

INVESTIGATIVE REPORT

**RE: MEXICAN INDEPENDENCE DAY / HISPANIC HERITAGE
CELEBRATION AT LA QUINTA LIBRARY ON SEPTEMBER 15, 2018**

January 7, 2019

Prepared For:

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I. INTRODUCTION

On September 15, 2018, the La Quinta Public Library (“Library”) held an event to celebrate Hispanic Heritage. The event was initially intended by the Library staff to celebrate Mexican Independence Day, which is celebrated traditionally starting at 11:00 p.m. on September 15th. However, on September 6, 2018, staff from the City of La Quinta (“City”) asked that Library staff consider changing the name of the event to a “Cultural Celebration” in order to be in line with the City’s announcements and to be more “inclusive.” The following day, City and Library staff agreed to call the event “Hispanic Heritage Celebration” which aligned with Hispanic Heritage Month, celebrated from September 15 to October 15. Library staff orchestrated the event and coordinated the performance with Ms. Maria Hassan, second grade teacher at Cesar Chavez Elementary School (part of the Coachella Valley Unified School District (“CVUSD”) and coordinator of a *ballet folklorico* after school program. Ms. Hassan was informed of the name change by Library staff in advance of the event.

The day of the event, there were last minute modifications which were made to the performance that Ms. Hassan and her group were prepared to give. The basis for these modifications were allegedly questioned by Ms. Hassan and some of the parents. They were upset that the children were not permitted to give a presentation about Mexican Independence Day specifically, and, that they were allegedly forced to carry only American flags.

After the event, complaints about the event were made to the CVUSD; Steve Hernandez, Chief of Staff of Riverside County Supervisor, Manuel Perez’s office; and City of La Quinta Mayor, Linda Evans. Initial factfinding was conducted internally by City and Library staff. The media also became aware and reported several stories about the event starting in late October 2018 after School Superintendent, Dr. Edwin Gomez, wrote a letter to Mayor Evans on October 11, 2018. Prompted by the writing of this letter, officials from the County of Riverside (“County”), City of La Quinta, Library Systems & Services (“LS &S”), and CVUSD met in an effort to determine what prompted the modifications to the event and how to address the situation going forward. While initial efforts appeared successful, after the CVUSD School Board met in closed session in late October 2018, efforts to resolve the matter amicably, ceased and the School Board represented that they were considering civil litigation.

In a continuing effort to resolve the matter and determine more definitively what happened before and during the September 15, 2018 event, County Supervisor Perez, with the concurrence of the Board of Supervisors, decided to retain a third party neutral investigator to determine what modifications to the program may have occurred and what prompted those modifications. On behalf of the County Board of Supervisors, County Counsel, Gregory P. Priamos, on November 8, 2018, retained workplace investigator and employment law attorney, Barbara Raileanu, to conduct the investigation.

Thereafter, on November 14, 2018, in response to news reports regarding an author’s alleged negative experience at the La Quinta Library in January 2016, the County requested that the concerns raised about the author’s interaction with Library staff be included in the scope of the investigation. (Attachment 32) Interviews started on November 15, 2018 and concluded on December 20, 2018.

II. ISSUES INVESTIGATED

1. What prompted the City of La Quinta's request on September 6, 2018 that the La Quinta Library change the name of the Mexican Independence Day event (which was scheduled to take place on September 15, 2018) to a Cultural Celebration?

2. What happened at the event on September 15, 2018 at the La Quinta Library in terms of Ms. Hassan's group's performance? What, if any changes, to the program were made and by whom? Why were any changes made?

3. What happened when the author, Victor Villasenor, spoke at the La Quinta Library in January 2016 in terms of how Library staff treated him and / or what they allowed him to do and not do?

III. EXECUTIVE SUMMARY OF FINDINGS

What follows is only a summary of the Findings of this investigation. The Findings Section below contains details about each Finding and analysis of the evidence supporting each.

1. The credible evidence shows that on September 6, 2018, the City Director of Community Resources, Chris Escobedo, through Christina Calderon (Community Resources Manager), requested that the name of the September 15, 2018 event be changed. Mr. Escobedo stated that he made this request because he had gone to the Library; noticed the flyer advertising the Mexican Independence Day celebration; noted that the event was not changed by being made broader in scope as he had discussed with Zone Manager, Sue Duran, from the Library the previous year; and because the City has a general interest, based on feedback they received from other events, to advertise events as broad as possible, he felt that the name should be changed to "Cultural Celebration," consistent with how the City referred to the event in its publications. However, the preponderance of the evidence shows that more likely than not, the City received a comment, feedback, or a complaint from a resident which also prompted the title change. There was no evidence that Mayor Evans received a complaint prior to the event and was actually not even aware of the event. There was no evidence of discriminatory motive on the part of any City staff relating to the name change.

2. The credible evidence shows that Ms. Hassan's rehearsed dance and music program was not changed by Library staff. First of all, it was the Library staff who came up with the idea for the Mexican Independence Day celebration, who had the same celebration in 2017, and who invited Ms. Hassan's group to be a part of the program. The music and dancing that Ms. Hassan and her group performed were done as originally rehearsed. No American or "patriotic" music or dancing was performed. With regard to the flags that Ms. Hassan had intended to use, as explained in more detail in the "Findings" section of this Report, Library Staff advised Ms. Hassan not to use the Mexican and Cesar Chavez flags (not being aware at the time that Ms. Hassan also had intended to use two American flags for her performance), and when she was told this, Ms. Hassan informed Library staff that she nevertheless needed two other flags (four total) in order to do the performance, to which Library staff responded by stating that they only had American flags available for her to use, which she accepted. Ultimately, only American flags (four total) were used in the performance because Ms. Hassan had already come with two American flags and she needed four flags in order to execute the dance as rehearsed.

Library staff did not direct that Ms. Hassan use four (or only) American flags. The change in flags only occurred because of the Library staff's interest and effort in complying with the request from the City to be more inclusive and it was their belief that using Mexican and Cesar Chavez flags to the exclusion of flags from other Hispanic nations was not inclusive. While the City had only requested a change in the title of the event, Library staff reasonably wished to comply with this request in order to maintain their positive working relationship with the City, and further reasonably concluded that if the name was going to be changed, that would also impact the content of the program, to a degree. However, there was no discussion between Library and City staff regarding any potential impacts that the name change would have on the actual program. This lack of discussion of what the City hoped to accomplish with the title change led the Library staff to make assumptions (albeit reasonable ones) regarding the City's intent. But certainly, it is undisputed that if it had not been for the City's request to change the name of the event, no changes to the use of flags would have been made.

In addition, Ms. Hassan had asked one of her students to prepare a speech about Hispanic Heritage, including Mexican Independence Day. A copy of the speech was provided and it only addressed Mexican Independence Day. This speech was never part of the agreed upon program as it was the Library that had put the schedule of events together (and had invited Ms. Hassan's group to dance and play music only) and no students from the group had given a speech in the prior year when they performed at the Library. It was Ms. Hassan who proposed adding a presentation by one of the students, but Library staff never approved Ms. Hassan's request. Rather, Library staff informed Ms. Hassan of the name change approximately five days prior to the event, and, on two occasions before the event, informed her that there would not be a reference to Mexican Independence Day being made at the event. Finally, the day of the event, Library staff again informed Ms. Hassan that there would not be a presentation since one was never planned to be part of the program.

Library staff did not direct that more patriotic music be used in the following year's performance. Rather, Ms. Hassan and Ms. Ochoa discussed incorporating flags of other Hispanic cultures, as well as music, into the following year's performance. Although there was uncertainty expressed as to whether or not the event would be held again the following year, it is undisputed that Library staff never told Ms. Hassan that the group would not be invited back.

3. Mr. Villasenor did not recall any negative experiences when he was invited to speak at the La Quinta Library in January 2016. He informed this investigator that he was angry with the media for having misled him to the point where he told them that if they indeed had witnesses to him being asked to leave the Library (as they allegedly represented they had), then it may have happened, but he certainly did not recall that being the case. Mr. Villasenor stated that he recalled being asked to speak at the Library by Library staff; according to Library staff and records, he charged \$1,000 an hour; Library staff asked him to speak for one hour, the event started at 4:00 p.m. and the Library closed at 6:00 p.m.; Mr. Villasenor was allowed to stay and speak until Library closing (so one hour past the agreed time), at which point, he continued his discussion outside of the Library; the Library staff did notify Mr. Villasenor that he could not sell his books inside the Library since they had not done that before and Mr. Villasenor understood and respected that so he sold his books outside; he was treated well by the staff and he stated that he is a huge fan of librarians in general. Finally, Mr. Villasenor stated "*I've never carried a flag in my life. I would never carry the Mexican flag. I'm an American. I was born and raised here. If I carry both flags, okay. But, I would never carry the Mexican flag by itself.*"

I don't carry flags. I'm a global writer and we're – there's only one race, the human race, and that's what I stand for. There are different cultures, but there's –we're all one people.”

IV. METHODOLOGY

Fifteen people were interviewed. All interviews were audio recorded and transcribed. All witnesses participated voluntarily as the majority were not County employees and the County could not compel City, Library, or School District staff to participate in an administrative investigation. With the exception of the two County employees, Maria Hassan, one parent, a school district employee, and Victor Villasenor, all other witnesses participated with the assistance of counsel. It must be noted that all witnesses and their counsel were extremely cooperative and very responsive to all requests for interviews and information. All witnesses were informed of the nature and scope of the investigation and all were afforded opportunities to ask questions. All witnesses were advised to be as truthful as possible (however, statements were not provided under oath) and all were reminded that, in order to preserve the integrity of the investigation, they should not discuss the matter with others until the investigation was concluded.

In addition, several documents were obtained from the entities and several of the individuals who were interviewed. The most pertinent of these records are listed below and attached to this Report.

A. Witnesses Interviewed

Witnesses were selected to be interviewed either because they had background information regarding the entities and the event or because of their direct knowledge of the event itself and any decisions made regarding the title change, the performance and other experience with Ms. Hassan's dance group.

