SHERIFF
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October 2, 2025

The Honorable Rob Bonta
Attorney General of California
California Department of Justice
1300 I Street
Sacramento, CA 95814

Re: Request for Attorney General Opinion on Lawfulness of San Mateo County Charter § 412.5 and Attendant Removal Procedures

Dear Attorney General Bonta:

Pursuant to Government Code §12519, I respectfully request through my San Mateo County conflicts counsel[1], on an expedited basis, a formal Attorney General opinion addressing the lawfulness of San Mateo County Charter § 412.5 and its attendant "Removal Procedures," which authorizes the San Mateo County Board of Supervisors (the "Board") to remove me from office "for cause," particularly in light of the fact that two members of the Board have already publicly stated that they intend to remove me.

Relevant Background

In June of 2022, after a twenty-two year career with the San Mateo County Sheriff's Office, I was elected Sheriff, shocking the political establishment by defeating a well-financed incumbent. My election was due to my promises of reform. My years rising through the ranks of the Sheriff's Office taught me that, despite the hard work and dedication of most of the sworn and civilian employees of the Office, it was still burdened by a toxic culture – a culture of sexism, racism, and indifference – that prevented the Office from better serving the communities that relied upon it.

Thus, when I took office in 2023, I immediately sought to implement the tenets of 21st Century Policing. I sought, for instance, to increase gender and racial diversity in recruiting, so that the Office better reflected the population of San Mateo County. I also provided community groups, particularly those from the historically under-represented coast, with greater visibility and input

[1] San Mateo County Counsel John Nibbelin has recused himself and his office relating to my removal under § 412.5 because his office is representing the San Mateo County Board of Supervisors in its effort to remove me. Thus, I am represented by the Murphy, Pearson, Bradley & Feeney and the Mayer Brown law firms, which aided the preparation of this letter.

into the Office's operations. And I emphasized de-escalation training for deputies, so that their encounters with the communities they served were less fraught.

While we have more work to do, these reforms are working. As of the beginning of 2025, crime in San Mateo County was down by roughly 14%. At the same time, we hired more than 260 new employees, roughly half of them sworn members, solving not only the 100-member deficit I inherited when I took office, but also creating an Office that better reflected the diversity of San Mateo.

Cultural change, however, was not easy, and resistance to my reforms quickly coalesced. By 2024, this resistance led to tawdry and baseless rumors that I was having an affair with my then Chief of Staff/Executive Director of Administration, Victor Aenlle. County Executive Michael Callagy and County Counsel John Nibbelin used these rumors as justification to hire retired judge LaDoris Cordell to conduct an "investigation." Despite relying overwhelmingly on untested, unsworn, unmemorialized, and unattributed hearsay, Judge Cordell concluded most prominently that I did in fact have an affair with Mr. Aenlle and recommended my removal from office.

On November 12, 2024, the Board publicly released the Cordell report and County Executive Mike Callagy posted it on his official county website (where it remains available to this day) and sent a county-wide email directing all employees to read the report. Based on the Cordell report, Board members Noelia Corzo and Ray Mueller publicly condemned me for corruption and called for my resignation or removal on the record during Board meetings on November 19 and December 3, 2024.

The Board also used the Cordell report to call for a special election to pass "Measure A," which would amend the County Charter to give the Board the power to remove me. Measure A theoretically was modeled on a charter amendment previously passed (but never actually used) in San Bernadino County. The San Bernadino County amendment, however, contained the following provision, which the Board *removed* from Measure A: "The removal of an elected County officer is an extraordinary act and should occur in only the most egregious of circumstances and only when the interests of the citizens of the County cannot be reasonably served by any other means."

Driven by breathless local media coverage of the salacious allegations in the Cordell report, Measure A passed on March 4, 2025, creating § 412.5. By roughly May 2025, pursuant to § 412.5(c), the Board created the "Removal Procedures" pursuant to which my removal from elected office would be conducted.

