

Plus prize if your ticket has:

- ▶ Two numbers and the Meganumber
- ▶ Four numbers without the Meganumber
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SuperLotto Plus: DID YOU WIN?

WEDNESDAY, MAY 7, 2007

26

45

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Y DERBY: 1st Place: 2, Lucky Star. 2nd Place: 9, Winning Spirit. 3rd Place: 5, Calif. Classic. Race time: 1:44:59

LATHROP

Hearing officer withdraws from wrongful-termination case

By ROSE ALBANO RISSO

City editor of the

MANTECA (CALIF.) BULLETIN

LATHROP — The hearing officer selected by the Lathrop City Council in the Matt Browne wrongful-termination complaint “withdrew” himself on Monday from the proceedings.

The Manteca Bulletin has learned that the June 2-4 hearings will now be postponed as a result of this latest development in the former chief building officer’s “name-clearing public hearing” as described by San Francisco personnel and public-employee attorney Ellen Mendelson who is representing Browne.

Lathrop public information officer Mike Esau confirmed that administrative law judge Tom Brown has notified the city about stepping down from the public hearing.

Commenting about Brown’s decision to remove himself from the hearing, Mendelson said, “He did the right thing — ethically — but these all should have been disclosed to me by the counsel to the city.”

Mendelson was referring to a conflict of interest between the hearing officer and Michael G. Colantuono of Penn Valley, Calif., the attorney representing the city in the Browne hearing.

Brown resigned, said Mendelson, “because I challenged him” about his suitability in being the hearing officer, pointing out to him the provisions of the civil procedure that may disqualify him.

She said she was concerned about Colantuano’s relationship with Brown which, as it turned out from her research, showed that the two are “buddies,” a fact that could impact a fair hearing for her client.

The four-member council voted unanimously in April to have Brown as the public-hearing officer.

Mendelson has recommended Doug Barton, a well-known employment attorney from San Francisco, to replace Brown as the hearing officer. Which means, it’s back to square one for this phase of the hearing. Colantuano will go back to the council which will then again decide whether Barton should be the one to take over Brown.

Colantuano is set to meet with city officials over this matter on May 20.

Brown’s resignation will definitely delay the hearing, Mendelson said.

But, she added, “I don’t know how this is going to play out now. My goal is to get Matt (Browne) his job back.”

Mendelson said the issue

over Browne’s termination is not a discrimination case but an appeal over his termination “without due process of law.”

With the prospect of a new hearing officer selected to preside over the proceedings, Mendelson said that she is “absolutely” optimistic this time that the hearing will be open to the public as her client has strongly demanded. In an earlier interview, Mendelson said that her client “has nothing to hide.”

The charges leveled against Browne, she said, are charges that will affect his future employment and his reputation, which is why it is highly important that the hearing officer be “impartial” and “uninvolved.”

Until his termination in February following his roughly seven-month administrative leave with pay, Brown has been a Lathrop city employee for 15 years. In addition to being a building inspector, he was Chief Building Official and, at one time, did double duty as Chief Building Official and Acting Public Works Director at one time. Before joining the ranks at City Hall, he worked as a building contractor.

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