanaged RCDAS (which led to  
21 other wasted taxpayer funds, such as the cost of killing so many animals), and then was  
22 removed fourteen days after this action was filed.

23 109. This waste of taxpayer funds was anything but a “mistake” by Van Wagenen and  
24 the County of Riverside, but rather was totally unnecessary, useless and imposed significant  
25 additional costs without any public benefit. *See e.g., Mohler v. County of Santa Clara (2023)*  
26 *92 Cal.App.5th 418424-425.* The costs include searching for, and hiring, a new Director, and  
27 “promoting” Gettis to a new position in the County of Riverside when she should have been  
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1 terminated. In fact, this was, as noted in *Ceres, supra*, 274 Cal.App.2d 245, 255, classic  
2 wasteful and improvident spending. Providing compensation to someone with absolutely no  
3 education, experience or skills for the position, but who, nonetheless, was hired and given a  
4 salary and benefits of over a quarter million dollars annually, is wasteful, unnecessary and  
5 useless. Moreover, the hiring of Gettis was not only a waste of taxpayer funds, but also a result  
6 of fraud, collusion, and/or ultra vires conduct, based on the undisputed lack of experience and  
7 qualifications for the position, as well as the fact that the hiring of Gettis violated the County of  
8 Riverside Human Resources Employee Handbook (“Handbook”) which requires that  
9 appointments be based on “merit and ability.” Handbook, at p. 40.

10 110. As if the wasteful spending of taxpayer funds to hire Gettis was not enough, on  
11 September 4, 2024, she announced she had received a “promotional opportunity” with the  
12 County of Riverside, evidently, thanks to Van Wagenen—the County representative who  
13 improvidently hired her in the first place and who is now subjecting taxpayers to the additional  
14 waste of public funds.

15 111. That “promotional opportunity” turned out to be a position as Executive  
16 Director, Riverside University Health System. It is unknown if this “Executive Director”  
17 position even existed before Gettis was hired for it; however, its description is characterized by  
18 a nebulous word salad that is difficult to comprehend:

19 With support of County of Riverside's Assistant County Executive Officer (ACEO) and  
20 County Administration, the Executive Director, RUHS for General Administration will  
21 conduct administrative studies or research studies and recommend to the RUHS-MC  
22 CEO or similar executive management, and governing boards, the formulation, revision,  
23 and implementation of policies, procedures, programs and strategies to achieve effective  
24 collaboration with the County's centralized procurement, human resources, and  
25 legislative functions. The incumbent will further provide executive oversight in the  
26 development of strategic plan, legislative analyses/proposals, procurements, research  
27 and grant development, and contract monitoring. Depending on the area of oversight, the  
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1 Executive Director, RUHS may also serve as the department designee on a variety of  
2 government relations matters, attend community and governmental events, serve on  
3 various committees, and manage community engagement by developing key  
4 relationships at all levels with community stakeholders and community-based  
5 organizations.

6 (<https://www.governmentjobs.com/careers/riverside/classspecs/1209912?keywords=executive%20director&pagetype=classSpecifications>.)

8 3 sentences containing 140 words which do very little to explain the position.

9 112. Even more than the byzantine job description is the education requirement for  
10 this health care/patient management position. The required degrees are in business, nursing,  
11 healthcare, public administration—and *architecture and engineering!* It is difficult to  
12 understand how a degree in architecture would be helpful in a position that “assists the RUHS-  
13 MC executive management in the administration and operation of the Riverside University  
14 Health System Medical Cener (RUHS-MC) and integrated ambulatory health services,  
15 including the Community Health Centers (CHC’s) and hospital-based clinics; conducts  
16 administrative studies or research studies and advises executive management and governing  
17 boards on the formulation and revision of RUHS policies, programs and strategies ....” Yet,  
18 there is the hook for Van Wagenen, the County of Riverside and Gettis—she has a degree in  
19 architecture.

20 113. As with the Director position with RCDAS, this web of deceit was carried out  
21 secretly and with no public discussion. Curiously, Gettis described it only as a “promotional  
22 opportunity” when she announced it on September 4, 2024. No item was placed on the agenda  
23 for discussion at a Board of Supervisors meeting nor did the Board of Supervisors address this  
24 “promotional opportunity” after Gettis has removed, moved, and/or resigned as Director of  
25 RCDAS.

