



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** DISTRICT ATTORNEY

**File #:** 21-288

Board Meeting Date: 4/20/2021

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Stephen M. Wagstaffe, District Attorney

**Subject:** Critical Fill "Sit-Out" rule Waiver Request for Deputy District Attorney

**RECOMMENDATION:**

Adopt a resolution authorizing the hiring of District Attorney's Office retired Supervising Deputy District Attorney John Wilson, pursuant to Government Code section 7522.56(F)(1) and finding that the nature of employment and appointment is necessary to fill a critically needed position during the 180 day post-retirement separation period.

**BACKGROUND:**

In September 2012, the California Public Employees Pension Reform Act (PEPRA) as set forth in Assembly Bill 340 was signed into law. The PEPRA legislation includes provisions in Government Code section 7522.56 requiring a 180 day period of separation following the date of retirement for non-safety retirees who are re-employed by a public agency within the same retirement system as an employee or through a contract, unless the employer certifies that appointment is necessary to fill a critically needed position before the 180 day period has passed. For the exception to the 180 day separation period to apply, state law requires that the Board, as the County's governing body, approve the appointment in a public meeting by resolution and not on the consent calendar.

**DISCUSSION:**

On January 29, 2021, Supervising Deputy District Attorney John Wilson retired after 40 years of service with the San Mateo County District Attorney's Office. Mr. Wilson served in the Consumer Fraud and Environmental Crimes division of the office for 39 years and was the division supervisor for approximately 35 years. Under his leadership, the division handled thousands of citizen complaints and brought hundreds of legal actions to remedy consumer fraud and environmental violations. Even more significantly, Mr. Wilson is renowned as the leading consumer protection prosecutor in the state of California and is constantly called on by other prosecutors for counsel and leadership in consumer cases. Of critical importance to the District Attorney's Office has been his relationship with the Attorney General's Office Consumer Division and Consumer Fraud divisions in

other prosecutors' offices. Based on Mr. Wilson's relationship with the Attorney General's Office, in the last year the Attorney General chose to collaborate with our office in two large consumer fraud cases, filed in San Mateo County, that resulted in significant civil settlements. In *People v. Home Depot*, the stipulated judgment provided for \$1.8 million in civil penalties and our office received \$916,375 of the penalties to pursue additional consumer protection activities. Another example is *People v. Santander Consumer USA* where the Attorney General selected our office to collaborate with resulting in a stipulated judgment that provided \$7.8 million in restitution to California consumers and \$292,642 in civil penalties to our office. It is critically important that this office continues to collaborate with the Attorney General and other prosecutor offices to undertake these significant consumer and environmental cases for public protection. Supervising Deputy District Attorney John Wilson's skills are vitally important to accomplishing the aforementioned goals.

**FISCAL IMPACT:**

The cost of hiring Mr. Wilson as an extra-help employee for a maximum of 960 hours per fiscal year at a rate of \$118.72 per hour is included in the District Attorney's Office Fiscal Year 2020-2021 Adopted Budget. There is no new Net County Cost associated with the resolution.