SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

SECRET

The People of the State of California, Plaintiff, v. 1. ROBERT RIZZO 2. ANGELA SPACCIA	CASE NO. **BA382701** INDICTMENT

COUNT 1

The said ROBERT RIZZO and ANGELA SPACCIA are accused by the Grand Jury of the County of Los Angeles, State of California, by this Indictment, of the crime of **CONSPIRACY TO MISAPPROPRIATE PUBLIC FUNDS,** in violation of **Penal Code Section 182(a)(1)**, a Felony, committed prior to the finding of this Indictment, and as follows:

On and between February 21, 2003 and July 23, 2010, in the County of Los Angeles, the said **ROBERT RIZZO and ANGELA SPACCIA,** did unlawfully conspire together and with another person and person whose identity is unknown to commit the crime of Misappropriation of Public Funds, in violation of Section 424 of the Penal Code, a felony; that pursuant to and for the purpose of carrying out the objectives and purposes of the aforesaid conspiracy, the said defendants committed the following overt act and acts at and in the County of Los Angeles County:

A TRUE BILL

Foreperson of the Grand Jury

Presented by the Foreperson of the Grand Jury in the presence of the Grand Jury, in open Superior Court of the State of California, within and for the County of Los Angeles, and filed as a record in said Court this 29th day of March, 2011

JOHN A. CLARKE, Executive Officer/Clerk

By_____
Deputy

STEVE COOLEY, District Attorney

By_____
Deputy

OVERT ACTS

On or about February 21, 2003, Defendant Rizzo signed an agreement to retain Bryan, Pendleton, Swats & McAllister, LLC, a Wells Fargo Company, to draft a supplemental retirement plan for the City of Bell.

On or about April 11, 2003, Defendant Spaccia communicated with Alan Pennington for the purpose of structuring the Bell Supplemental Retirement Plan to avoid the laws capping pension amounts.

On or about April 11, 2003, Defendant Spaccia communicated with Alan Pennington for the purpose of structuring the Bell Supplemental Retirement Plan to conceal its purpose from the public.

On or about June 16, 2003, Defendant Spaccia communicated to Alan Pennington that Defendant Rizzo wanted the Bell Supplemental Retirement Plan structured so that it could not be repealed or altered by any Bell City Council in the future.

On or about June 30, 2003, Defendant Spaccia drafted and Defendant Rizzo submitted two Supplemental Retirement Plans to the Bell City Council for approval.

Between June of 2003 and July of 2010, Defendants Spaccia and Rizzo repeatedly directed Alan Pennington to recalculate benefits for Defendants Spaccia and Rizzo to allow for increases in pay.

In or before July of 2005, Defendant Spaccia drafted employment contracts for herself and Defendant Rizzo giving them both significant pay raises without City Council approval.

On or before July 23, 2007, Defendant Rizzo told Lourdes Garcia that he and Defendant Spaccia wanted to increase their sick and vacation benefits and directed Garcia to draft a sick and vacation time policy that would do so for only them without appearing to benefit only them.

On or before July 23, 2007, Defendant Rizzo placed Resolution 2007-39 and Resolution 2007-41 on the Bell City Council Agenda.

In December of 2007, Defendant Rizzo caused Resolution 2007-63 to be placed on the Bell City Council agenda to increase the percentage of pension benefits for specified retirees to 5.175% times years of service.

On or before January 7, 2008, Defendant Rizzo told Lourdes Garcia that he and Defendant Spaccia wanted to increase their vacation benefits and directed Garcia to draft a sick and vacation time policy that would do so for only them without appearing to benefit only them.

On or before January 7, 2008, Defendant Rizzo placed Resolution 2008-05 on the Bell City Council Agenda.

In 2008, Defendant Rizzo ordered the creation of false contracts dividing his total salary into five parts for the purpose of making his salary as Chief Administrator appear much smaller than it actually was.

In 2008, Defendant Rizzo ordered that a false memorandum relating to city salaries be drafted and produced in response to a Public Records Act request file by Roger Ramirez.