26 114. This is yet more wasteful, improvident and completely unnecessary public  
27 spending. Wasting taxpayer money—likely as much, if not more, than what Gettis was making

1 as Director of RCDAS—on a position apparently made up specifically for Gettis to move her  
2 out of RCDAS and hope that takes care of the problem, is a plain violation of Code Civ. Proc.  
3 §526a. Further, based on the absence of any qualifications for the position, the “promotion”  
4 was based on fraud, collusion, and/or ultra vires conduct. The County of Riverside Human  
5 Resources Employee Handbook (“Handbook”) requires that promotions be based on “merit and  
6 ability.” Handbook, at p. 40. This one plainly was not.

7 115. Petitioners therefore request that the Court restrain and enjoin Van Wagenen,  
8 County of Riverside and Gettis from the wasteful expenditure of taxpayer funds with respect to  
9 the payment of salary or other benefits to Gettis as Director of RCDAS and as Executive  
10 Director, Riverside University Health System Medical Center.

11 116. Petitioners further request that the Court compel restitution by Respondent Van  
12 Wagenen and Respondent Erin Gettis to Respondent County of Riverside of all monies paid by  
13 Respondent County of Riverside pursuant to the agreement between Respondent County of  
14 Riverside and Respondent Erin Gettis for her employment as Executive Director, Riverside  
15 University Health System Medical Center.

16 117. Petitioners further request that the Court compel restitution by Respondent Van  
17 Wagenen and Respondent Erin Gettis to Respondent County of Riverside of all monies paid by  
18 Respondent County of Riverside pursuant to the agreement between Respondent County of  
19 Riverside and Respondent Erin Gettis for her employment as Director, Riverside County  
20 Department of Animal Services.

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**NINTH CAUSE OF ACTION**

**Taxpayer Suit pursuant to Code Civ. Proc. §526a and Common Law –  
RCDAS Employee Nepotism**

**(Against All Respondents)**

118. Petitioners reallege and incorporate all allegations herein as if fully set forth in this cause of action.

119. Nepotism is defined as an employee’s use of influence or power to hire, transfer, or promote someone because of a personal relationship which may include a familial relationship by (1) blood, (2) adoption, (3) marriage, whether that marriage is a current or former one, (4) domestic partnership, or, (5) cohabitation. Nepotism occurs when those with the power to make employment-related decisions favor their family or friends, over others, without regard to merit. Nepotism is a serious issue in the workplace since it can (1) reduce worker morale, (2) increase turnover, (3) decrease productivity, (4) diminish employee loyalty to the employer, (4) make employees care less about the quality of their work, if personal relationships govern positions, and (5) create poor management personnel.

120. California regulates and defines nepotism in the state civil service. Cal. Code Regs. Title 2, § 87 – Anti-Nepotism provides: “Appointing powers shall hire, transfer, and promote all employees on the basis of merit and fitness in accordance with civil service statutes, rules and regulations. Nepotism is expressly prohibited in the state workplace because it is antithetical to California’s merit based civil service system.” § 87 further provides that “[a]ll appointing powers shall adopt an anti-nepotism policy that includes ...(1) A statement that the

1 appointing power is committed to merit-based hiring and that nepotism is antithetical to a merit-  
2 based civil service system.”

3 121. Notably, nowhere in the 75-page County of Riverside Human Resources  
4 Employee Handbook will the word “nepotism” be found. This is so despite the comment by  
5 Respondent Van Wagenen that “[t]he Executive Office is the operational and administrative  
6 oversight department for the County of Riverside government and seeks to provide vision,  
7 leadership, and coordination for all county departments.” Handbook, at p. 2. Admittedly, the  
8 Handbook provides that hiring and promotions be based on “merit and ability.” Handbook, at p.  
9 40.

10 122. Nepotism is rampant at RCDAS. To give some examples, a lieutenant from  
11 Field Services is married to the animal services manager at Coachella Valley Animal Campus,  
12 the Supervising Animal Services Counselor is their nephew, and the Senior Animal Counselor  
13 is their daughter-in-law. Four family members employed in the same department is, quite  
14 simply, classic nepotism. This inexcusable—and legally impermissible—nepotism destroys  
15 employee morale, perpetuates favoritism in the workplace, leads to overlooking of discipline  
16 issues, damages employee morale and work ethic, leads to biased and meritless promotional  
17 opportunities, and perhaps worst of all, is condoned by upper management who does nothing,  
18 thereby sending the message to all other employees that they are, and will be, treated far  
19 differently than the family “favorites.”<sup>8</sup> Favoritism, cronyism, and preferential employment  
20 opportunities do not belong in the workplace.