During her interview, Ms. Hassan gave the phone numbers of three parents who she claimed would be willing to talk to the investigator. She stated that one spoke English well while the other two did not. Ms. Hassan did not know the name of one of the Spanish speaking parents. The parent who spoke English, Sylvia Paz, was interviewed over the phone. One of the parents who attended the event and had expressed concerns to Ms. Hassan, Gema Rocha, was contacted with the help of a native Spanish speaker, but once we informed Ms. Rocha who we were, she said that she had to pick up her daughter from school and could not talk. We tried calling her back on three occasions but, each time, the call went to voicemail and she never returned the call. The parent who did not speak English and whose name Ms. Hassan did not know was not interviewed.

Efforts were also made to interview Sarah Hassan, Ms. Hassan's daughter who attended the event but, ultimately, she did not respond with her availability for an interview.

In addition, while a request was made by the City to interview school board members regarding how they learned of the information surrounding the event and why their letter to the Mayor came almost one month after the event, the County determined that that fell outside of the scope of the investigation which was intended to ascertain the facts surrounding the actual event.

Name	Organization	Position	Role in Event	Date(s) Interviewed
Suzanne Holland	County of Riverside	Assistant Director of Economic Development Agency (“EDA”)	Not directly involved but provided background information regarding the entities involved	11/15/18
Amber Jacobsen	County of Riverside	Deputy Director of EDA	Not directly involved but provided background information regarding the entities involved and meetings which transpired relating to the event	11/15/18
Maria Sunio	LS&S	Director of Operations for LS&S	Not directly involved but gathered information regarding the event after the City received complaint	12/4/18
Susan Duran	LS&S	Zone Manager of LS&S	Participated in 2017 Mexican Independence Day Celebration as Ms. Ochoa’s supervisor at the time; received email from City requesting change in title of event in September 2018; conducted investigation into the 2018 event; participated in event featuring Mr. Villasenor in 2016.	12/4/18
Barbara Howison	LS&S	County Librarian and head of LS&S	Not directly involved but provided background information regarding the entities involved and meetings which transpired relating to the event	12/4/18

Victor Villasenor	Author		Was featured at an event in January 2016 at the La Quinta Library	12/5/18 [telephonic]
Maria Hassan	Cesar Chavez School District	2nd grade teacher and after school program coordinator of <i>ballet folklorico</i>	Ms. Hassan's group performed at the scheduled event on 9/15/18; her group also performed at the 9/16/17 event at the La Quinta Library; they have performed on other occasions at the La Quinta and Indio Libraries as well (<i>Dia del Nino</i>)	12/6/18
Minerva Ochoa	LS&S / La Quinta Library	Library Supervisor (La Quinta Branch)	Responsible for initiating, planning and attending the Mexican Independence Day Celebration at the La Quinta Library in 2017 and 2018; invited Ms. Hassan's group to perform in both years.	12/7/18 12/20/18 [follow-up]
Lisa Baiz	LS&S / La Quinta Library	Branch Manager	Ms. Ochoa's supervisor during 2018 event; was present during the event and gave direction to Ms. Ochoa with respect to use of flags.	12/7/18 12/20/18 [follow-up]
Linda Evans	City of La Quinta	Mayor	Not aware of the event until she received an email from a concerned citizen after the event on September 18, 2018	12/11/18
Chris Escobedo	City of La Quinta	Community Resources Director	Gave direction to Ms. Calderon to have the name of the 2018 Mexican Independence Day Celebration changed to Cultural	12/11/18 12/20/18 [follow-up]

			Celebration; did not attend the event.	
Christina Calderon	City of La Quinta	Community Resources Manager	Pursuant to a request from Mr. Escobedo, she wrote an email to Ms. Duran on September 6, 2018 requesting that the Library change the name of the Mexican Independence Day Celebration to Cultural Celebration.	12/11/18 12/20/18 [follow-up]
Silvia Paz	Parent of student who performed during the September 2018 event		Present during exchange between Ms. Hassan and Ms. Ochoa at the conclusion of the dance and music performance	12/11/18 [telephonic]
Melissa Aguilar-Galceran	Employee at Cesar Chavez Elementary School; La Quinta resident		Did not attend event; resident of La Quinta; authored letter to Mayor of La Quinta on September 2018 based on information provided by others	12/12/18 [telephonic]
Dolores Frias	Supervisor at Indio Branch Library		Did not attend event but has hosted Ms. Hassan's dance group at her branch of the Library on an annual basis starting in either 2014 or 2015.	12/27/18 [telephonic]

B. Documents Reviewed

The following documents were reviewed, considered as part of the Findings, and are attached to this Report in the order listed below. Multiple copies of the same emails were provided by different entities. For ease of reference, only one copy of each email is listed and attached. All emails between the City and LS&S pertaining to this event which were made available for review pursuant to the California Public Records Act on the City's website were considered and are included. The content of the significant documents is described below. Nothing in this section contains Findings.

1. July 1, 2015 Memorandum of Understanding Terms and Conditions to Provide Management of the La Quinta Branch Library and the La Quinta Museum.
2. First Amendment to the Memorandum of Understanding Terms and Conditions to Provide Management of the La Quinta Branch Library and the La Quinta Museum.
3. September 18, 2018 email from Melissa Aguilar-Galceran to Mayor Evans regarding the La Quinta Library Mexican Independence Day Celebration.
4. October 11, 2018 letter from Superintendent, Dr. Gomez, to Mayor Linda Evans regarding “Request for Reconsideration of Limitations on Celebrations of Ethnic Diversity in Student Performances at La Quinta Branch Library”.
5. October 29, 2018 letter from Frank J. Spevacek, City Manager of the City of La Quinta in response to the October 11, 2018 letter.
6. October 30, 2018 Press Conference Statement – Mayor’s Speech.
7. Packet of documents provided by Ms. Ochoa regarding the 2017 Mexican Independence Day Celebration at the La Quinta Library including: Cost breakdown of the entertainment, crafts and snacks; advertisement of the event showing Mexican Independence Day; advertisement of event on Facebook; photograph of the greeters of the event along with a copy of the flyer of the event; copy of presentation given by Ms. Ochoa regarding the celebration of Mexican culture; two photographs of the dancers and audience depicting a diverse group and the dancers in traditional Mexican wardrobe.
8. “City of La Quinta Experiences” listing various events at the City of La Quinta between September 2017 and August 2018, including the “Cultural Celebration” at the La Quinta Library on Saturday, September 16, 2017.
9. La Quinta Memorandum dated September 14, 2017 to Mayor and Council, City Employees, City Attorney, Police Chief, Assistant Police Chief, Deputy Chief, Battalion Chief, and the Desert Sun listing, among various other items, “*the Library will be hosting a cultural celebration event on Saturday, September 16 from 2:00 p.m. to 4:00 p.m., and will include mariachis, folk dancers, a maraca-making craft, Loteria, and snacks.*”
10. July 20, 2018 text message from Ms. Ochoa to Ms. Hassan stating “*I am planning my Mexican Independence Day program for September 15th. Will you be able to bring your kids to dance?*”
11. August 3, 2018 text message exchange between Ms. Hassan and Ms. Ochoa regarding a donation to the kids for their performance.
12. Calendar entry from Ms. Baiz’s calendar reflecting a one-on-one meeting with Ms. Calderon on September 4, 2018.
13. September 6, 2018 email from Christina Calderon to Susan Duran sent on September 6, 2018 at 1:08 p.m. with a copy to Chris Escobedo stating “*the City is receiving some feedback as to why we are not celebrating other heritage holidays and / or American holidays.*”

Last year when the City advertised this event we called it ‘Cultural Celebration’ so that it seemed more inclusive. If the Library could change the title on the poster to reflect a ‘cultural celebration’ and not be specific to Mexican Independence Day it may be a more inclusive way to advertise the event.” (emphasis added); response from Sue Duran on September 6, 2018 at 4:19 p.m. stating that she *“had envisioned a cultural series with each month highlighting a different ethnicity. I had agreed to the Mexican Independence Day because that was going to be the first in the series. It proved to be a BIG hit. I just never got the other months off the ground due to my commitment as Z[one] M[anager]. I’m thinking that because of the tremendous response last year (over 600 attended), they wanted to do it again.”*; 5:23 p.m. response from Ms. Calderon stating that *“we totally support the event it is just the title that is causing an issue. ‘Cultural Celebration’ seems to be more inclusive and we are not challenged by members of our community on why we are not open to celebrate all heritages and religions.”* (emphasis added)

14. September 7, 2018 email from Sue Duran to Christina Calderon sent at 7:57 p.m. stating that Ms. Duran had spoken with Ms. Baiz and that they thought that a Hispanic Heritage Celebration would be a good title since September 15 to October 15 is Hispanic Heritage Month, staff agreed to change the posters to reflect the new title and Ms. Duran also wrote that *“because they [Library staff] had a complaint regarding the program at the library, Lisa understood the need to be inclusive”*: September 10, 2018 response from Ms. Calderon thanking Ms. Duran and informing her of an upcoming one-on-one meeting with Ms. Baiz that week.