On or about April 16, 2009, Defendant Spaccia responded to an email from Randy Adams stating that "they would all get fat together as long as they were pigs and not hogs."

In April and May of 2009, Defendant Spaccia drafted an employment contract for future Bell Police Chief Randy Adams.

On or about May 27, 2009, Defendant Spaccia sent an email to Randy Adams stating, "We have crafted our Agreements carefully so we do not draw attention to our pay."

On and between May 29, 2009 and the summer of 2010, Defendants Spaccia and Rizzo secreted Randy Adams employment contract.

On and between May 29, 2009 and the summer of 2010, Defendants Spaccia and Rizzo secreted a Letter of Acknowledgement and Agreement stating: "Mr. Adams qualifies for, and will be filing for, a medical disability retirement, in conjunction with his service retirement, when he retires from the City of Bell."

On or about August 10, 2009, Defendant Rizzo signed the Personnel Action Report directing payment of City of Bell funds to Randy Adams.

In June of 2010, defendant Rizzo caused the documents created at his direction in 2008 dividing his total salary into five parts to be signed by Oscar Hernandez so that they would appear to be contracts executed in 2008.

On or about July 23, 2010, Defendant Rizzo filed a workers compensation claim with the City of Bell.

On or about July 27, 2010, Defendant Spaccia filed a workers compensation claim with the City of Bell.

* * * * *

COUNT 2

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charge set forth in the aforestated Count hereof, the said **ROBERT RIZZO and ANGELA SPACCIA** are accused by the Grand Jury of the County of Los Angeles, State of California, by this Indictment, of the crime of **CONFLICT OF INTEREST,** in violation of **Government Code Sections 1090 and 1097,** a Felony, committed prior to the finding of this Indictment, and as follows:

On and between February 21, 2003 and July 23, 2010, in the County of Los Angeles, the said **ROBERT RIZZO and ANGELA SPACCIA,** being a city officer and employee, willfully and knowingly participated in the making, made, and caused to be made, in his official capacity, a contract in which he had a financial interest: Bell Supplemental Retirement and Replacement Benefit program.

* * * * *

COUNT 3

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charge set forth in the aforestated Count hereof, the said **ROBERT RIZZO and ANGELA SPACCIA** are accused by the Grand Jury of the County of Los Angeles, State of California, by this Indictment, of the crime of **SECRETION OF OFFICIAL RECORD,** in violation of **Government Code Section 6200,** a Felony, committed prior to the finding of this Indictment, and as follows:

On and between May 29, 2009 and June 2010, in the County of Los Angeles, the said **ROBERT RIZZO and ANGELA SPACCIA,** was an officer having custody of a record, map, book, paper and court proceeding, filed and deposited in a public office, and placed in the defendant's hands and, as to the whole and part thereof, did steal, remove and secrete said document, to wit: **contract for Randy Adams'services as Chief of Police for $17,577.00 per pay period.**

* * * * *

COUNT 4

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charge set forth in the aforestated Count hereof, the said **ROBERT RIZZO and ANGELA SPACCIA** are accused by the Grand Jury of the County of Los Angeles, State of California, by this Indictment, of the crime of **SECRETION OF OFFICIAL RECORD,** in violation of **Government Code Section 6200,** a Felony, committed prior to the finding of this Indictment, and as follows:

On and between May 29, 2009 and June 2010, in the County of Los Angeles, the said **ROBERT RIZZO and ANGELA SPACCIA,** was an officer having custody of a record, map, book, paper and court proceeding, filed and deposited in a public office, and placed in the defendant's hands and, as to the whole and part thereof, did steal, remove and secrete said document, to wit: **Letter of Acknowledgement and Agreement stating that "Mr. Adams qualifies for, and will be filing for, a medical disability retirement, in conjunction with his service retirement, when he retires from the City of Bell.**

