

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

LAURIE SMITH,

Defendant.

Case No. 21CV391905

ACCUSATION

Government Code § 3060

The Civil Grand Jury of the County of Santa Clara, State of California (Grand Jury No. 2021-10), hereby accuses LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, of violating Government Code section 3060, as follows:

COUNT ONE

That on and between December 16, 2015 and November 30, 2021, both dates inclusive, LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit willful and corrupt misconduct in office, by abusing the discretion granted to her by **Penal Code section 26150**, to wit: implementing a policy or practice of granting Licenses to Carry a Pistol, Revolver, or Other Firearm Capable of Being Concealed Upon the Person (“CCWs” or “CCW Licenses”) on the basis of whether a given applicant was a campaign donor, a member of the Sheriff’s Advisory Board nonprofit organization, a prominent individual in the community or was associated with prominent individuals or corporations, or otherwise had a personal connection to LAURIE SMITH (collectively, “VIPs”).

1 COUNT TWO

2 That on and between December 16, 2015 and November 30, 2021, both dates inclusive,
3 LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit
4 willful and corrupt misconduct in office, by abusing the discretion granted to her by **Penal Code**
5 **section 26150**, to wit: failing to make an investigation and determination of good cause, on an
6 individual basis, of those applications for CCW Licenses that were submitted by residents of
7 Santa Clara County who were not VIPs.

8
9 COUNT THREE

10 That on and between December 16, 2015 and November 30, 2021, both dates inclusive,
11 LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit
12 willful and corrupt misconduct in office by violating **Penal Code section 26205**, to wit: failing
13 to provide notice by the statutorily-prescribed deadlines to CCW applicants who were not VIPs
14 as to whether their applications for CCW Licenses were approved or denied, including but not
15 limited to by keeping applications pending indefinitely without the fingerprints of each applicant
16 being taken and forwarded to the Department of Justice for a criminal background check.

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18 ~~COUNT FOUR~~

19 ~~That on and between April 30, 2018 and August 1, 2019, both dates inclusive, LAURIE~~
20 ~~SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit willful and~~
21 ~~corrupt misconduct in office by committing the crime of Asking for or Receiving a Bribe by~~
22 ~~Executive Officer, in violation of **Penal Code section 68**, to wit: requesting, taking, or agreeing~~
23 ~~to take a bribe from Martin Nielsen, upon an agreement and understanding that the action of~~
24 ~~LAURIE SMITH upon applications for CCW Licenses by Martin Nielsen and others then~~
25 ~~pending and which might be brought before her in her official capacity, should be influenced~~
26 ~~thereby.~~

No

NO

~~COUNT FIVE~~

~~That on and between January 3, 2019 and May 13, 2020, both dates inclusive, LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit willful and corrupt misconduct in office by committing the crime of Asking for or Receiving a Bribe by Executive Officer, in violation of Penal Code section 68, to wit: requesting, taking, or agreeing to take a bribe from Harpreet Chadha, upon an agreement and understanding that the action of LAURIE SMITH upon applications for CCW Licenses by Harpreet Chadha then pending and which might be brought before her in her official capacity, should be influenced thereby.~~

NO

~~COUNT SIX~~

~~That on and between January 3, 2019 and February 14, 2019, both dates inclusive, LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit willful and corrupt misconduct in office by committing the crime of using her official position, as Sheriff, to make and participate in making a governmental decision in which she knew she had a financial interest, in violation of Government Code sections 87100 and 91000, to wit: participating in the decision regarding whether to grant Harpreet Chadha a CCW License effective as of February 12, 2019, while knowing that Harpreet Chadha was gifting her the use of Expert Quote Inc.'s suite at the SAP Center for a February 14, 2019 San Jose Sharks hockey game, including gifting her suite tickets and suite food and beverages.~~

~~COUNT SEVEN~~ Four

That on and between January 3, 2019 and February 14, 2019, both dates inclusive, LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit willful and corrupt misconduct in office by committing the crime of Accepting An Unlawful Gift, in violation of Government Code sections 89503 and 91000, to wit: accepting from Harpreet Chadha the use of Expert Quote Inc.'s suite at the SAP Center for a February 14, 2019 San Jose Sharks hockey game, including the gift of suite tickets and suite food and beverages collectively worth more than the then-applicable gift limitation of \$500 from a single source.

