

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
Kenneth Doran  
13300 Eikhorn Tr. G-13  
Palm Desert, CA 92211  
TELEPHONE NO.: 760-438-2241 FAX NO.:  
ATTORNEY FOR (Name):

FOR COURT USE ONLY  
**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE  
FEB 19 2016  
M. Allen

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside  
STREET ADDRESS:  
MAILING ADDRESS: 3255 Takapita Canyon Way  
CITY AND ZIP CODE: Palm Springs, CA 92262  
BRANCH NAME:

CASE NAME: Doran v. City of Palm Desert

CIVIL CASE COVER SHEET  
 Unlimited (Amount demanded exceeds \$25,000)  
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation  
 Counter  Joinder  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

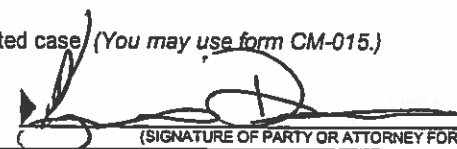
CASE NUMBER: **PSC 1600749**  
JUDGE:  
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- |   |   |  |
|---|---|--|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><b>Other P/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other P/PI/D/W/D (23)<br><b>Non-P/PI/D/W/D (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input checked="" type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-P/PI/D/W/D tort (35)<br><b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <b>Contract</b><br><input checked="" type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b><br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |
|---|---|--|

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive
4. Number of causes of action (specify): 1
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case (You may use form CM-015.)

Date: 2/19/16  
Kenneth Doran  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

City of Palm Desert

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Kenneth Doran

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

FEB 19 2016

**M. Allen**

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): 3255 Tehquitz Canyon Way  
~~Palm Desert, CA~~  
Palm Springs, CA 92262

CASE NUMBER:  
(Número de caso) PSC 16 00749

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Kenneth Doran 43300 Elkhorn Tr. Apt. G-18 Palm Desert, CA 92211  
760-428-2241

DATE: FEB 19 2016  
(Fecha)

Clerk, by M. Allen, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED:** You are served

- 1.  as an individual defendant.
- 2.  as the person sued under the fictitious name of (specify):  
City of Palm Desert
- 3.  on behalf of (specify):

- under:
- CCP 416.10 (corporation)
  - CCP 416.20 (defunct corporation)
  - CCP 416.40 (association or partnership)
  - other (specify):
  - CCP 416.60 (minor)
  - CCP 416.70 (conservatee)
  - CCP 416.90 (authorized person)

- 4.  by personal delivery on (date): 2/19/16



1 B. The Court has jurisdiction over both Petitioner and  
2 Respondent because all principals are California  
3 residents.  
4

5 C. Venue is proper because the cause of action stated herein  
6 occurred in this judicial district.

7 D. Venue is further proper in this Court because:

8 1. The alleged violation(s) occurred in the County of  
9 Riverside.

10 2. City of Palm Desert has its City Hall location and  
11 conducts its operations in the County of Riverside.  
12

13 3. Kenneth Doran resides in the City of Palm Desert and  
14 the County of Riverside.  
15

16 **PARTIES**

17 3. Kenneth Doran is an individual who resides in the County of  
18 Riverside, State of California,

19 4. City of Palm Desert is a California Municipality with place  
20 of business located in the County of Riverside, State of  
21 California.  
22

23 5. Petitioner is informed and believes and thereon alleges  
24 that at all times herein mentioned, each of the Respondents  
25 mentioned herein was the agent and employee and was at all  
26 times acting within the purpose and scope of such agency  
27 and employment.  
28

1 **FACTUAL ALLEGATIONS**

2 Petitioner alleges the following actions:

3 6. On or about March 20, 2015, the Respondent, through council  
4 action, renewed the city manager's contract even though the  
5 city manager (John Wohlmuth) violated the terms and  
6 conditions set forth in his current contract; specifically,  
7 to obey all laws in the performance of his duties. The city  
8 manager violated city of Palm Desert Municipal Code Title  
9 II, Chapter 2.52.205 (herein after "Municipal Code")  
10 governing the recruitment and selection of city employees  
11 (Municipal Code attached hereto). On or about April 15,  
12 2012, the city manager created the position of Tourism and  
13 Marketing Manager with a top salary of \$120,000 per year.  
14 The city manager ignored the process and procedures as  
15 defined in the Municipal Code by giving the job to a  
16 current employee (Donna Gomez) who does not hold a college  
17 degree and had no experience in tourism or marketing;  
18 thereby, violating his contract, Municipal Code and the  
19 residents of the city of Palm Desert's public trust.  
20  
21 Petitioner will present evidence demonstrating the position  
22 in a similar local government agency would require a  
23 minimum of a bachelor's degree in a related field with an  
24 advanced degree preferred with a minimum of five (5) years  
25  
26  
27  
28

1 of progressively responsible experience in tourism or  
2 marketing. Plaintiff asserts the city council and Mr.  
3 Wohlmuth knew or should have known this action would be a  
4 violation of Municipal Code and an affront to Palm Desert  
5 residents.  
6