Tellingly, despite promoting the Cordell report and using it to whip up support for Measure A, by June 2025, the County began distancing itself from it. By then, it had hired a new law firm, Keker, Van Nest & Peters, to conduct a new investigation against me. And while the resulting Keker report overlapped with the Cordell report, it backed off from Cordell's most inflammatory allegations.

Still, the Keker report was also based on untested, unsworn, and unrecorded hearsay, and was just as defective as the Cordell report. Nevertheless, pursuant to its new powers under the Cordell-driven § 412.5, the Board forced me to subject myself to a "Pre-Removal Conference" to answer the new allegations contained in the Keker report. Disappointingly, but not surprisingly given the performative nature of the Board's Removal Procedures, the Chief Probation Officer, whom the Board selected to preside over the Pre-Removal Conference, summarily recommended my removal.

Thus, pursuant to the Board's Removal Procedures, I appealed the Chief Probation Officer's removal recommendation by demanding a Removal Hearing, at which – for the first time – I would get see and hear the evidence, as well as cross-examine the witnesses, against me. This Removal Hearing spanned August 18-29, 2025, and retired judge James Emerson presided. Pursuant to the Board's Removal Procedures, Judge Emerson must issue an "advisory opinion" to the Board by October 12, 2025, determining whether a preponderance of the evidence presented during the Removal Hearing establishes cause for my removal. Thereafter, the Board is supposed to consider Judge Emerson's advisory opinion but can decide for itself whether to remove me, regardless of what Judge Emerson finds. Any decision to remove me would be effective and final immediately.

I am not, however, facing removal from elected office simply under § 412.5. In November 2024, when the Board decided to seek my removal, it also referred the Cordell report to the San Mateo District Attorney's Office for criminal investigation and to the Civil Grand Jury for removal under California Government Code § 3060. On June 27, 2025, the Civil Grand Jury (guided by the District Attorney's Office) returned a four-count Civil Accusation against me. This Civil Grand Jury matter is currently pending before Judge Mark McCannon of the San Mateo County Superior Court. Pursuant to California Government Code § 3070, I am entitled to a jury

trial on the Accusation's counts, with the full panoply of legal rights and protections that apply in a criminal case. I am not seeking an opinion from your office relating to the Civil Grand Jury proceeding.

Questions Presented

California sets a high bar for ousting an elected officer. Removal for "willful misconduct" demands more than neglect; it requires quasi-criminal conduct, rather than mere policy or personnel disagreements. Section 412.5, as applied to me, lowers that threshold and thus constitutes an abuse of power. *See Steiner v. Superior Court* (1996) 50 Cal.App.4th 1771, 1778–1779.) Thus, in light of these circumstances, I respectfully seek, on an expedited basis, formal written opinions on the following questions of law.

1. **Do § 412.5 and the Board's Removal Procedures comply with due process?**

   Section 412.5 and the Removal Procedures promulgated by the Board do not comply with state and federal guarantees of due process. Notably, the Board wields unconstrained control over every aspect of my Removal Hearing, including: authoring the rules governing removal; investigating, charging, and prosecuting my removal through its own counsel; selecting the Removal Hearing officer; and serving as the ultimate fact-finder. In addition, the Removal Procedures explicitly provide that the rules of evidence do not apply, set the burden of proof at a mere preponderance standard, and ultimately give the Board unfettered power to remove me no matter what evidence was adduced at my Removal Hearing, which are particularly inadequate compared to the criminal-trial equivalent protections required for removal pursuant to the Civil Grand Jury. Most glaringly, two members of the Board, Noelia Corzo and Ray Mueller, as early as November 2024, publicly declared me guilty of corruption and committed to removing me. Their participation in the effort to remove me has already violated my right to an impartial tribunal, and their serving functionally as jurors in my Removal Hearing is completely lawless.