15. September 8, 2018 email from Ms. Baiz to Ms. Ochoa and other staff at the La Quinta Library regarding the change in title of the Mexican Independence Day Celebration stating that it has been changed to *“Hispanic Heritage Celebration to include all Hispanic cultures. Thank you for conveying only the new name in the next week when promoting the program in a positive way.”*

16. September 10, 2018 email from Ms. Ochoa to Ms. Hassan stating: *“we have changed the name of our program to “Hispanic Heritage Celebration.” So we will not be making any announcements in regards to Mexican Independence Day,”* (emphasis added); 10:21 a.m. response the same day from Ms. Hassan stating that the change *“sounds cool,”* they are having the same celebration but they *“will be making a reference to the Mexican Independence Day because without making a reference to Mexico becoming independent of Spain we will not be having a celebration...Let me know if you still need to reference the celebration to the Mexican Independence Day. I will invite a student to read a paragraph of [sic] two in both languages.”* (emphasis added); Ms. Ochoa responded on September 11, 2018 stating that *“we are going to have the activities but make no reference to the holiday celebration.”*

17. 2018 La Quinta Library Mexican Independence Day Program for Saturday, September 15, 2018 prepared and provided by Ms. Ochoa including a listing of the entertainment, crafts, and snacks; facts gathered by Ms. Ochoa regarding the Independence of Mexico to include on a bookmark (after the City’s request, she removed the statement from the facts that *“this is an event to celebrate the Mexican heritage and culture of our neighboring country.”*); Mexican Independence Day flyer; Hispanic Heritage Month Bookmark with facts about Mexican Independence Day which was distributed to the participants and attendees; photographs of children dancing and carrying American flags; photograph of Ms. Paz and her two daughters after the entertainment portion of the event; photograph of Ms. Hassan, her

daughter (Sarah Hassan), son, granddaughter, and Ms. Ochoa after the entertainment portion of the event.

18. “City of La Quinta Experiences” listing events at the City between September 2018 and August 2019 including “*Cultural Celebration Day (Library)*” on September 15, 2018.

19. September 12, 2018 calendar entry from Ms. Calderon’s calendar showing a one-on-one meeting with Ms. Calderon and note from Ms. Baiz regarding what was discussed between them which did not include the Mexican Independence Day Celebration.

20. La Quinta Memorandum dated September 13, 2018 to Mayor and Council, City Employees, City Attorney, Police Chief, Assistant Police Chief, Deputy Chief, Battalion Chief, and the Desert Sun listing, among various other items “*The Library’s Hispanic Heritage Celebration is on Saturday, September 16 from 1:30 p.m. to 4:00 p.m. for all ages. Celebrate with Mariachis, folk dancers, loteria (bingo), and crafts.*”

21. Revised flyer from the Library advertising the event as “Hispanic Heritage Celebration” after the City requested the change to the title.

22. Text message exchange from September 15, 2018 between Ms. Hassan and Ms. Ochoa where Ms. Ochoa wrote to Ms. Hassan “*Hola, Maria. Someone left a guitar case here. It says 21st on it. Does it belong to the mariachis?*” Ms. Hassan then wrote “*can you drop it off to my house please.*”

23. September 18, 2018 email exchange between Elizabeth (Lisa) Baiz and Christina Calderon with Ms. Calderon informing Ms. Baiz at 9:40 a.m. that the Mayor had received an email from a concerned citizen regarding Ms. Hassan’s group having had to change their program and asking what happened at the event; 10:38 a.m. response from Ms. Baiz stating that the dancers were not asked to modify the program, but only that they were asked to not only carry the Mexican flag in an effort to be more inclusive and that Ms. Ochoa had told Ms. Hassan that she did not know if she would be doing the event next year; 11:31 a.m. email from Ms. Calderon to Mr. Escobedo indicating that she had spoken with Ms. Baiz on the phone about the event that it was well attended, that parents arrived early and were anxious to start and that Ms. Baiz and her staff were disappointed that someone had complained because they worked hard to put on the event; 11:52 a.m. email from Ms. Baiz to Ms. Calderon stating that the “*performance group had planned to have a little girl give a speech about Mexican Independence Day, but they took that out because of the program name change.*” [**Please note:** *Although Ms. Baiz made this representation, as discussed in more detail in the Findings section of this Report, she was not consulted on regarding the presentation either before or during the event and she made no decisions regarding the presentation. It was Ms. Ochoa who made these decisions as it was her program.*]

24. October 1, 2018 email exchange between Ms. Baiz and Ms. Duran and Ms. Calderon in which Ms. Baiz mentioned that Steve Hernandez from Supervisor Perez’s office had called to say that they had received numerous complaints, he asked why the name of the event was changed, whether the performance was changed, Ms. Hassan was told not to “only” include the Mexican flags since that would go against inclusiveness, that the performers carried

American flags but were not asked to and that he had a letter from Mayor Evans as part of the background regarding the matter.

25. October 2, 2018 text exchange between Ms. Hassan and Ms. Ochoa between 6:22 p.m. and 9:25 p.m. wherein Ms. Hassan asked for the name of Ms. Ochoa's supervisor and wrote that *"It's not about you it's about the city of la Quinta mayor. One person wrote a letter to the city mayor complaining about the way things were being addressed with that man complaining about our Mexican traditions and culture. But the letter got no response and our principal told the City mayor of Coachella."*

26. Email provided by Ms. Hassan in response to questions from Maria McLeod, Director of Human Resources of the Coachella Valley School District dated October 2, 2018 at 7:24 p.m. In it, Ms. Hassan describes the details of her experience on September 15, 2018 and that she had performed at this library for the past three years and they have never had a problem, that they were not allowed to make a presentation to introduce the group and why they were performing, and that at the end they were asked by the Library supervisor to make the program a "patriotic Americanized performance."

27. October 2, 2018 email from Ms. Duran to Ms. Baiz sent at 10:21 p.m. stating, in pertinent part, that *"in our [hers and Ms. Baiz's] discussion, [she] stated the City only wanted the name changed on the poster and social media – and everything, including content, was to remain the same."* She also stated that in the future they would start a program where they will celebrate many Hispanic cultures and also pointed out that *"even with the slightest change, [they] must remain positive."*

28. October 17, 2018 email from Ms. Duran to Ms. Calderon regarding her discussion with Ms. Ochoa and Ms. Baiz about the event, the changes to the flags, to the presentation and the alleged performance of "Yankee Doodle"; October 18, 2018 email from Mr. Escobedo to Ms. Duran with follow-up questions; October 19, 2018 email from Ms. Duran to Mr. Escobedo with responses to the questions posed and later email of the same day in which Ms. Duran clarified Ms. Baiz's involvement in the decisions pertaining to the use of flags.

29. City of La Quinta Library Special Events memo dated August 31, 2018 prepared by Natalie Perez, Program Coordinator listing "Mexican Independence Day Celebration" for Saturday, September 15.

30. Email from Melissa Aguilar-Galceran forwarded to Steve Hernandez on September 28, 2018 by Emmanuel Martinez.

31. Copy of speech (in Spanish and English) that was going to be presented by 12-year old female student who was part of the *ballet folklorico* group.

32. Email from Greg Priamos to Barbara Raileanu regarding a book signing at the La Quinta Library involving Mr. Villasenor and back-up information about allegations.

33. Email from Ms. Ochoa to Linda Villasenor dated January 4, 2016 indicating that Mr. Villasenor's presentation would be on January 30, 2016, for one hour starting at 4:00 p.m. and that his fee was \$1,000 per hour.

34. La Quinta Library flyer regarding Mr. Villasenor's "Meet the Author" event on January 30, 2016 scheduled to start at 4:00 p.m.
35. Pictures of Mr. Villasenor with Library Staff, Ms. Duran and Ms. Ochoa taken on January 30, 2016.
36. Transcript of November 15, 2018 interview of Suzanne Holland.
37. Transcript of November 15, 2018 interview of Amber Jacobson.
38. Transcript of December 4, 2018 interview of Maria Sunio.
39. Transcript of December 4, 2018 interview of Susan Duran.
40. Transcript of December 4, 2018 interview of Barbara Howison.
41. Transcript of December 5, 2018 interview of Victor Villasenor.
42. Transcript of December 6, 2018 interview of Maria Hassan.
43. Transcript of December 7, 2018 interview of Minerva Ochoa (Part I).
44. Transcript of December 7, 2018 interview of Lisa Baiz (Part I).
45. Transcript of December 11, 2018 interview of Mayor Linda Evans.
46. Transcript of December 11, 2018 interview of Christina Calderon (Part I).
47. Transcript of December 11, 2018 interview of Chris Escobedo (Part I).
48. Transcript of December 12, 2018 interview of Sylvia Paz.
49. Transcript of December 12, 2018 interview of Melissa Aguilar-Galceran.
50. Follow-up written questions and responses from Ms. Duran and Ms. Baiz dated December 13, 2018.
51. Transcript of December 20, 2018 follow-up interview with Christina Calderon (Part II).
52. Transcript of December 20, 2018 follow-up interview with Chris Escobedo (Part II).
53. Transcript of December 20, 2018 follow-up interview with Minerva Ochoa (Part II).
54. Transcript of December 20, 2018 follow-up interview with Lisa Baiz (Part II).
55. Transcript of December 27, 2018 interview of Dolores Frias.

56. Email dated November 1, 2018 from Jesus Gonzalez to Manuel Perez, *et al* re “Letter Regarding La Quinta Library Incident.”

V. BACKGROUND

This section is intended to provide relevant background and give context to the events which led up to, and took place, on September 15, 2018 at the La Quinta Library.

A. Relationships of Parties

There are four major entities involved in this matter: the County of Riverside, LS&S, City of La Quinta, and the Coachella Valley Unified School District. The La Quinta Library is located in the City of La Quinta and the building is owned by the City. The City and the County of Riverside have a contract whereby the County provides management of the Library and the museum to the City. In turn, the County contracts the management of the Library to LS&S, an independent third party private entity whose employees operate the La Quinta Library. (Attachments 1 and 2)

The La Quinta Library Branch Manager, Lisa Baiz, meets with City staff, Christina Calderon, once a month to review matters involving Library business, including events offered. In addition, Library staff meets with employees from the County’s EDA, on a regular basis. Library staff determine the schedule of events, and what events, they wish to offer. The City is informed of the events and will provide funding for some. For other events, Library staff will seek funding from the Friends of the Library, a non-profit organization which donates money to the Library.

The Cesar Chavez Elementary School is not affiliated with the Library. The Library Circulation Supervisor, Minerva Ochoa, had a pre-existing relationship with Maria Hassan, the teacher responsible for the *ballet folklorico* after school program at the elementary school. Based on this relationship, Ms. Ochoa reached out to Ms. Hassan in 2017, and then again in 2018 (Attachment 10), to have her group perform at the Mexican Independence Day Celebration at the La Quinta Library.