21 123. Respondent County of Riverside, as a public agency, undermines the public trust  
22 and wastes taxpayer funds when it engages in nepotism, and indeed, promotes unfair hiring  
23 practices, favoritism and cronyism. Further, favoritism and cronyism are grounded in  
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25 <sup>8</sup> As discussed herein, there is a parallel to the nepotism at RCDAS with the hiring of  
26 Respondent Gettis as Director of RCDAS—with no experience in animal services, and to her  
27 “promotional opportunity” with Riverside University Health System, again with no experience  
28 in patient or health care management—while her husband during this time frame served as  
County Counsel for the County of Riverside. Given the example set by County management, it  
is hardly surprising to see pervasive nepotism at RCDAS.

1 fraudulent actions, collusion and/or ultra vires conduct since they are not based on merit, and  
2 misrepresent or conceal the nepotism between the person in power who makes the hiring  
3 decision based not on merit, but on favoritism and nepotism.

4 124. Petitioners therefore request that the Court restrain and enjoin Van Wagenen,  
5 County of Riverside and RCDAS from the wasteful expenditure of taxpayer funds with respect  
6 to the payment of salary or other benefits to RCDAS employees hired through nepotism, and  
7 establish an anti-nepotism policy for the County of Riverside.

8 125. Petitioners further request that the Court compel restitution by Respondent Van  
9 Wagenen and Respondent Erin Gettis to Respondent County of Riverside of all monies paid by  
10 Respondent County of Riverside to RCDAS employees hired through nepotism.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Petitioners respectfully request that this Court:

13 1. Issue a Writ of Mandate and Order for Injunctive Relief directing Respondents to  
14 cease violating the law, including the Hayden Act, Riverside County Code of Ordinances  
15 §6.08.120, California Constitution, Art. I, §3, the California Public Records Act, and Code Civ.  
16 Proc. §526a, as set forth herein, and further, compelling Respondents to take the following  
17 actions:

18 (a) Restrain and enjoin Respondent County of Riverside from performing the  
19 Agreement between Respondent County of Riverside and Outcome for Pets Consulting, LLC,  
20 recommended for approval by Respondent Van Wagenen on September 13, 2024, and approved  
21 by the Riverside County Board of Supervisors on September 17, 2024;

22 (b) Cancel the Agreement between Respondent County of Riverside and  
23 Outcome for Pets Consulting, LLC, recommended for approval by Respondent Van Wagenen  
24 on September 13, 2024, and approved by the Riverside County Board of Supervisors on  
25 September 17, 2024, pursuant to paragraph 5.1 of the Agreement;

26 (c) Compel restitution by Respondent Van Wagenen to Respondent County  
27 of Riverside of all monies paid by Respondent County of Riverside pursuant to the Agreement  
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1 between County of Riverside and Outcome for Pets Consulting, LLC, recommended for  
2 approval by Respondent Van Wagenen on September 13, 2024, and approved by the Riverside  
3 County Board of Supervisors on September 17, 2024;

4 (d) Restrain and enjoin Respondent County of Riverside from performing the  
5 agreement between Respondent County of Riverside and Respondent Erin Gettis for her  
6 employment as Executive Director, Riverside University Health System Medical Center;

7 (e) Terminate the agreement between Respondent County of Riverside and  
8 Respondent Erin Gettis for her employment as Executive Director, Riverside University Health  
9 System Medical Center;

10 (f) Compel restitution by Respondent Van Wagenen and Respondent Gettis  
11 to Respondent County of Riverside of all monies paid by Respondent County of Riverside  
12 pursuant to the agreement between Respondent County of Riverside and Respondent Erin Gettis  
13 for her employment as Executive Director, Riverside University Health System Medical Center;

14 (g) Compel restitution by Respondent Van Wagenen and Respondent Erin  
15 Gettis to Respondent County of Riverside of all monies paid by Respondent County of  
16 Riverside pursuant to the agreement between Respondent County of Riverside and Respondent  
17 Erin Gettis for her employment as Director, Riverside County Department of Animal Services;

18 (h) Restrain and enjoin Respondents County of Riverside, RCDAS and Van  
19 Wagenen from the wasteful expenditure of public funds with respect to the payment of salary or  
20 other benefits to RCDAS employees hired through nepotism, and establish an anti-nepotism  
21 policy for the County of Riverside;