   See Withrow v. Larkin, 421 U.S. 35, 47–55 (1975); *Velez v. Levy*, 401 F.3d 75 (2d Cir. 2005) (recognizing that elected school board member had liberty interest protected by due process against removal for cause); *Morongo Band of Mission Indians v. State Water Res. Control Bd.*, 45 Cal.4th 731, 737–743 (2009); *Steiner v. Superior Court*, 50 Cal.App.4th 1771, 1778–79 (1996) (holding that removal must rest on conduct "more than neglect" and for serious misconduct tantamount to criminal behavior or at least a

purposeful failure to discharge mandatory duties with knowledge of facts calling for action).

2. **Do § 412.5 and the Board's Removal Procedures comply with the prohibition against *ex post facto* punishment?**

   The removal effort against me violates the state and federal prohibitions against *ex post facto* punishment. All the allegations that serve as the bases for removing me occurred well before the passage of Measure A and the creation of § 412.5. Thus, even if the allegations against me were true, none of them could have been the basis for removal at the time they allegedly occurred.

   See Smith v. Doe, 538 U.S. 84, 92–97 (2003); *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 168–69 (1963); *Cummings v. Missouri*, 71 U.S. (4 Wall.) 277, 320–326 (1867); *Ex parte Garland*, 71 U.S. (4 Wall.) 333, 377–379 (1867); *People v. Castellanos*, 21 Cal.4th 785, 795–801 (1999); U.S. Const. art. I, § 9, cl. 3; art. I, § 10, cl. 1; Cal. Const. art. I, § 9.

3. **Do § 412.5 and the Board's Removal Procedures comply with the prohibition against bills of attainder?**

   Section 412.5 and its Removal Procedures specifically target me and me alone. Board members Corzo and Mueller have publicly stated that they were seeking passage of Measure A specifically to remove me, and § 412.5 itself contains a sunset provision that expires when my term as Sheriff ends. Thus, the bespoke nature of § 412.5 and its Removal Procedures, combined with their lack of protections provided by a judicial trial, violate the state and federal prohibitions against bills of attainder.

   See Nixon v. Administrator of Gen. Servs., 433 U.S. 425, 468–484 (1977); *United States v. Brown*, 381 U.S. 437, 447 (1965); U.S. Const. art. I, § 9, cl. 3; Art. I, § 10, cl. 1; and Cal. Const. Art. I, § 9.

4. **Do § 412.5 and the Board's Removal Procedures undermine uniform enforcement of the law and expose the county and state to unnecessary legal risk?**

   Section 412.5 and its Removal Procedures undermine the uniform enforcement of law. As noted above, San Bernadino County amended its county charter to allow for the removal of elected officials at the county level, but limited the use of such power to "the most egregious of

circumstances." San Mateo's Section 412.5, in contrast, contains no such limitation and renders removal of the Sheriff a routine power of the Board.

In addition, San Francisco's Charter § 15.105, governing removal, separates charging, fact-finding, and adjudication functions. The Mayor files charges and may suspend, while the Ethics Commission sets rules and conducts the evidentiary hearing, before transmitting the full record and a recommendation to the Board of Supervisors to decide whether to remove. In contrast, as noted above, San Mateo's § 412.5 provides for no such separation of removal powers. All power to remove is concentrated with the Board.

This county-based removal regime undermines the state's interest in uniform enforcement of the law. Indeed, not only is there already variation between counties in their removal processes, there is also inconsistency between the counties and *state law*, notably removal pursuant to the Civil Grand Jury under California Government Code § 3060, which applies criminal trial protections to removal proceedings. Furthermore, San Mateo's § 412.5 empowers the Board to remove the elected Sheriff for violations of "sheriff's duties," but then treats these duties much more expansively than state law does, *see* California Government Code §§ 26600–26608, 25303, creating uncertainty and unnecessary legal risks from removal.

See Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978); *McMillian v. Monroe County*, 520 U.S. 781 (1997); *County of Los Angeles*, 68 Cal.App.4th at 1171–1178; *Hicks*, 69 Cal.App.3d at 242–244; *Brandt*, 84 Cal.App.3d at 601–602; *Beck*, 204 Cal.App.3d at 796–802.