B. 2017 Mexican Independence Day Celebration at La Quinta Library

In 2017, with the goal of drawing more of the Hispanic community into the Library, Ms. Ochoa, proposed the idea of having a Mexican Independence Day Celebration to her supervisor at the time, Branch Manager, Susan Duran. (Attachment 43, Ochoa Transcript, p. 5, lines: 1-28) Ms. Duran liked the idea and in turn proposed it to Tustin Larson, City Community Resources Manager at the time. The idea was accepted and Ms. Ochoa put together a program specifically focused on Mexican Independence Day. She invited Ms. Hassan’s group to dance and play music because they had performed previously at the Library on the “Day of the Child” or “*Dia del Nino*” event. (Hassan Transcript, p. 8, lines: 19-24) Ms. Ochoa gave a brief presentation about Mexican Independence Day. (Ochoa Transcript p. 12, lines: 21-22; Attachment 7) The children did not give a speech or make a presentation about Mexican Independence Day. (Hassan Transcript, p. 8, lines: 1-7). Ms. Hassan stated that she introduced the program last year but Ms. Ochoa stated that she (Ms. Ochoa) was the one who did. Ms. Ochoa did present a copy of what she read regarding Mexican Independence Day and therefore,

it is concluded that she was more likely the one to have presented information about the celebration during the 2017 event. (Attachment 7) The event was very successful and well-received, drawing approximately 700 people. (Ochoa Transcript, p. 6, lines: 17-19)

At the 2017 event, Ms. Hassan came with a smaller group of performers than she did in 2018. In 2017, she came with only two flags for the lead children to carry during the dance – one American and one Mexican. (Hassan Transcript, p. 7, lines: 12-16) Ms. Hassan and the children had a good experience. She was not told that the Mexican flag could not be used. A photograph from the 2017 event shows that a Mexican flag was actually used by the children. (Attachment 7)

The City's publication to its City Council (attached to publicly available agenda and staff report) listed the 2017 event as a "Cultural Celebration," including mariachis, folk dancers, a maraca-making craft, Loteria, and snacks. (Attachments 8 and 9) Library staff was not aware of how the event was described by the City. The City did not advertise the event.

VI. FACTUAL FINDINGS

The following are Factual Findings of this Report. The Findings are made based on a preponderance of the evidence standard, meaning that credible evidence supports that an event more likely than not occurred. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. For each Finding, supporting evidence is listed. Please note that while there are numerous hearsay (second and third hand) statements in the form of emails and media articles, the investigator relied on direct testimony provided by witnesses during their interviews to make the following Findings.

A. 2018 Mexican Independence Day Celebration

1. Findings re Pre-Celebration Discussions

- Due to the success of the Mexican Independence Day celebration held on September 16, 2017, Ms. Ochoa wanted to offer the program again. (Ochoa Transcript (part I), p. 13, lines: 8-16)
- Ms. Ochoa prepared a program outline and shared it with the Branch Manager, Lisa Baiz. (Attachment 17; Ochoa Transcript (part I): p. 13, lines: 13 – 23; Baiz Transcript (part I), p. 4, lines:12-19)
- The program included the dance and music by Ms. Hassan's group and crafts and snacks. (Attachment 17)
- The event was funded by the Friends of the Library. (Ochoa Transcript (part I): p. 26, line: 10)
- On August 31, 2018, City staff (Jaime Torres) received notice from the Library Program Coordinator that the event would be called "Mexican Independence Day." (Attachment 29)

- Ms. Baiz mentioned the event to Ms. Calderon as part of the list of events that they would offer either during their monthly meetings a few months prior to the actual event and/or on September 4, 2018. (Baiz Transcript (part I), p. 4, lines: 23-27 and p. 5, lines: 1-7)) Ms. Calderon was aware of the success of the prior year's event. (Calderon Transcript (part I), p. 6, line: 24- p. 7, line: 4)
- Ms. Ochoa had made a flyer that differed somewhat from the 2017 event. (Attachment 7 and 17) It featured Mexican Independence Day, rather than just mentioning it. The 2018 flyer was posted at the library and sent via "Peachjar" to the local schools several weeks before the event. (Ochoa Transcript (part I): p. 15, lines" 11-15)
- Ms. Ochoa contacted Ms. Hassan to request her participation in the event like she had done the previous year. Ms. Ochoa anticipated that Ms. Hassan's group would dance and play music like they did the previous year. (Attachment 10)
- Approximately one and a half weeks prior to the 2018 event (on September 4, 2018), library circulation staff overheard a gentleman make a comment to another library patron, who was near the entrance to the library, in response to seeing the flyer about Mexican Independence Day. (Baiz Transcript (part I), p. 10, lines: 25-27 and p. 11, lines: 1-5) The staff overheard this gentleman state words to the effect of: "*if they love Mexico so much, why don't they all go back to Mexico.*" The gentleman then went to the staff to ask who the Library supervisor is. (Baiz Transcript (part I), p. 11, lines: 12-13) They informed him that it was Lisa Baiz. The gentleman did not speak to either Ms. Ochoa or Ms. Baiz directly. (Baiz Transcript (part I), p. 11, lines: 6-7) But staff told both of them about his comment. Staff did not recognize him as a regular patron of the library nor did they know his name. (Ochoa Transcript (part I): p. 15, line: 16 through p. 16, line: 11)
- Ms. Ochoa and Ms. Baiz discussed the complaint the following day. No one else complained about the event. (Ochoa Transcript: p. 16, lines: 24-25) Library staff did not change the event based on the comment from the patron. (Ochoa Transcript (part I): p. 16, line: 26 - 27 and p. 17, lines:1-4)
- Ms. Ochoa felt hurt by this comment because the event is important to her in that one of her goals is to get the Hispanic community to come into the Library which is why she created the program in 2017. (Ochoa Transcript (part I): p. 17, lines: 11-23)
- The La Quinta Civic Center and La Quinta Library are located next to each other on the same street.

- On or about September 6, 2018, Mr. Escobedo “dropped-in” at the Library, consistent with his regular practice to do so. While there, he noted the Mexican Independence Day flyer. (Escobedo Transcript (Part I), p. 19, lines: 15-18) He noted that this program was not expanded or “enhanced” from the previous year’s event, as he had expected. (Escobedo Transcript (part I), p. 19, lines: 20-24) He had understood from Ms. Duran that the Library would expand that program and celebrate more cultures beyond that of Mexico. (Escobedo Transcript (part I), p. 16, lines: 25-27 and p. 17, lines: 1-7)
- Mr. Escobedo did not contact Library staff about the issue while at the Library.¹ (Escobedo Transcript (part I), p. 36, lines 9-11) He stated that his interactions are with Community Resources Manager, Ms. Calderon, who then interacts with Library staff and, for that reason, he did not mention anything directly to Library staff. (Escobedo Transcript (part I), p. 36, lines: 9-14) He told Ms. Calderon that he wanted her to reach out to the Library staff and ask them to change the name of the event to “Cultural Celebration” to be consistent with how the City had referred to the event last year. (Escobedo Transcript (part I), p. 19, lines: 20-27 through p. 21, line: 9)
- The City chose to refer to the event as a “Cultural Celebration” because *“diversion and inclusion is one of the City’s sacred values...it’s been one of the goals for me in particular in this position to create new experiences, to be more inclusive and create programming that brings in all segments of the community.”* (Escobedo Transcript (part I), p. 16, lines: 7-13) Mr. Escobedo further stated that *“we’re always looking to put on programs in a way that invites as many people as possible.”* (Escobedo Transcript (part I), p. 16, lines: 23-24)
- Notwithstanding the foregoing, the preponderance of the evidence also supports a finding that Mr. Escobedo more likely than not received a complaint or “feedback” about the event on or about September 6, 2018 from a resident. While Mr. Escobedo and Ms. Calderon adamantly deny that this was the case (Escobedo Transcript (part I), p. 28, lines: 13-24 and p. 34, lines: 18-23 Escobedo Transcript (part II), p. 1-2; Calderon Transcript (part I), p. 17, lines: 17-24; Calderon Transcript (part II)), based on the greater weight of the credible evidence, it is concluded that the City likely received such a complaint or “feedback.” This finding is based on the following credible evidence:

¹ Mr. Escobedo contradicted himself with regard to this statement in that he stated that when he would drop by the Library in the past, he would meet and talk with Ms. Duran who was the branch manager at the time. (Escobedo Transcript (Part I), p. 15, lines 4-15) This inconsistency was taken into consideration when making the finding that the City likely received a complaint regarding the event prior to the event. It should also be noted that Ms. Baiz’s desk is located near the entrance of the Library where Mr. Escobedo would have seen the flyer.

- Ms. Calderon wrote in her September 6, 2018 email that the City had received “*some feedback as to why we are not celebrating other heritage holidays and/ or American holidays.*”; the use of the terms “*some feedback*” suggests that there was a third party involved as opposed to just an observation by Mr. Escobedo of a flyer at the Library. Ms. Calderon and Mr. Escobedo stated that the use of the term “*some feedback*” referred to Mr. Escobedo’s comment to her (Escobedo Transcript (part I), p. 20, lines: 5-12; Calderon Transcript, p. 11, lines; 3-15); however, this is not a reasonable explanation for the use of the term or, more importantly, to state that “*the City*” had received this “*feedback*” if it came from Ms. Calderon’s own supervisor. It would seem reasonable that if it was Mr. Escobedo’s comment that prompted the email, she would have stated that “*she*” received feedback from “*Mr. Escobedo,*” rather than that “*the City*” received this feedback.
- Ms. Calderon further wrote on September 6, 2018 to Ms. Duran that “*it is just the title that is causing an issue.*” (Attachment 13) (emphasis added) She used the present tense “*is*” which suggests that there was a current “*issue.*” Further, the term “*an issue*” is indicative of something more than Mr. Escobedo’s concern over the title. Finally, she stated that by changing the name “*we are not challenged by members of our community on why we are not open to celebrate all heritages and religions.*” Again, this statement suggests that it was more than Mr. Escobedo’s observation and desire to be inclusive or to have a more “*enhanced*” program (where more than just Mexican Independence Day would be celebrated) that led to the name change, but rather a “*challenge*” from the community which City staff was attempting to address and/or avoid.
- Ms. Ochoa stated credibly that she informed both Mr. Escobedo and Ms. Calderon in April 2018 during a meeting that she would be celebrating Mexican Independence Day again in September and no one mentioned to her at that time that they wanted to call the event something else. (Ochoa Transcript (part II), p. 1, lines: 17-27)
- Having received a complaint is a more logical and reasonable explanation for why the event’s name was asked to be changed only one week prior to the actual event and after the event had already been widely advertised as “*Mexican Independence Day*” for the previous four weeks. Simply having a desire to make the event more inclusive does not reasonably justify making the changes at the last

minute given that the event was so well attended the previous year (by a diverse audience as shown in the photographs of the event) and additional Hispanic Heritage events could have been discussed and scheduled in the future if there was truly just a need to be more inclusive of other cultures.

