

Fwd: RE: Notice of LDF referral - Ernest Marugg; Case # 10-2391; San Diego Deputy District Attorney's Association

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To:

Sun, Nov 7, 2010 at 10:26 PM

- > From: Richard H Castle Jr. <rcastle@castlelaborlaw.com>
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- > CC: "ernie.marugg@cox.net" <ernie.marugg@cox.net>
- > Date: Fri, 1 Oct 2010 19:13:03 -0400
- > Subject: RE: Notice of LDF referral - Ernest Marugg; Case # 10-2391; San Diego Deputy District Attorney's Association
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- > PRIVILEGED ATTORNEY - CLIENT CONFIDENTIAL COMMUNICATION
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- > This will serve as a status report, as required by LDF, on the above referenced case. Mr. Marugg retired from his position effective October 1, 2010. The file can be closed.
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- > Deputy District Attorney Marugg was the subject of a departmental investigation into allegations that he misused public resources and maintained inappropriate relations with former defendants on Workers Compensation cases as well as the release of confidential information. This was a very serious investigation. The Special Operations team that investigated the allegations advised Deputy Marugg of 36 prospective witnesses to be interviewed.
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- > Deputy Marugg is 69 years old. He has been in the DA's office for the past 10 years and was in the office many years prior but left to go into private practice. He returned and was anticipating retirement the end of next year.
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- > After spending many hours with Ernie on several occasions, we attended a lengthy interview which did bring out some very damaging information. I personally never felt he was culpable of having inappropriate relationships with several former defendants because of the lapse of time since the cases he was handling had concluded. However, on one occasion, he did divulge information that was confidential which constituted serious misconduct and potentially a Penal Code violation. During a number of telephone calls with the Human Resources Counsel, who I do know professionally, the department was also concerned about the potential for a State Bar investigation. This concern was and is shared by Ernie and myself. The Bar apparently made an inquiry 6 months ago or so but no contact has been made since. The complainants, a former female defendant and her husband, had initiated a written complaint to the DA's office and numerous other agencies, including the State Bar.
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- > Deputy Marugg made a wise decision to discontinue his employment by retiring rather than forcing the department to complete the investigation and rendering a finding.....it would have been very damaging to Ernie. No "Skelly" letter ever issued nor was there ever a "Skelly" Hearing.
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- > By retiring, Ernie isn't guaranteed the State Bar won't investigate the matter but the chances of that occurring are lowered very significantly. The Department, according to my understanding, will not be sending anything to the Bar and if the Bar contacts the department, they will be advised Ernie retired and is no longer employed by the office.
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