22 (i) Compel restitution by Respondents Van Wagenen and Gettis of all  
23 monies paid by Respondent County of Riverside to RCDAS employees hired through nepotism;

24 (j) Cease the killing of adoptable animals in violation of the Hayden Act;

25 (k) Cease the killing of animals that could become adoptable with reasonable  
26 efforts in violation of the Hayden Act;

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1 (l) Hire a forensic auditor to review the RCDAS budget, and all financial  
2 data and records of RCDAS;

3 (m) Hire veterinarians to be present full-time at each of the three larger  
4 facilities for daily routine and emergency care, and additional qualified kennel attendants;

5 (n) Cease any current temperament/behavior assessments evaluating whether  
6 a dog or cat is to be killed since such assessments are currently conducted in an improper and  
7 negligent manner;

8 (o) Hire qualified personnel to perform temperament/behavior assessments of  
9 animals to determine whether they are adoptable or could be made adoptable with reasonable  
10 efforts;

11 (p) Cooperate with qualified rescue organizations and adoption  
12 organizations, and promptly release animals to a qualified organization in accordance with the  
13 Hayden Act;

14 (q) Cease any “euthanasia” date upon notification of interest by an  
15 individual, rescue organization or adoption organization;

16 (r) Commence programs that educate kennel staff and volunteers on how to  
17 interact and care for animals to increase their adoptability;

18 (s) Provide animals in the custody of RCDAS with necessary and prompt  
19 veterinary care, nutrition, shelter, and treat them kindly, as required by law;

20 (t) Require a licensed veterinarian to sign a declaration under oath attesting  
21 to his/her opinion that “euthanasia” is medically warranted and sets forth, in detail, the factual  
22 basis for that opinion;

23 (u) Maintain accurate and truthful records for all animals under the care of  
24 RCDAS;

25 (v) Replace current staff who do not follow the Hayden Act and do not act in  
26 the best interests of the animals under their care;

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- 1 (w) Provide animals with proper nutrition and water, clean kennels and  
2 regular exercise, on at least a daily basis;
- 3 (x) Spay and neuter all animals in the custody of RCDAS before adoption or  
4 release, pursuant to Riverside County Code of Ordinances §6.08.190(a) or (b); and
- 5 (y) Appoint a monitor to oversee compliance and report findings back to the  
6 Court on a schedule deemed appropriate by the Court;
- 7 2. Award Petitioners all costs incurred in this action;
- 8 3. Award Petitioners reasonable attorney fees, pursuant to *Code of Civil Procedure*  
9 §1021.5; and
- 10 4. Award Petitioners such other and further relief as the Court deems just and  
11 proper.

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13 DATED: November 4, 2024

WALTER CLARK LEGAL GROUP

14  
15 By: *Dan C. Bolton*  
16 Dan C. Bolton  
17 Attorneys for Petitioners  
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**VERIFICATION**

I, Alan Woodruff, declare:

I am a Petitioner in this action.

I have read the foregoing FIRST AMENDED PETITION FOR WRIT OF MANDATE;  
FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and  
know its contents. The same is true of my own knowledge, except as to those matters which are  
stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

Executed on November 4, 2024, at La Quinta, California.

  
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Alan Woodruff

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**VERIFICATION**

I, David Kirk, declare:

I am a Petitioner in this action.

I have read the foregoing FIRST AMENDED PETITION FOR WRIT OF MANDATE;  
FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and  
know its contents. The same is true of my own knowledge, except as to those matters which are  
stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

Executed on November 4, 2024, at Palm Desert, California.



David Kirk

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**VERIFICATION**

I, Lisa Blodgett, declare:

I am a Petitioner in this action.

I have read the foregoing FIRST AMENDED PETITION FOR WRIT OF MANDATE;  
FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and  
know its contents. The same is true of my own knowledge, except as to those matters which are  
stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

Executed on November 4, 2024, at La Quinta, California.

*Lisa Blodgett*  
Signed with DocuBee — 0d1dd24f8b7e  
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Lisa Blodgett

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**VERIFICATION**

I, Tiffani LoBue, declare:

I am a Petitioner in this action.

I have read the foregoing FIRST AMENDED PETITION FOR WRIT OF MANDATE;  
FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF and  
know its contents. The same is true of my own knowledge, except as to those matters which are  
stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

Executed on November 4, 2024, at Palm Springs, California.

  
Tiffani LoBue