- After the event, on September 18, 2018, Ms. Baiz and Ms. Calderon spoke about the event on the phone. Ms. Baiz adamantly and very credibly stated that during their discussion, they spoke about what triggered the name change, and that Ms. Calderon told Ms. Baiz that Mr. Escobedo was “cornered” by someone and that Mr. Escobedo was “caught off guard.” (Attachment 50 and Baiz Transcript (part II)) Ms. Baiz stated that she would sign a statement under penalty of perjury or take a lie detector test to attest to her recollection of what Ms. Calderon told her. (Attachment 50) She further stated that during their call, she and Ms. Calderon actually speculated about whether the same person who made the comment at the library about “*Mexicans going back to Mexico*,” also complained to the City. (Attachment 50 and Baiz Transcript (part II)) This specific detail about their conversation, in addition to her clear recollection of the use of the specific terms, lends further credibility to Ms. Baiz’s account.
- Ms. Ochoa also stated that Ms. Baiz had told her shortly after she spoke with Ms. Calderon that Ms. Calderon had shared that “Chris Escobedo was cornered by some citizen and that’s why he asked us to change the name.” (Ochoa Transcript (part I), p. 43, lines: 14-18 and Ochoa Transcript (part II), p. 10, lines: 9 – 14)
- I considered whether Ms. Baiz could have become confused and may have merged her knowledge of the complaint the Library received with that received by the City. Follow-up questions were posed to Ms. Baiz in this regard during which she very clearly, credibly, and adamantly restated the conversation set forth above between her and Ms. Calderon. She was very clear that Ms. Calderon spoke of a complaint that Mr. Escobedo received and used the specific words of being “cornered” and “caught off guard.” I even asked Ms. Calderon if she used words of a similar nature while speaking with Ms. Baiz about a different matter that could have led Ms. Baiz to this conclusion. (Calderon Transcript (part I), p. 17, lines: 17-19 and Calderon Transcript, (part II), p. 11, lines:

26-28 and p. 12, lines: 1-22) However, Ms. Calderon denied even using those words when speaking with Ms. Baiz. (Id.)

- I considered the motives of the parties to fabricate their respective responses. There was no reason for Ms. Baiz to fabricate this information as she had nothing to gain from attributing the City's request for a name change to a resident complaining to the City about the matter. Conversely, the City staff arguably had a reason to deny that such a complaint or feedback was made or received since it would show that the event name change was not necessarily prompted solely by the stated reason of inclusiveness.
- Further, if it was solely Mr. Escobedo's observation of a flyer while at the Library which prompted him to ask Ms. Calderon to ask the Library to change the name of the event, it stands to reason that he would have approached Ms. Baiz (whose office is by the front entrance circulation desk) while he was there and spoken to her about the event and how the event did not meet his expectations (similar to what he stated he did when Ms. Duran was the Branch Manager (see footnote 1).
- Again, although Mr. Escobedo and Ms. Calderon deny (especially in follow-up interviews (Escobedo Transcript (part II) and Calderon Transcript (Part II)) that a complaint was received or that the conversation between Ms. Calderon and Ms. Baiz about Mr. Escobedo having received a complaint had taken place, in light of Ms. Baiz's credible account in which she recalled specific words that Ms. Calderon used to describe the interaction between the resident and Mr. Escobedo, coupled with the emails Ms. Calderon wrote immediately after (described above), as well as the last minute nature of the request after the event had already been advertised as Mexican Independence Day for the past month, the preponderance of the evidence shows that, the City likely received a complaint or "feedback" from a resident and that this was what (primarily) prompted the name change request on September 6, 2018
- There was no evidence as to who made the complaint, the nature of the complaint (Baiz Transcript, p. 19, lines: 25-27) or even whether the same person who complained to the Library had also complained to the City.

- Regardless of the true impetus of the request, it is undisputed that at Mr. Escobedo's request, on September 6, 2018, Ms. Calderon wrote an email to Ms. Duran requesting that the name of the event be changed from "Mexican Independence Day Celebration," to "Cultural Celebration" based on "feedback," in order to be more inclusive and to be consistent with the City's description of the event. (Attachment 13) It is undisputed that this email was not shared with Ms. Baiz or Ms. Ochoa.
- The City had referred to the 2017 event as a "Cultural Celebration" and had done so again in 2018. (Attachments 8 and 18) [After the parties ultimately agreed on a name change, in the City's memo addressed to various City employees and the Desert Sun dated September 13, 2018, they referred to the program as a "Hispanic Heritage Celebration." In none of the City's documents was the event in either 2017 or 2018 referred to as Mexican Independence Day Celebration.]
- Zone Manager, Ms. Duran, responded to Ms. Calderon with an email stating that she had intended to add other cultural events as part of a series but because she was promoted to Zone Manager she did not have time to do so. (Attachment 13) She did not initially agree to the name change in this email.
- Community Resources Manager, Ms. Calderon, wrote back to Ms. Duran stating that "*we totally support the event it is just the title that is causing an issue. 'Cultural Celebration' seems to be more inclusive and we are not challenged by members of our community on why we are not open to celebrate all heritages and religions.*" (emphasis added) (Attachment 13)
- Zone Manager, Ms. Duran, discussed the name change with Branch Manager, Ms. Baiz, the next day, on Friday, September 7, 2018. Ms. Baiz felt that the name "Cultural Celebration" was too confusing and that people would not know what the event was about. (Baiz Transcript (part I), p. 6, lines: 17-24) She therefore conducted an internet search and discovered that it was Hispanic Heritage Month from September 15 to October 15. (Baiz Transcript, p. 6, line: 27 and p. 7, lines: 1-5) In addition, the County EDA staff had ordered posters to advertise Hispanic Heritage Month and had sent those to the Library. (Sunio Transcript, p. 8, lines: 25 – 27) So, according to Ms. Baiz, it made sense to advertise the event in this manner. (Baiz Transcript (part I), p. 7, lines: 4-5)
- Ms. Baiz reviewed the program components with Ms. Duran and they did not make any changes. (Baiz Transcript (part I), p. 8, lines: 22-24)

- Ms. Duran did not seem happy about having to change anything because it was last minute, Ms. Ochoa had worked hard planning the event, and it was so well attended the previous year. (Baiz Transcript (Part I), p. 8, line: 25-27 and p. 9, lines: 1-8) But, after speaking with Ms. Sunio and Ms. Howison, they agreed to change the name. (Baiz Transcript, p. 9, lines: 1-2)
- Ms. Duran did not mention anything to Ms. Baiz about a complaint that the Mayor had received prior to the event nor was Ms. Baiz ever aware of an alleged complaint that the Mayor may have received prior to the event. (Baiz Transcript (part I), p. 10, lines: 12-22)
- Ms. Duran informed Ms. Calderon of the new suggested name change of “Hispanic Heritage” celebration on September 7, 2018. (Attachment 14) Ms. Duran wrote that Ms. Baiz understood the need for the name change since the Library had received a complaint about the event. (Attachment 14)
- On September 8, 2018, Ms. Baiz sent an email to staff regarding the change in title of the Mexican Independence Day celebration. (Attachment 15)
- Ms. Baiz spoke with Ms. Ochoa about the name change on September 10, 2018. She told her that the City wanted the name of the event to be changed to “Hispanic Heritage Celebration” in order to be more inclusive. (Ochoa Transcript, p. 22, line: 9 through p. 23, line: 2) Ms. Ochoa did not initially understand why they had to change the event because it was so well attended (by a diverse group) the prior year. (Baiz Transcript (part I), p. 5-16) However, she accepted the change ultimately.
- Ms. Ochoa changed the flyers and posted new ones. (Baiz Transcript (part I), p. 10, lines: 10-11) Other than changing the name and a few of the illustrations on the flyer, the flyer remained the same. (Ochoa Transcript, p. 21, line: 23 through p. 22, line: 7) The prior flyer had been posted for the past four weeks. (Ochoa Transcript, p. 20, lines: 5 – 7)
- Ms. Ochoa also met with Ms. Baiz to discuss changing the bookmark which she had created listing facts about Mexican Independence Day. (Attachment 17; Ochoa Transcript (part I): p. 23, lines: 6-20) That bookmark was changed in the heading but the facts remained the same with the exception of removing the statement that it is an “*event to celebrate Mexican heritage and culture of our neighboring country.*” (Ochoa Transcript (part I): p. 23, lines: 22-27)
- Ms. Ochoa also changed the introduction from the one she had given the previous year. Instead, she welcomed everyone to their Hispanic

Heritage Celebration, thanked the Friends of the Library, announced the events that were going to take place, and she introduced the Cesar Chavez ballet folklorico group. (Ochoa Transcript (part I), p. 26, lines: 7-14)