7 7. On or about February 10, 2009, the city council violated  
8 Municipal Code when they failed to hold recruitment for the  
9 position of city manager, instead giving the job to John  
10 Wohlmuth. Mr. Wohlmuth was not currently working as an  
11 employee of the city of Palm Desert, so holding an internal  
12 recruitment would not be a valid reasoning for ignoring the  
13 law. Petitioner asserts the city council and Mr. Wohlmuth  
14 knew or should have known this action would be a violation  
15 of Municipal Code. Plaintiff retains a sealed and postmark  
16 stamped envelope with a date of May 23, 2008, the letter  
17 inside stating the city council would give the job of city  
18 manager to Mr. Wohlmuth. Such evidence indicating six (6)  
19 months prior to the announcement of Mr. Wohlmuth as the new  
20 city manager would lend credence that the city council and  
21 Mr. Wohlmuth never had any intention of following the  
22 Municipal Code. A personal relationship between Mr.  
23 Wohlmuth and former city councilman Richard Kelly were so  
24 close that violations of the Municipal Code occurred when  
25  
26  
27  
28

1 Mr. Wohlmuth was promoted to the position(s) of  
2 Environmental Services Manager, Assistant to the City  
3 Manager and Assistant City Manager in his previous  
4 employment with the city of Palm Desert.  
5

6 8. On or about March 20, 1997, the city of Palm Desert created  
7 and held recruitment, limited to current employees, for the  
8 position of Business Assistant Specialist with two (2)  
9 vacancies available. The city went through the application  
10 and selection process; subsequently, announcing the two (2)  
11 successful candidates: Frankie Riddle and Locke Witte.  
12 Several weeks later and for speculative reasons, it was  
13 announced there would be a second round of interviews. A  
14 new interview panel was assembled with city councilman  
15 Robert Speigel as a member. Upon conclusion of the  
16 interview and consultation process, it was announced the  
17 successful candidates for the position would be: Donna  
18 Gomez and Locke Witte. As the city previously announced  
19 Frankie Riddle as one (1) of the successful candidates, it  
20 was necessary for the city to give Ms. Riddle another job.  
21 Ms. Riddle was moved from Business Assistance Clerk to  
22 Secretary to the Assistant City Manager. Petitioner asserts  
23 there were multiple ethical and Municipal Code violations  
24 in this recruitment.  
25  
26  
27  
28

1 9. Petitioner alleges that between July, 1, 1995 and March 20,  
2 2015, there have been approximately 15 to 35 additional  
3 violations of the city of Palm Desert Municipal Code Title  
4 II, Chapter 2.52.205. The city council and staff violated  
5 Municipal Code in their pursuit to fill the positions and,  
6 in many cases, the qualifications of the person giving the  
7 position is certainly suspect and not within industry  
8 standards. Assistant City Manager and Visitor Center  
9 Manager are some of the known positions that did not adhere  
10 to the Municipal Code; through discovery, the names,  
11 positions, exact dates and actions taken of those positions  
12 and many other positions will be ascertained.  
13  
14

15 **POINTS AND AUTHORITIES**  
16

- 17 10. Petitioner submits this request for Ordinary Mandate (CCCP  
18 §1085) and Administrative mandate (CCCP §1094.5)  
19  
20 11. Petitioner files jointly for an ordinary and  
21 administrative mandate as provided under Conlan v. Bonta,  
22 102 Cal.App.4th 745, 751-52 (2002)  
23  
24 12. Petitioner asserts the number of violations of the  
25 Municipal Code and the conduct of those named and to be  
26 named reveal a complete disregard for the city's rules and  
27 regulations pertaining to the recruitment and selection of  
28 city employees.



- 1 13. Council members and city staff entrusted to perform to the  
2 highest ethical and legal standards recklessly compromised  
3 their duties and responsibilities to the residents of the  
4 city of Palm Desert.  
5
- 6 14. Inappropriate conduct on behalf of council members and  
7 city staff has resulted in the misappropriation of city  
8 funds in amounts far exceeding \$3,000,000.  
9
- 10 15. Through discovery, it may be revealed the number and scope  
11 of improper actions could rise to the level of  
12 institutional fraud and corruption; thereby, elevating  
13 certain actions from civil liabilities to criminal acts.  
14
- 15 16. The Statute of Limitations for government corruption is  
16 six (6) years as provided under California Penal Code  
17 Section 801.1 as well as criminal prosecution as provided  
18 under California Penal Code Section 92-100 as well as 18  
19 USC 3282 and 18 USC §§1341, 1343, 1346.  
20
- 21 17. Petitioner asserts there is a compelling public interest  
22 in holding public officials accountable; thereby,  
23 petitioner seeks a jury trial to ascertain the number of  
24 improper actions and the financial cost to the citizens of  
25 Palm Desert.  
26
- 27 18. Transcripts from the trial proceedings will be sent to the  
28 Riverside County District Attorney and the State of

1 California Attorney General for possible criminal  
2 prosecution under California Government Code Title 1,  
3 Article 2 Section 815.3 (liability of public entities in  
4 violation of law and wrongful conduct, Title 1, Article 3,  
5 Section 820.9 (liability of individuals if guilty of  
6 actual fraud, corruption and malice) and Title 4, Article  
7 6, Section 45200-45210, (violation of law for  
8 inappropriate conduct in the hiring of employees).

