

FILED

SUPERIOR COURT OF THE STATE OF CALIFORNIA

MAY 24 2013

IN AND FOR THE COUNTY OF EL DORADO

**EL DORADO CO. SUPERIOR COURT
BY _____ (DEPUTY)**

THE PEOPLE OF THE
STATE OF CALIFORNIA,

Plaintiff,

-vs-

RAYMOND JAMES NUTTING,

Defendant(s).

DKT:

P13CRF0295

DA #: 13-04-002178

AGENCY REPORT #:
2012-395

DEPARTMENT: 7

CRIMINAL COMPLAINT

The District Attorney of El Dorado County, based upon information and belief, hereby alleges:

COUNT I

On or about the 30th day of April 30, 2010, in the County of El Dorado, the crime of **FILING A FALSE DOCUMENT**, in violation of **PENAL CODE SECTION 115(a)**, a **Felony**, was committed by RAYMOND JAMES NUTTING, who did willfully and knowingly procure and offer a false document to be filed, registered, and recorded in a public office within this state, which document, if genuine, might be filed, registered, and recorded under a law of this state or the United States, including but not limited to, the following false documents:

- 700 Form Statement of Economic Interest annual reporting for 2009.

COUNT II

On or about the 30th day of April, 2010, in the County of El Dorado, the crime of **PERJURY BY DECLARATION**, in violation of **PENAL CODE SECTION 118**, a **Felony**, was committed by RAYMOND JAMES NUTTING, who did unlawfully, under penalty of perjury, declare and certify as true in his California 700 Form Statement, that which was known to be false, that he did not receive any reportable income for 2009, including but not limited to, the following:

- Failure to disclose \$22,423.13 in Prop 40 grant money received on June 5, 2009 from the Sierra Coordinated Resource Management Council (hereinafter "SCRMC"), which was signed by Georgetown Resource Conservation District member Al Hubbard (which Defendant belatedly attempted to report 4 ½ years late in 2013, while still failing to disclose the entity which wrote the check SCRMC);

- Failure to disclose \$49,405.80 in Prop 40 grant money received on June 18, 2009 from the Sierra Coordinated Resource Management Council, which was signed by Georgetown Resource Conservation District member Al Hubbard, and made out to the Happy Valley Irrevocable Trust, which lists Defendant as one of three trustees in El Dorado County Recorder Doc-2012-0062258-00 and is thereafter deposited into trust account;
- Failure to disclose income of \$26,040 in cash deposited into his personal bank account in 2009;
- Failure to disclose income of \$6,803 in money received for work performed (including, but not limited to, "pushing stumps" for Cosens in the amount of \$3,483 which Defendant belatedly attempted to report 4 ½ years late in 2013); AND
- Failure to disclose income of \$16,334.56 in rent money received for 8161a and 8161c Happy Valley, Somerset.

COUNT III

On or between May 25 to May 29, 2009, in the County of El Dorado, the crime of **FILING A FALSE DOCUMENT**, in violation of **PENAL CODE SECTION 115(a), a Felony**, was committed by **RAYMOND JAMES NUTTING**, who did willfully and knowingly procure and offer a false document to be filed, registered, and recorded in a public office within this state, which document, if genuine, might be filed, registered, and recorded under a law of this state or the United States, including but not limited to, the following false documents:

- May 25, 2009 PROP 40 INVOICE, signed by Defendant, to the Sierra Coordinated Resource Management Council for \$22,423.13 stating that "Of the above \$0 is for my own labor" for work done on Defendant's property, and stating that the follow up slash disposal was completed on April 15, 2009 and stating that the 60 acres of herbicide treatment was completed on April 15, 2009;
- May 26, 2009 NUTTING BRUSH CLEARING "invoice", signed by Defendant, to the Sierra Coordinated Resource Management Council for \$27,395, stating that 60 acres of herbicide treatment on Defendant's property was completed; this supporting document was vastly lacking in the detail and additional supporting documents which Defendant had provided in his \$47,425 2000-2003 California Forrest Improvement Plan on the Defendant's property; AND,
- May 29, 2009, PESTICIDE USE REPORT, signed by Defendant, to El Dorado County indicating herbicide treatment of 60 acres of his property – 20 acres on May 26, 2009; 20 acres on May 27, 2009; and 20 acres on May 28, 2009.

COUNT VI

On or between the June 30, 2009 and June 12, 2012, in the County of El Dorado, the crime of **CONFLICT OF INTEREST CONTRACT**, in violation of **GOVERNMENT CODE SECTION 1090, a Felony**, was committed by RAYMOND JAMES NUTTING, who knowingly and willfully was financially interested in a contract made by Defendant in his official capacity, or by any body or board of which he was a member, including, but not limited to the following contracts:

- On June 30, 2009, the Defendant voted to enter El Dorado County into Agreements with El Dorado Resource Conservation District and Georgetown Resource Conservation District, each for \$80,393;
- On May 25, 2010, the Defendant voted to enter El Dorado County into Agreements, and signed each of the Agreements, with El Dorado Resource Conservation District and Georgetown Resource Conservation District, each for \$78,857.50;
- On June 14, 2011, the Defendant voted to enter El Dorado County into Agreements, and signed each of the Agreements, with El Dorado Conservation District and Georgetown Resource Conservation District, each for \$74,422;

AND,

- On June 12, 2012, the Defendant voted to enter El Dorado County into Agreements with El Dorado Resource Conservation District and Georgetown Resource Conservation District, each for \$73,321;

Pursuant to Penal Code §1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code §1054.3 and pursuant to the provisions of Penal Code §1054.7.

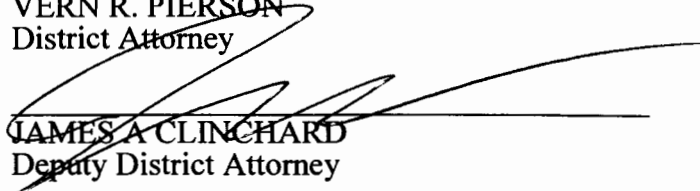
Pursuant to Penal Code § 803(c)(2) and (4), the People instituted Counts 2 and 4 within four years after the violations were discovered.

Pursuant to Penal Code § 803.5, the People instituted Counts 1 and 3 above within four years after the violations were discovered.

Based upon information and belief, the undersigned certifies in his/her official capacity and under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on the date stated below at El Dorado County, California.

VERN R. PIERSON
District Attorney

By:


JAMES A. CLINCHARD
Deputy District Attorney

Dated: May 24, 2013

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LOCATION OF CRIME: UNINCORPORATED

Pursuant to Penal Code §1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code §1054.3 and pursuant to the provisions of Penal Code §1054.7.

WARNING: Penal Code Section 1054.2 makes it a Misdemeanor Criminal Offense for an **attorney** receiving discovery to disclose certain confidential information regarding victims and witnesses to defendants and others. Attorneys should review this code section carefully before sharing reports received in discovery with anyone.