- On September 10, 2018, Ms. Ochoa informed Ms. Hassan that the name of the event had been changed to Hispanic Heritage. She also informed her that no reference to Mexican Independence Day will be made. (Attachment 16)
- Ms Hassan responded to Ms. Ochoa's email in a positive manner explaining that the school would also be celebrating a similar event but that they will be referencing Mexican Independence Day. Ms. Hassan mentioned that she was going to have one of the students make an oral presentation about the independence of Mexico and other Hispanic countries. She asked: "*Let me know if you still need to reference Mexican Independence Day.*" (Attachment 16)
- Ms. Ochoa responded that "*we are going to have activities but make no reference to the holiday celebration.*" (emphasis added) Ms. Ochoa intended her message to communicate that no presentations would be made, especially in light of the fact that Ms. Hassan's group was never slated to give a presentation and had not done so the prior year. (Attachments 10 and 16; Ochoa Transcript (part I), p. 30, lines: 3-5)
- Ms. Ochoa stated (and Ms. Baiz echoed) that although the City only requested a title change, she understood their request to mean that the program would match the change in title. (Ochoa Transcript (part I): p. 24, lines: 15- 27 and p. 25, lines: 1-13 and p. 27, lines: 15-27; Baiz Transcript (part I), p. 16 -17) However, this was an assumption on her part. It is found that it was reasonable for her to assume that if the goal was to make the title more inclusive, that the program would also be modified to reflect the title change. There was no discussion or further questions posed regarding how the title change would impact the program between Library and City staff. (Calderon Transcript (part I), p. 15, lines: 13-17; Escobedo Transcript (part I) p. 22, lines: 20-26 and p. 34, lines: 8-10)
- Ms. Ochoa and Ms. Baiz only made one modification to the bookmark that was going to be passed out which listed facts about Mexican Independence Day. (Baiz Transcript (part 1), p. 12, lines: 16-22) She did not contemplate any other changes, nor did Ms. Ochoa inform Ms. Hassan about any change to the performance that her group gave the prior year. (Attachment 16)

- Given the short timeframe within which the title was changed, there was no “meeting of the minds” regarding the event and the impact of the title change on the program.
- There was no evidence that the title change was prompted by a discriminatory motive. There was no evidence that any employees at the City had felt that celebrating Mexico and/or its independence was a concern. The request to change the name was motivated by an intent to make the title more inclusive and also likely prompted by a resident complaining or commenting about the event. However, even if prompted by such a complaint, that is not evidence of discrimination on the part of the City. City representatives credibly explained that they have received complaints in the past when they celebrate certain religious and cultural events and not others. Accordingly, they try to give titles to events which are more inclusive of all religions and cultures. (Calderon Transcript (part I), p. 5, lines: 3-9) This a legitimate concern for a City responsible for representing the residents of an entire city with a diverse population.
- There were four primary people involved in the title change: Mr. Escobedo, Ms. Calderon, Ms. Duran, and Lisa Baiz. Other than Ms. Baiz, the other three are of Mexican heritage. There was no evidence that any of these four individuals had a motive or interest in discriminating against individuals of Mexican heritage or national origin by changing the title of the event. The opposite was found to be true, especially with the Library staff who initiated the program and had celebrated it so successfully the previous year. Further, Ms. Duran and Ms. Baiz did not initiate the title change and only participated by suggesting the title be changed to Hispanic Heritage (rather than “Cultural Celebratoin”), but only in response to the City’s request.
- There was no evidence that the Mayor of La Quinta received a complaint, comment, or call from anyone regarding this event prior to the event. (Evans Transcript, p. 7, lines: 5-7; Baiz Trascript (part I) p, 10, lines: 12-23; Ochoa Transcript (part I), p. 40, lines: 6-18) The Mayor was not even aware of the event prior to receiving a complaint (other than what she read in a memo in which all City and Library events were listed) following the event nor was she aware that the Library called the event Mexican Independence Day Celebration (Evans Transcript, p. 6, lines: 19-23). Mayor Evans was also not aware that City staff had asked Library staff to change the name of the event. (Evans Transcript, p. 8, lines: 16-21) There was no evidence to support a contrary conclusion.
- **Summary of conclusions re pre-celebration discussions:** The City never requested more than a name change to the event. No one from the City told the Library staff that they were not to mention Mexican

Independence Day. Notwithstanding the foregoing, it was solely the request for a name change and the Library staff's, perhaps, overzealous attempt to comply with the City's (assumed) intent that led the Library staff to make any modifications to the flyers, the bookmark, and ultimately, the flags.

It can be clearly concluded that had it not been for the City's request for a name change, the Library staff would not have made any changes to the event and the advertisements, given that Library staff initiated the Mexican Independence Day Celebration to begin with and they had a successful celebration of the same event last year. (Ochoa Transcript (part I), p. 49, lines: 3-15) Assumptions by the Library staff, knowledge of the existence of a complaint from a member of the public at the Library (Baiz Transcript (part I), p. 12, lines: 3-8 and lines: 23-26), and frustrations with the last minute nature of the change, without further discussion or clarification, led to the staff's presumptions that Mexican Independence Day should not be specifically mentioned during the event. There was, however, no evidence of malicious or discriminatory intent on the part of any Library or City staff.

2. *Findings re Actual Celebration*

- The day of the event, parents and children arrived to the event approximately one hour early. It was scheduled to start at 1:30 p.m. (Ochoa Transcript (part I), p. 36, lines: 19-20)
- Children did not have a designated place to change and were changing between the bookshelves. (Ochoa Transcript (part I), p. 36, lines: 19-20)
- People were becoming restless apparently wondering when the program would start. (Ochoa Transcript (part I), p. 35, lines: 10-24)

i. *Findings regarding the use of flags*

- Prior to the children starting their dance, Ms. Hassan and Ms. Ochoa spoke about the use of the flags that Ms. Hassan brought. (Ochoa Transcript (part I), p. 32, lines: 4 – 17) Ms. Hassan brought twice as many participants as in the prior year so she had twice as many flags – Four total: two American, one Mexican, and one Cesar Chavez (for the school). (Hassan Transcript, p. 13, lines: 13-18 and p. 14, lines: 2-6) The prior year, she had only brought a Mexican and an American flag. The flags were important to the dance because the children knew to follow the children holding the flags. (Hassan Transcript, p. 13, lines: 20-23)

- Ms. Hassan and Ms. Ochoa provided slightly different statements regarding the initial exchange about the flags:
 - Ms. Hassan stated that Ms. Ochoa approached her and told her that they could not use the Mexican and Cesar Chavez flags. (Hassan Transcript, p. 14, lines: 15-27) Ms. Hassan then asked Ms. Ochoa to check with her supervisor. Ms. Ochoa then went and asked Ms. Baiz if Ms. Hassan can use the Mexican and Cesar Chavez flags.
 - Ms. Ochoa stated that it was Ms. Hassan who asked her if it would be alright for her to use the Mexican and Cesar Chavez flags. (Ochoa Transcript, p. 32, lines: 15-19) Ms. Ochoa stated that she was not the one who told Ms. Hassan she could not use those flags initially. Ms. Ochoa then told Ms. Hassan she would check with her supervisor, Ms. Baiz.² (Ochoa Transcript (part I), p. 32, lines: 20 – 26 and Hassan Transcript, p. 16, lines: 14-22) [*Please note: this is consistent with the email initially written by Ms. Duran to Ms. Calderon (Attachment 28) in which she wrote “Minerva did ask Lisa whether the Mexican and Cesar Chavez flag were okay.”*]
- When Ms. Ochoa checked with Ms. Baiz, she only asked Ms. Baiz if it would be alright if the group used the Mexican and Cesar Chavez flags. (Ochoa Transcript (part I), p. 32, lines: 1-4 and Baiz Transcript (part I), p. 14, lines: 6-12) Ms. Ochoa did not tell Ms. Baiz that the group also had two American flags that they were going to be using. (Baiz Transcript, p. 14, lines: 21-23) Therefore, in Ms. Baiz’s mind, the group was only going to be using two flags: the Mexican and the Cesar Chavez flags.
- Ms. Baiz understood the City’s request for a title change to be motivated by an effort to be more inclusive. She therefore felt that the use of a Mexican flag, to the exclusion of flags from other Hispanic countries, would not be consistent with the intent to make the event more inclusive. (Baiz Transcript (part I), p. 14, lines: 13-17) Similarly, she only associated the Cesar Chavez flag with Mexico and did not realize the students were from Cesar Chavez Elementary School. (Baiz Transcript (part I), p. 15, lines: 10-15) As a result, she told Ms. Ochoa that it would

² Ms. Hassan later stated that she was the one who told Ms. Ochoa to check with her supervisor if it would be ok to use the Mexican and Cesar Chavez flags. (Hassan Transcript, p. 30, lines: 13-21)

be better if Ms. Hassan did not use the flags. (Ochoa Transcript, p. 32, lines: 1-4; Baiz Transcript (Part I), p. 14, lines: 13-17) Ms. Baiz did not realize when she discussed this issue with Ms. Ochoa that Ms. Hassan needed the flags in order to perform the dance as rehearsed nor did she realize that Ms. Hassan also had two American flags that she intended to use.