9  
10  
11 19. Petitioner requests the reimbursement of the costs of this  
12 action including reasonable attorney's fees.

13  
14 Dated: February 17, 2016

Respectfully Submitted,

15  
16 By: 

17  
18 Kenneth Doran

19 Plaintiff in Pro Persona  
20  
21  
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24  
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28

Title 2 ADMINISTRATION AND PERSONNEL  
Chapter 2.52 PERSONNEL SYSTEM  
II. RECRUITMENT AND SELECTION

**2.52.205 Recruitment notices and application requirements.**

The city of Palm Desert recruits to fill vacant positions in a manner which is fair, efficient, and results in a list of the most qualified candidates for departmental consideration. All recruitment and examination activities shall be designed to assess the job-related qualifications of each applicant and ensure that these activities are consistent with merit system principles.

The human resources department, in conjunction with the department head, shall determine whether a position is best filled through an open or promotional recruitment. When an open recruitment is conducted, notices shall be posted and/or distributed in a manner that is likely to provide for a qualified applicant pool. When a promotional or limited recruitment is conducted, notices shall be posted for a minimum of two weeks. All recruitment announcements shall describe the available position(s) and indicate steps a prospective applicant must take in order to be considered.

All recruitments for regular allocated positions shall be conducted by the human resources department and/or their designee. The human resources department, in conjunction with the department head and city manager, may determine that a position should remain unfilled or be filled at a lower level. If a position is determined to be filled at a lower level due to a lack of desirable candidates, a separate recruitment will be conducted.

A. **Recruitment Methods.** Department heads shall advise the human resources department in a timely manner of current and anticipated allocated position vacancies. The city manager must authorize the filling of vacancies. The human resources department, together with input from the affected department, shall determine the methods to be used to fill the vacancy. The human resources department may postpone, cancel, extend or otherwise modify recruitment efforts, as circumstances indicate. A recruitment need not reflect an immediate vacancy. It may be conducted to establish an eligible list for future vacancies.

B. **Job Announcement.** The human resources department shall publicize all recruitments and examinations for regular city positions by posting the job announcements on the city's website for the duration of the filing period. The recruitment shall be given other publicity as the human resources department deems warranted with concurrence of the affected department head, to attract a sufficient number of qualified candidates to compete in the selection process, keeping cost efficiency and effectiveness as a priority. The announcement must be made publicly available, whether electronically, bulletin board posting or other means.

Recruitment notices will specify the title and pay of the class, the nature of the work to be performed and the essential functions of the job, the qualifications necessary for performance of the work, the manner of applying, the type of exam(s) that will be administered, and other pertinent information. In addition to the general employment standards in the class specifications, the human resources department with concurrence of the department head, may establish additional requirements which shall be included in the job announcements and which must be met by each applicant before admission to examination or appointment.

Application forms shall require information covering training, experience and other pertinent information. Applicants for positions which are scientific, professional or technical, or the duties of which requires special qualifications shall be required to provide documentary evidence of a satisfactory degree of education, training, and/or experience.

Application Forms. Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of skill level, references and fingerprinting, if appropriate. Applications will be accepted electronically or on prescribed forms, the method and format of which may at any time or from time to time be

set forth by the city council through resolution.

**Disqualifications.** The human resources department may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position or is not able to provide proof of their ability to work in the United States, except when this ability is not required by state or federal law. Applicants shall be rejected if the applicant is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation; is a current user of illegal drugs; has been convicted of a felony or misdemeanor that relates to the position duties that the applicant would perform; has made any false statement of any material fact or practiced fraud or deception in making the employment application; directly or indirectly obtained information regarding examinations; failed to submit the employment application correctly or within the prescribed time limits; has had his or her privilege to operate a motor vehicle in the state of California suspended or revoked if driving is job related; and for any material cause which in the judgment of the personnel officer or his/her designee would render the applicant unfit for the position, including a prior resignation from the city, dismissal from the city, or a significant disciplinary action.

Background checks will be conducted on all applicants and made part of the applicant's file. Applications shall be rejected, or employment terminated, if already hired, if the applicant has made any false statement or omission of any material fact, or given wrong or misleading information. (Ord. 1260 § 1, 2013; Ord. 1072, 2004)

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RECEIVED  
CITY CLERK'S OFFICE  
PALM DESERT, CA  
2016 FEB 22 AM 11:43

~~#1989~~

City of Palm Desert  
Attn: City Attorney  
11760 Fred Loening Dr.  
Palm Desert, CA 92260