* * * * *

COUNT 5

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charge set forth in the aforestated Count hereof, the said **ROBERT RIZZO and ANGELA SPACCIA** are accused by the Grand Jury of the County of Los Angeles, State of California, by this Indictment, of the crime of **MISAPPROPRIATION OF PUBLIC FUNDS,** in violation of **Penal Code Section 424(a),** a Felony, committed prior to the finding of this Indictment, and as follows:

On and between July 28, 2009 and July 2010, in the County of Los Angeles, the said **ROBERT RIZZO and ANGELA SPACCIA,** being persons described in Penal Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public moneys, did in a manner not incidental and minimal without authority of law, appropriate the same, and a portion thereof, to personal use and the use of another, to wit: **payments made to Randy Adams pursuant to a contract for $457,000 per year as Chief of Police unlawfully executed in violation of Bell City Charter sections 519 and 604(a) and Resolution 2006-42.**

* * * * *

COUNT 6

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charge set forth in the aforestated Count hereof, the said **ROBERT RIZZO and ANGELA SPACCIA** are accused by the Grand Jury of the County of Los Angeles, State of California, by this Indictment, of the crime of **FALSIFICATION OF OFFICIAL RECORD,** in violation of **Government Code Section 6200,** a Felony, committed prior to the finding of this Indictment, and as follows:

On or about June 2010, in the County of Los Angeles, the said **ROBERT RIZZO and ANGELA SPACCIA,** was an officer having custody of a record, map, book, paper and court proceeding, filed and deposited in a public office, and placed in the defendant's hands and, as to the whole and part thereof, did falsify said document, to wit: **document purporting to be a contract signed on 4/28/2009 for Randy Adams' services as "Special Police Counsel" for $9,884.68 per pay period ($257,000 per year) beginning in July of 2009.**

* * * * *

COUNT 7

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charge set forth in the aforestated Count hereof, the said **ROBERT RIZZO and ANGELA SPACCIA** are accused by the Grand Jury of the County of Los Angeles, State of California, by this Indictment, of the crime of **FALSIFICATION OF OFFICIAL RECORD,** in violation of **Government Code Section 6200,** a Felony, committed prior to the finding of this Indictment, and as follows:

On or about June 2010, in the County of Los Angeles, the said **ROBERT RIZZO and ANGELA SPACCIA,** was an officer having custody of a record, map, book, paper and court proceeding, filed and deposited in a public office, and placed in the defendant's hands and, as to the whole and part thereof, did falsify said document, to wit: **document purporting to be a contract signed on 4/28/2009 for Randy Adams' services as Chief of Police for $7,692.31 per pay period ($200,000 per year) beginning in July of 2009.**

* * * * *

COUNT 8

For a further and separate cause of action, being a different offense of the same class of crimes and offenses as the charge set forth in the aforestated Count hereof, the said **ROBERT RIZZO** is accused by the Grand Jury of the County of Los Angeles, State of California, by this Indictment, of the crime of **CONFLICT OF INTEREST,** in violation of **Government Code Sections 1090 and 1097,** a Felony, committed prior to the finding of this Indictment, and as follows:

On and between March 6, 2010 and July 17, 2010, in the County of Los Angeles, the said **ROBERT RIZZO,** being a city officer and employee, willfully and knowingly participated in the making, made, and caused to be made, in his official capacity, a contract in which he had a financial interest, to wit: legal services provided by Brown, White, and Newhouse.

* * * * *

WITNESS LIST

1. ALAN CHRISTOPHER PENNINGTON
2. INDRA DEVI SHARMA
3. REBECCA VALDEZ
4. LOURDES PATRICIA GARCIA
5. EDWARD WONG LEE
6. GILBERT LOUIS MIRANDA
7. SEAN FRANCESCO SHEFFIELD-SPACCIA
8. KATHERINE CULLEN MCBROOM-ROSENFIELD
9. TOM MICHAEL BROWN
10. ANDY RENE PROBST
11. WILLIAM JAMES PRIEST

DEFENDANT	BOOKING NO.	BAIL RECOM'D	BAIL
1. ROBERT RIZZO		$200,000	
2. ANGELA SPACCIA		$200,000	