- Ms. Baiz stated that her interpretation of the City's request to change the title of the event was likely influenced by her awareness of the resident complaint at the Library regarding Mexican Independence Day. (Baiz Transcript (part I), p. 12, lines: 3-6 and lines: 23-26)
- Based on the direction from Ms. Baiz, Ms. Ochoa informed Ms. Hassan that she could not use the Mexican and Cesar Chavez flags. (Ochoa Transcript, p. 32, lines: 4-6)
- This conversation occurred immediately prior to the start of the program and there was not a great deal of discussion about the matter since there were already seemingly restless parents in the audience. (Ochoa Transcript, p. 33, lines: 19-27)
- Ms. Hassan accepted what Ms. Ochoa told her at the time but also explained that the children needed the flags in order to do their dance. (Ochoa Transcript, p. 33, lines: 6-8; p. 49, lines: 3-7 and Hassan Transcript, p. 15, lines: 6-7) She then asked Ms. Ochoa if she had other flags that she could use. (Ochoa Transcript, p. 33, lines: 6-8 and Hassan Transcript p. 15, lines: 7-9)
- Ms. Ochoa then told her that she only had American flags and no flags from other countries. (Ochoa Transcript, p. 33, lines: 8-10 and Hassan Transcript, p. 15, lines: 8-10) Although Ms. Hassan claims that Ms. Ochoa told her that only American flags are allowed in the Library (Hassan Transcript, p. 15, lines: 7-9), this was not a substantiated statement since Ms. Hassan, by her own admission, as well as evidenced by a photograph from the 2017 event, stated that she had used a Mexican flag during the 2017 performance at the Library. (Attachment 7 and Hassan Transcript, p. 7, lines: 12-16)
- Because Ms. Hassan needed some flags (four total), she accepted Ms. Ochoa's offer. (Ochoa Transcript, p. 33, lines: 8-10 and Hassan Transcript, p. 15, lines: 8-11) Ms. Ochoa did not check with Ms. Baiz again to see if using

two American flags in addition to two other American flags was acceptable. (Baiz Transcript, p. 14, lines: 15, lines: 2-4) [***Please note:*** *This is also consistent with the “clarification” email (Attachment 28) from Ms. Duran to Ms. Calderon in which she wrote that Ms. Ochoa did not consult with Ms. Baiz on the use of “American flags.” She did, however, consult with her on the use of Mexican and Cesar Chavez flags initially but did not go back to ask if Ms. Baiz was ok with the group using only American flags in the place of the Mexican and Cesar Chavez flags.*]

- Ms. Hassan’s group then performed the dance using four American flags.
- No one at the Library required or told Ms. Hassan to only use American flags or to use them at all.
- The fact that Ms. Hassan ended up using four American flags was solely due to poor communication in that not all of the necessary information was provided to all involved in making the decision. Had the discussion occurred between Ms. Hassan, Ms. Ochoa and Ms. Baiz well in advance of the start of the performance, it is likely that there would have been a different outcome. Ms. Baiz’s mindset was that she did not want to only use the Mexican and Cesar Chavez flags to the exclusion of others. If she had known that the dance also included American flags, this may have led to a different outcome.
- Library staff were placed in a position where they had to make split-second decisions that they did not, and could not, have anticipated coming up prior to the event.
- It is undisputed that City staff did not attend the event nor did any of its elected officials.

ii. *Findings regarding oral presentation by student*

- With regard to the presentation that Ms. Hassan asked one of the students to give, Ms. Ochoa stated that in the previous year, Ms. Hassan did not have a student speak. (Ochoa Transcript, p. 34, lines: 15-16) So, this was not a change in the program. And, Ms. Ochoa stated that she had only asked Ms. Hassan to have her group dance and play music and that it was never the Library’s intent to have anyone from her group give a presentation. Ms. Ochoa was the only one who was involved in the decision regarding allowing one of Ms. Hassan’s students to give a

presentation. (Ochoa Transcript (part I), p. 34, lines: 1-4 and Baiz Transcript (part I), p. 15, lines: 20-23)

- Ms. Ochoa explained that she was the only one who decided what the program consisted of and that she never requested that Ms. Hassan's group give a presentation. She therefore told Ms. Hassan at the beginning when she arrived that no presentation will be given and that they were just going to do the *ballet folklorico* and then the Mariachi is going to play. (Ochoa Transcript (part 1), p. 31, lines: 2-7 and p. 36, lines: 10-23) This was not based on the City's request for a title change, but simply because that was never contemplated by Ms. Ochoa to be part of the program. (Ochoa Transcript (part I), p. 34, lines: 4-10 and p. 46, lines: 19-26) Ms. Hassan stated that Ms. Ochoa told her that they were not allowed to give the presentation because the program is not about Mexico but about Hispanic culture. (Hassan Transcript, p. 15, lines: 19-24)
- Ms. Hassan did not protest or complain to Ms. Ochoa at the time regarding not being able to give a presentation because they had to being the performance. (Hassan Transcript, p. 15, lines: 21-24)
- However, again, Ms. Baiz, Ms. Duran, and Ms. Ochoa never specifically asked City staff if they could still mention Mexican Independence Day on the flyer or during the presentation. Mr. Escobedo stated that had they sought that clarification, he would have told them that it would have still been acceptable for them to reference Mexican Independence Day. (Escobedo Transcript, p, 5, lines: 2-7) However, his statement is somewhat undermined by Ms. Calderon's email from September 6, 2018 which specifically stated that the title "not be specific to Mexican Independence Day."
- Thus, while the Library staff made some reasonable assumptions regarding modifications to the performance based on the title change, the City never requested those changes, and the issue was never specifically discussed among representatives of the two entities.
- There was no evidence that Ms. Ochoa had a discriminatory intent when she informed Ms. Hassan that no one would be making a presentation. Ms. Ochoa was the one who initiated the Mexican Independence Day celebration and she wanted to specifically celebrate that event as she had done so successfully the previous year.

- Ms. Ochoa is Mexican-American. (Ochoa Transcript, p. 8, line 7-10)

iii. *Findings About Program in General*

- Ms. Hassan did introduce the school and each of the dances that the group performed. (Hassan Transcript, p. 16, lines: 25-27)
- It is undisputed that, with the exception of changing two of the flags from Mexican and Cesar Chavez flags to American flags, none of the dances or music were changed. (Hassan Transcript, p. 34, lines: 18-24) All dancing and music remained as rehearsed by Ms. Hassan and her group. (Hassan Transcript, p. 18, lines: 15-19 and p. 19, lines: 19-23)
- It is undisputed that the group was not asked to perform any American music or American dances during the September 15, 2018 celebration.

3. *Findings re Discussions After Celebration*

- Ms. Ochoa and Ms. Hassan both recall a discussion about the event and what would happen next year with the event, but they provided significantly different accounts of their exchange. Those accounts are summarized herein.
 - Ms. Hassan stated as follows:
 - Parents came up to her after the performance and asked why things had been changed and why the flags were removed. (Hassan Transcript, p. 20, lines: 19-21)
 - Ms. Hassan stated that Ms. Ochoa told her that “*someone had complained to the City that they were receiving orders to, you know, let me see because I wrote everything down. I don’t know why I’m saying that. She said that they had received orders from the City Mayor. That I have received information from the City to change the way they present public performance at the library because one person had gone to the City Mayor*”³

³ During the interview, Ms. Hassan used the terms “the City” and the “City Mayor” interchangeably. Given Ms. Ochoa’s credible and clear recollection that she never referred to the Mayor being involved (primarily because she did not actually believe the Mayor to be involved), it is concluded that Ms. Hassan understood Ms. Ochoa’s statement that “someone at the City” had received a complaint, as presumably being the Mayor, as the head representative of the City. Ms. Hassan later stated during her

complaining of singing celebrations that depict Mexican or Hispanic culture at the public library.” (Hassan Transcript, p. 20, lines: 26-27 and p. 21, lines: 1-5).

- Ms. Hassan was further aware, allegedly from Mr. Ochoa, that someone had said that if they “*love so much Mexico, they should go back to Mexico.*”
- Ms. Hassan also stated that Ms. Ochoa told her that next year, perhaps they can add some more patriotic music to their performance like “*It’s a small world.*” (Hassan Transcript, p. 22, lines: 21 -24 and p. 22, lines: 1-4)
- Ms. Hassan then stated that she sarcastically added: “*Oh and maybe Yankee Doodle.*” Ms. Hassan stated that she was the one to suggest Yankee Doodle but only because she was frustrated and she did so in a joking manner. (Hassan Transcript, p. 22, lines: 4-7) Ms. Hassan stated that she could not change the dances that they perform and the music is hard to learn for young kids and it did not fit with her style of performance. (Hassan Transcript, p. 23, lines: 9-16 and p. 25, lines: 10-16)
- Ms. Hassan’s representation that performing “Yankee Doodle” is not consistent with what her group does was contradicted by the fact that the Mariachi who performs with Ms. Hassan’s group at other locations, including the Indio branch of the Library, performs “Yankee Doodle.” (Frias Transcript) Indio Branch Manager, Dolores Frias, stated that Ms. Hassan’s group and this Mariachi have performed at her library for *Dia del Niños* since 2014 or 2015 and the mariachis always perform “Yankee Doodle.” No one from the Library asked the group to perform “Yankee Doodle”; it is just part of their program according to Ms. Frias. (Frias Transcript)
- Ms. Hassan stated that Ms. Ochoa did not tell her that the group would not be invited back next year. (Hassan Transcript, p. 23, lines: 3-7)

interview: “We didn’t know if it really came from her or somebody else, but someone, whoever gave that order had to know we represent the community.” (Hassan Transcript, p. 35, lines: 14-16) Again, this statement expressed uncertainty, on Ms. Hassan’s part, as to who at the City had received the complaint.

- Ms. Ochoa, on the other hand, stated as follows:
 - Ms. Ochoa stated that she did speak with Ms. Hassan but that it was at her home where she went after the event (on the same day) to drop off a guitar case that one of the students had left behind, and not at the Library. (Attachment 22; Ochoa Transcript (part I): p. 37, lines: 13 – 16)
 - Ms. Ochoa did not notice that any parents or that Ms. Hassan were upset during or immediately after the event. (Ochoa Transcript (part I), p. 35, lines: 7-9 and p. 42, lines: 17-25 and Baiz Transcript (part I) p. 22, lines: 17-20) She had the impression that everyone enjoyed the performance and was surprised to later hear that there was a complaint.
 - Ms. Ochoa stated that while at Ms. Hassan’s home, she and Ms. Hassan did discuss adding some songs that are more “inclusive” the following year. It was Ms. Hassan who said that “*next year, [she] thinks [she’s] going to bring all the flags from the different Hispanic Heritage and do this dance.*” According to Ms. Ochoa, Ms. Hassan then began to hum what sounded to her like “It’s a small world” and Ms. Ochoa then said, “Oh, maybe like ‘It’s a small world?’” (Ochoa Transcript (part I), p. 37, lines: 15 – 26 and p. 38, lines: 1-6)
 - Ms. Ochoa never suggested they play or perform “Yankee Doodle.” This was not disputed by Ms. Hassan. However, Ms. Ochoa went further to state that they never even discussed “Yankee Doodle.” (Ochoa Transcript (part I), p. 37: lines: 8- 18)
 - Prior to the performance, Ms. Ochoa told Ms. Hassan that she did not know if they would do the program next year but she did not tell her that they would not be invited back next year. This was not disputed by Ms. Hassan. Ms. Ochoa meant that either the Library would not host the event next year or she might not be in charge of it. (Ochoa Transcript, p. 36, line: 24 through p. 37, line: 9) She did not know what the City’s intentions with the program were when she made this statement.
 - Ms. Ochoa did not mention anything about the Mayor during her conversation with Ms. Hassan.

