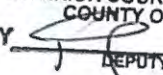


Emerald Law Group
280 North Oak St.
Ukiah, CA 95482
(800) 450-5210

January 16, 2024

RECEIVED
BUT NOT FILED

JAN 16 2024

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA
BY  DEPUTY CLERK

Honorable Shelly Averill
Presiding Superior Court Judge
600 Administration Dr.
Santa Rosa, CA 95403
(707) 521-6726

Re: Misconduct by Court Commissioner Ken English

Dear Presiding Judge Averill:

I am an attorney writing this open letter to report misconduct by Sonoma County Superior Court Commissioner Ken English. This misconduct concerns Commissioner English's campaign for elected judicial office. In short, Commissioner English's campaign has posted signs in Santa Rosa in violation of the City of Santa Rosa's sign ordinance.

The Santa Rosa City Code requires each candidate for public office to obtain a Sign Permit prior to installing any election campaign sign. Section 20-38.070 of the Santa Rosa City Code provides in relevant part:

D. Election campaign signs. Election campaign signs are permitted in compliance with all of the following requirements:

1. **Each candidate for a public office** and each sponsor or group of sponsors for or against a ballot measure **shall obtain a Sign Permit from the Department prior to installing any election campaign sign.**

See, Santa Rosa City Code § 20-38.070(D)(1) (emphasis added).¹ Thus, there can be no question that, as a candidate for public office, Commissioner Ken English is required to obtain a Sign Permit prior to installing any election campaign sign in Santa Rosa.

Yet, judicial candidate Ken English has installed more than one election campaign sign in Santa Rosa without having first obtained the requisite sign

¹ <https://ecode360.com/42981924>

permit. For example, Exhibit A depicts Commissioner Ken English's election campaign sign located at 1512 16th St. in Santa Rosa. Exhibit B shows Commissioner Ken English's election campaign sign located at Franklin Ave. and North St. in Santa Rosa. Both of these signs have been up for days.

While other judicial candidates have obtained Sign Permits as required by the Santa Rosa City Code, Commissioner Ken English has not. Exhibit C shows the Temporary Election Campaign Sign permits issued as of January 15, 2024, and Commissioner English's name is conspicuously absent. Notably, Lynne Charlton of the Planning and Economic Development Department for the City of Santa Rosa (707-543-4334) has confirmed that Commissioner Ken English has not yet obtained a Sign Permit and has not even begun the process of obtaining a Sign Permit by submitting an application.

Thus, Commissioner Ken English has indisputably violated the Santa Rosa City Code by installing election campaign signs without first obtaining a Sign Permit. Because the Superior Court shares supervisory authority over subordinate judicial officers like Commissioner English with the Commission on Judicial Performance, please investigate the violation and provide a prompt response.

In order to prevent further violations, please direct Commissioner English to comply with the Santa Rosa City Code by ordering him in writing to immediately remove all campaign signs posted in Santa Rosa without a Sign Permit, not to post any campaign signs in Santa Rosa until he has applied for and obtained a Sign Permit, and to comply with all other applicable laws, regulations, and ordinances. Yet, preventing Commissioner English from continuing to violate the Santa Rosa City Code is not enough, and a slap on the wrist would be insufficient.

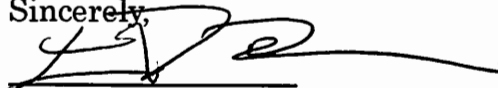
Commissioner English needs to apologize for not playing by the rules and for betraying the trust placed in him by the Judges of the Superior Court who appointed him. Moreover, he should humbly offer his resignation in view of the disrepute that Commissioner English's misconduct is bringing not simply upon himself but also upon the Superior Court.

Canon 5 of the Code of Judicial Ethics governs judicial campaign activities and states, "A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary." Clearly, Commissioner English's egregious violations of the Santa Rosa City Code are inconsistent with the integrity of the judiciary and warrant discipline in the event Commissioner English does not voluntarily resign.

Please let me know if you have any questions. My cell phone is 415-279-9457 if you need an immediate response; it is the best way to reach me. I am deeply disturbed by the unfair advantage Mr. English has had during this race, and I don't see how this damage can be remedied in any way other than him withdrawing or being disqualified from this race. Due to Mr. English not following the rules and other candidates following the rules, Mr. English himself created an unfair advantage. As an acting commissioner I would expect more from Mr. English and as a candidate for judge this simply shows an unscrupulous character, someone who is unwilling and unable to play by the clearly established rules we expect anyone running for office to follow. Clearly this tactic and flagrant disregard for the rules should be something taken very seriously and should not be acceptable conduct of our elected judicial officers.

As a Sonoma County resident and as an attorney who practices in Sonoma County, I expect my elected officials to follow the rules including when running for Judge. I hope by calling attention to this matter you will handle it properly. I look forward to your prompt response. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'E.D. Lerman', with a long horizontal flourish extending to the right.

E.D. Lerman, Esq.

Exhibit A

Photo of Sign Located at 1512 16th St., Santa Rosa



Exhibit B

Photos of Sign Located at Franklin Ave. & North St., Santa Rosa



Exhibit C

Santa Rosa Temporary Election Campaign Sign Permits as of January 15, 2024

Date	Record Number	Record Type	Project Name	Address	Status	Action	Short Notes
01/09/2024	S124-002	Sign Permit	Temporary Election Campaign Sign - Kristine Burk for Judge 2024	0 CITYWIDE, SANTA ROSA CA	Approved		March 5, 2024 Election Date
01/08/2024	S124-001	Sign Permit	Temporary Election Campaign Sign - Omar for Judge	0 CITY WIDE, SANTA ROSA CA	Approved		March 5, 2024 Election Date
12/22/2023	S123-067	Sign Permit	The Cake House	411 STONY POINT RD, SANTA ROSA CA 95401	Approved		
12/21/2023	S123-065	Sign Permit	New Signs	917 COLLEGE AVE, SANTA ROSA CA 95404	Approved	Pay Fees Due	
12/21/2023	S123-066	Sign Permit	New Signs	1500 FARMERS LN, SANTA ROSA CA 95405	Approved		
12/20/2023	S123-064	Sign Permit	Temporary Election Campaign Sign - Hermosillo for Supervisor 2024	0 CITYWIDE, SANTA ROSA CA	Approved		March 5, 2024 Election Date
12/14/2023	S123-063	Sign Permit	Rust signage	2411 MAGOWAN DR, SANTA ROSA CA 95405	Approved		
12/01/2023	S123-061	Sign Permit	38 Degrees North monument sign	1040 KAWANA SPRINGS RD, SANTA ROSA CA 95404	Approved		
12/01/2023	S123-062	Sign Permit	38 Degrees North monument sign	2670 PETALUMA HILL RD, SANTA ROSA CA 95404	Approved		
11/20/2023	S123-059	Sign Permit	Bike Shop Wall Sign	3080 MARLOW RD, A2, SANTA ROSA CA 95403	Approved		