Prior Attorney General Opinion and the San Mateo Distinction

In 84 Ops.Cal.Atty.Gen. 88 (2001), the Attorney General concluded that a county charter may authorize a legislative board to remove the sheriff, district attorney, and other county officers "for cause" by a supermajority after notice and opportunity to be heard. Critically, that opinion framed two limiting principles that are directly implicated here: (a) a charter "for cause" provision does not include power to direct the manner in which an officer's statutory duties are performed, and (b) the independent investigative and prosecutorial discretion of the sheriff and district attorney cannot be the basis of "cause" for removal. The opinion also expressly did not address the sufficiency of "cause," the adequacy of notice, or conduct of the hearing. In contrast, the Board is currently using § 412.5's removal authority second-guess my internal staffing, discipline, and operational decisions. Such use of removal powers was not approved—or even presented—in the 2001 opinion and are at odds with its stated limits.

Request for Immediate Notice

In addition to seeking legal opinions, I also respectfully request that your Office immediately notify the Board that you are undertaking this review to prevent irreparable harm, including wrongful ouster and pre-emption of my right to seek judicial review, as well as to ensure uniform enforcement of the law statewide.

As noted, Judge Emerson, the hearing officer who presided over my Removal Hearing, must issue his advisory opinion by October 12, 2025. The Board can set a removal vote within 24 hours of receipt of the advisory opinion and its decision to remove me would be effective immediately and finally upon this vote. The Board has signaled an intent to rush this process before any considered legal review of the legal merits of my claims can occur. Thus, prompt action is needed to prevent the Board from extinguishing any meaning legal review or oversight of its conduct.

Why legal opinions are needed

The questions presented are of statewide importance. Counties look to the Attorney General for guidance on the lawful scope of local power over state-defined sheriff duties, due process protections, constitutional limits on retroactive and punitive applications, and how local redefinitions of duties affect uniform enforcement of laws and legal risk, including claims actionable under 28 U.S.C. § 1983. A prompt opinion from your Office will promote uniformity, deter unconstitutional overreach, and guide courts considering interim relief and preserving the status quo. *See*, *e.g.*, *Daly v. San Bernardino County Bd. of Supervisors* (2021) 11 Cal.5th 1030, 1043–1046 (holding that preservation of the *status quo* requires staying removal of an official in office until legal challenges are resolved). Indeed, as the California State Sheriff's Association warned the then President of the Board in a letter dated November 18, 2024 (attached hereto), giving the Board powers to remove the elected Sheriff would be:

> [A] massive change to county government that ignores existing processes and oversight in favor of the perceived immediate gratification of one set of county elected officials being able to remove another county elected official from office. . . .[T]he authority you seek already exists in the California Constitution, where it clearly states in Article 5, Section 13, that "The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices…" As such, this action will unequivocally usurp the authority granted by law to the California Attorney

General and raises a separation of powers argument as the county's legislative branch would hold authority over its executive branch.

Allowing San Mateo's bespoke removal regime to proceed while other counties use different thresholds and procedures – all while ignoring the removal process set forth under *state law* -- will fracture the uniform application of law that Article V, Section 13 seeks to protect.

I appreciate your consideration and stand ready to provide any additional records or briefing that would assist the Opinion Unit. Please feel free to have your staff contact my counsel to coordinate materials referenced in the attachments.

Respectfully,

Sheriff Christina Corpus
San Mateo County Sheriff's Office

cc:
Jamal Anderson, Special Assistant Attorney General
Jeff Laurence, Senior Assistant Attorney General
Paul Stein, Supervising Deputy Attorney General
Stephen Woolery, Chief, Division of Law Enforcement

Enclosures:
A. November 18, 2024 Letter from California State Sheriff's Association
B. 84 Ops.Cal.Atty.Gen. 88 (2001)