She did not believe that the Mayor was involved at all. (Ochoa Transcript, p. 40, lines: 13-16) She stated she was certain that she never mentioned anything about the Mayor to anyone. (Ochoa Transcript, p. 40, lines: 17-24 and p. 41, lines: 3-5)

- Prior to the performance, Ms. Ochoa did tell Ms. Hassan that “someone” had made a complaint about the celebration, but she did not state what the gentleman had said. (Ochoa Transcript, p. 43, lines: 19-26 and p. 44, lines: 4-15). She stated that she specifically did not mention what he had said because she did not “*want it to blow up and, you know, have people be really upset.*” (Ochoa Transcript (part I), p. 44, lines: 14-15)
 - At some point, Ms. Ochoa recalled telling Ms. Hassan that it was “the City” that had requested the name change, but she could not recall when exactly. (Ochoa Transcript (part I), p. 48, lines: 6 -13)
 - Ms. Ochoa recalled that after the event, one of the parents (later identified as Ms. Paz) approached her to ask who owned the Library but nothing else. (Ochoa Transcript, p. 38, lines: 20 -27)
- Silvia Paz, member of the school board and parent of two participating children, stated that after the performance, Ms. Hassan, in the presence of Ms. Ochoa, spoke to the parents who were around. . (Paz Transcript, p. 8-9)
 - Ms. Paz said that Ms. Hassan stated that Ms. Ochoa had explained that the reason that they had to change the program was because the Mayor had received a complaint about the scheduled celebration. . (Paz Transcript, p. 8-9)
 - Ms. Hassan, according to Ms. Paz, stated that someone had said that “*if they wanted to celebrate Mexican culture, they should go back to Mexico*” which was why the City wanted the name changed. . (Paz Transcript, p. 8-9)
 - Ms. Paz also heard Ms. Hassan say that, in the future, if they wanted to be invited back, they needed to sing more patriotic songs like “Yankee Doodle.” Because Ms. Ochoa did not correct Ms. Hassan, Ms. Paz assumed that what Ms. Hassan stated was accurate. (Paz Transcript, p. 8-9)

- Ms. Paz did not hear Ms. Ochoa say anything. (Paz Transcript, p. 11, lines: 1-8)
- Ms. Paz stated that she heard Ms. Hassan say that the group would not be invited back but this statement was not substantiated by Ms. Hassan. Ms. Paz stated that while other parents were around, she did not know any of them. She did not recall anyone else commenting on the situation. (Paz Transcript, p. 12, lines: 1-3)
- Ms. Paz stated that the students, in her opinion, were denied their freedom of expression and they “were not allowed to do what they had practiced so hard to do.” (Paz Transcript, p. 13, lines: 1-5)
- Ms. Ochoa credibly stated that if such a discussion between Ms. Hassan and Ms. Paz and the other parents after the event occurred, she did not hear it. She stated that there was a great deal of commotion after the program. (Ochoa Transcript (part II), p. 12, lines: 2-22)
- **Summary of conclusions re discussions between Ms. Hassan and Ms. Ochoa:** In spite of the differences in the accounts between Ms. Hassan and Ms. Ochoa, the following facts are found based on the consistencies: (1) that Ms. Ochoa never told Ms. Hassan that her group would not be invited back next year, (2) that Ms. Ochoa told Ms. Hassan that someone from the City had requested the change in the title, (3) that Ms. Ochoa told Ms. Hassan that someone had complained about the celebration (but not the Mayor), (4) that, if anyone mentioned “Yankee Doodle” at all, it was Ms. Hassan and not Ms. Ochoa who suggested that they perform “Yankee Doodle” in the future (albeit sarcastically); and (5) the mariachi who performs with Ms. Hassan’s group performs “Yankee Doodle” at the Indio Branch Library.

It is also concluded by a preponderance of the evidence, that Ms. Ochoa likely mentioned the specifics of the complaint that the Library had received to Ms. Hassan. This conclusion is based on the fact that (1) Ms. Hassan was aware of the specific complaint that if “*they love Mexico so much, they should go back*”; (2) only Ms. Baiz and Ms. Hassan were aware of this complaint at the time; (3) the responses from Ms. Hassan and the parents were likely triggered by knowledge of this complaint rather than solely the change in flags, and (4) Ms. Hassan never spoke with Ms. Baiz so the only source of this information would have been Ms. Ochoa. (Baiz Transcript, p. 13, lines: 15-16) The only other potential source of Ms. Hassan’s knowledge of the complaint at the Library could have been her conversation with Mr. Hernandez with whom

Ms. Baiz spoke the week of September 17, 2018 (Attachment 24) and who had also spoken with Ms. Hassan (according to what Mr. Hernandez told the investigator over the phone).

- It is also found that, in general, Ms. Hassan was imprecise and relatively vague in her recollection of the events and her account of what occurred shifted throughout the interview, adding details and changing what was said by the individuals involved. Conversely, Ms. Ochoa was very clear and consistent in her recollection of the events (in both interviews that were conducted) and came across as very credible in her demeanor. She did not overstate information and she readily admitted when she did not recall certain events well.
- To avoid similar situations from occurring in the future, Library staff is in the process of creating a form to be used to help clarify the expectations of all parties with respect to events put on by the Library.

4. Findings re Complaints About the Event

- Ms. Hassan stated that parents complained to her about having to change the flags immediately after the event. (Hassan Transcript, p. 26, line: 13 to p. 27, line: 2)
- Ms. Hassan stated that her school's principal was aware of complaints from the parents by the time she arrived to school the following Monday, September 17, 2018. (Hassan Transcript, p. 27, lines: 1-4)
- Although Ms. Aguilar-Galceran wrote an email to the Mayor expressing concerns about the event on September 18, 2018 (Attachment 3), she did not attend the event, although she knew people who did and received information from them (including Sarah Hassan, Ms. Hassan's daughter who attended the event) and she authored the email because she is a resident of La Quinta. (Aguilar-Galceran Transcript)
- Mr. Hernandez received the forwarded complaint from Ms. Aguilar-Galceran but did not receive any other complaints directly from residents. When he spoke with Ms. Baiz about a letter regarding the mayor, he was referring to Ms. Aguilar-Galceran's email. (Attachment 30)
- According to Ms. Hassan, it was the lack of response from the Mayor to Ms. Aguilar-Galceran's email that prompted the school superintendent to also write an email to the Mayor. (Attachment 25)

- On November 1, 2018, Coachella Valley Unified School District Board member, Jesus Gonzalez also sent an email in which he complained about his daughter not having been permitted to make her presentation about Mexican Independence Day. (Attachment 56)

B. Victor Villasenor’s Presentation at the La Quinta Library in January 2016

- Mr. Villasenor’s account of his experience at the Library was starkly different than what the media reported.
- Mr. Villasenor was “very upset” with the media for the manner in which they “manipulated” him into making certain statements which he adamantly disagreed with. (Villasenor Transcript, p. 1, lines: 24-27)
- Ms. Ochoa initiated the contact with Mr. Villasenor to come and speak at the Library. (Duran Transcript, p. 9, lines: 3-10)
- She arranged through his manager, Linda Villasenor, that he speak for one hour starting at 4:00 p.m. on January 30, 2018. (Attachment 33; Duran Transcript, p. 10, lines: 19-21)
- His rate for speaking was \$1,000. (Attachment 33)
- Mr. Villasenor was told that he could not sell books inside the Library because they had not established how they would have the authors do that. (Duran Transcript, p. 9, line: 27 through p. 10, lines:1-2) He did not appear upset when he was told this. (Duran Transcript, p. 14, lines: 3-11)
- The Library closes at 6:00 p.m. (Duran Transcript, p. 12, lines: 1-4)
- Mr. Villasenor spoke until Library closing (so, for one hour longer than agreed to) and Ms. Duran gave him fifteen and ten-minute warnings by flashing her fingers up to him in the back of the room. (Duran Transcript, p. 12, lines: 8-13)
- Once the Library closed, Mr. Villasenor was not asked to leave. (Villasenor Transcript, p. 2, line: 15) Rather, the Library was just closed and he was told that he could continue his presentation outside of the Library, which he did. (Duran Transcript, p. 12, lines:20-26)
- Mr. Villasenor was told that he could not sell his books inside the Library which he accepted and did not take issue with. (Villasenor Transcript, p. 2, lines: 16-21)
- Regarding being asked to not display the Mexican flag, Mr. Villasenor stated *“I’ve never carried a flag in my life. I would never carry the Mexican flag. I’m an American. I was born and raised here. If I carry*

both flags, okay. But, I would never carry the Mexican flag by itself. I don't carry flags. I'm a global writer and we're – there's only one race, the human race, and that's what I stand for. There are different cultures, but there's –we're all one people.” (Villasenor Transcript, p. 2, lines: 23-26)

- Mr. Villasenor was only paid for one hour, as agreed to by his manager and the Library staff, even though he was allowed to speak for two hours. (Duran Transcript, p. 12, lines: 16-19)
- Mr. Villasenor stated that he had nothing but a positive experience at the La Quinta Library and has nothing but respect for librarians. (Villasenor Transcript, p. 2, lines: 8-12)

This concludes the Report.

Respectfully submitted,

WOODRUFF, SPRADLIN & SMART
A PROFESSIONAL CORPORATION



BY: _____
BARBARA RAILEANU, ESQ.

Enclosures