COUNT ~~EIGHT~~ FIVE

That on or about May 13, 2020, LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit willful and corrupt misconduct in office by committing the crime of Failing to Report a Gift on her Annual Statement of Economic Interests, in violation of the **County of Santa Clara Conflict of Interest Code and Government Code sections 87300 and 91000**, to wit: failing to report on her calendar-year 2019 Statement of Economic Interests (Form 700) her receipt of a gift from Harpreet Chadha or ExpertQuote, Inc. consisting of the use of ExpertQuote Inc.'s suite at the SAP Center for a February 14, 2019 San Jose Sharks hockey game, including the gift of suite tickets and suite food and beverages.

COUNT ~~NINE~~ SIX

That on or about May 13, 2020, LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit willful and corrupt misconduct in office by committing the crime of Perjury, in violation of **Penal Code section 118**, to wit: certifying under penalty of perjury in a case in which certification is permitted by law of the State of California under penalty of perjury, to wit: her calendar-year 2019 Statement of Economic Interests (Form 700) and willfully stating as true any material matter with she knows to be false; to wit: that the information contained on said Form 700 and its attachments was true and complete.

COUNT ~~TEN~~ SEVEN

That on and between April 5, 2021 and November 30, 2021, both dates inclusive, LAURIE SMITH, the duly elected Sheriff of the County of Santa Clara, California, did commit willful misconduct in office by violating **County of Santa Clara Ordinance Code Title A, Division A20, section A20-64**, to wit: failing to cooperate and promptly supply information or records requested by the County of Santa Clara Office of Correction and Law Enforcement Monitoring ("OCLEM") relating to the Sheriff's Office's internal affairs investigation into an incident that occurred in August 2018 regarding Mr. Andrew Hogan.

1 Presented this 13th day of December 2021, by the Grand Jury, at least 12 grand
2 jurors having heard all the evidence and concurring therein.

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4 By: Karen Delaney
5 KAREN DELANEY
6 Foreperson
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**NAMES OF WITNESSES EXAMINED BY THE GRAND JURY OF THE
PRESENTATION OF THE FOREGOING ACCUSATION**

1. MARIE BALDEVINO
2. TERRENCE BELL
3. JOHN CHASE
4. JON GOLINGER
5. JOHN HIROKAWA
6. TROY SMITH
7. RICHARD ROBINSON
8. LINDA WALLACE
9. MELANIE JIMENEZ PEREZ
10. JENNIFER ROTH
11. MICHAEL LOW
12. KENNETH BINDER
13. MICHAEL DOTY
14. CARL NEUSEL
15. MARTIN NIELSEN
16. REGINALD COOKS
17. ROBERT DURR
18. JUSTIN FIELDS
19. HARLAN WITTKOPP
20. DENNIS EMMITT
21. TODD KENDRICK
22. CHRISTIAN VEST HANSEN aka CHRISTIAN WEST
23. RICHARD GLENNON
24. CHRISTOPHER SCHUMB
25. KIMBERLY BOURLAND
26. DRUSILLA GAONA
27. NELLY MATEOS

- 1 28. VANESSA ZECHER
- 2 29. LARA MCCABE
- 3 30. THUY BARNES
- 4 31. JILL SCHUMB
- 5 32. CHRIS MALACHOWSKY
- 6 33. MELODY MALACHOWSKY
- 7 34. DAVID SANDERS
- 8 35. CHRIS LABATE
- 9 36. MICHAEL GENNACO
- 10 37. AMY LE
- 11 38. JAMES CAMPAGNA
- 12 39. JETHROE MOORE, II
- 13 40. KURTIS STENDERUP
- 14 41. HARPREET CHADHA
- 15 42. NEIL VALENZUELA
- 16 43. JOSEPH ZIEGLER
- 17 44. FLORENCE KOGA
- 18 45. MICHAEL HONDA
- 19 46. LANA CANO
- 20 47. JUAN GALLARDO
- 21 48. RAJ SINGH
- 22 49. GARY BECHTEL
- 23 50. TRACY VENTIMIGLIO
- 24 51. SHANNAN MARTINEZ
- 25 52. MICHAEL MARTINEZ
- 26 53. BLAKE BECHTEL
- 27 54. SHANNON BUSHEY
- 28 55. JEFF NICHOLS

- 1 56. CARLYLE VARLACK, JR.
- 2 57. LILY LEE
- 3 58. HEATHER MILLER
- 4 59. JACQUELINE WHITESIDE
- 5 60. MICHAEL MILBANK
- 6 61. DALIA RODRIGUEZ
- 7 62. MITCHELL BUELLESBACH
- 8 63. MICHELLE COVARRUBIAS
- 9 64. ADAM OBERDORFER
- 10 65. LACY HYLAND

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