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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA
BY [Signature] DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA
SONOMA COUNTY

MITIGATION BRIEF (CRC § 4.423)
&
DEFENSE PRESENTENCING STATEMENT TO THE COURT
(PC § 1203.1)

Defendant: SALVADOR LOUIS CHIARAMONTE

Age: 64 DOB: 03/02/1958

Case No.: SCR-739708-01 Department / Courtroom: 1

Attorney of Record: KENNETH L. ROSENFELD, ESQ. – THE ROSENFELD LAW FIRM

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CONVICTED CHARGES

On **April 29, 2022**, by entry of a **No Contest Plea**, and acknowledgement of a **Tahl Waiver**, SALVADOR LOUIS CHIARAMONTE, was convicted of:

One Violation of PC 368(d) - Felony; and Thirteen Violations of PC 484(b) – Felony.

PURPOSE OF REPORT

The purpose of this this briefing is to provide the Court with additional, relevant information related Defendant Salvador Chiaramonte's view of the crime (PC § 1203.1) and circumstances in mitigation (CRC § 4.423) which the Court needs to consider, prior to entering final sentencing in this matter.

CA Penal Code § 1203.1:

Provides the right for defense counsel to prepare a statement presenting the defendant's view of the crime. This statement hopes to add a necessary balance and perspective missing from or understated in the Probation Report and which is necessary and relevant for the Court when determining Mr. Chiaramonte's sentence or a request for leniency.

OCT 20 2022

Rule § 4.423:

Court Rule §4.423 establishes nine (9) factors relating to the crime; fifteen (15) factors relating to the defendant; and an instruction to the Court to consider any “other factors statutorily declared to be circumstances in mitigation or that reasonably relate to the defendant or the circumstances under which the crime was committed.”

Purpose of this Report and Brief

The Defendant is asking the Court to consider the facts and circumstances in mitigation set forth herein as ground for granting the Defendant leniency in sentencing, granting the Defendant an opportunity to avoid incarceration.

Such a modification is statutorily permissible, if doing so serves the interest of justice. See PC § 1192.5. See also *People v. Stringham* (1988) 206 Cal.App.3d 184, 194.

“The potential for reflection and a change of the judicial position is obvious and statutorily sanctioned. “[I]mplicit in the language of section 1192.5 is the premise that the court, upon sentencing, has broad discretion to withdraw its prior approval of a negotiated plea.” (*People v. Johnson* (1974) 10 Cal.3d 868, 873 [112 Cal.Rptr. 556, 519 P.2d 604].) That statute “provides that the court’s approval of a plea bargain is not binding on the court and that approval may be withdrawn at the time of sentencing if the court, after further consideration and in the exercise of its inherent discretion in sentencing, concludes that the bargain is not in the best interests of society” (*People v. Woodard* (1982) 131 Cal.App.3d 107, 110 [182 Cal.Rptr. 254]) or “upon [the court] being more fully informed about the case.” (*People v. King* (1981) 123 Cal.App.3d 406, 408 [176 Cal.Rptr. 507]; see *People v. Beasley* (1970) 5 Cal.App.3d 617, 624, fn. 3 [85 Cal.Rptr. 501].) A change of the court’s mind is thus always a possibility.”

PC § 1203.1 PRESENTENCING STATEMENT

I was engaged by attorney Kenneth L. Rosenfeld, lead defense counsel for defendant Salvador Louis Chiamonte (Sal), to research and draft this presentencing statement, addressing facts relevant for the Court to consider, in the interest of justice.

It is important to demonstrate the stark contrast between the man described by the prosecution and media as a thief and fraud; and the man from Tulare County who is seen as a community leader, philanthropist, and a businessman whose integrity and honesty has been unquestioned and beyond reproach for almost 40-years.

STATEMENT

This report is not being drafted or presented from a trial preparation lens, as the question of guilt or innocence is no longer at issue, given Mr. Chiaramonte's "no-contest plea." This statement is, however, being prepared through both a historic and humanist lens. It is being prepared to provide the court with a factual counter-balance to the prosecution and media construct that paints Sal Chiaramonte in the form of a criminal cartoon character, a greedy villain wearing a black hat, and twirling a well-oiled handle-bar mustache.

This is an unjust personification. Sal Chiaramonte was not looking for a mark, he was looking to help. Even in many of the victims' own public comments, the probation presentencing report, they suggested that while mistakes were made, they did not believe the Chiaramontes intended any harm. Sal's roughly 40-years being highly respected business owner with an unblemished record supports this more accurate perspective.

Over those 40 years the Chiaramontes have had hundreds of happy and satisfied clients they knew about, not to mention the second and third generation homeowners living in homes he built and continues to stand behind. The misplaced villainous caricature of Sal Chiaramonte fails to take into account the tens if not hundreds of thousands of dollars in direct financial and in-kind donations he, his family, and his business have given to his community and around the world, because while his devotion to Christian principles have openly mocked in the public arena, he remains steadfast that he is morally compelled to help those in need and, that housing for all is, in fact a human right. Two beliefs that led him to reconsider the request to help rebuild homes in Sonoma County following the Tubbs Fire. It was a request Sal Chiaramonte originally turned down.

BACKGROUND

Sal Chiaramonte was born on March 2, 1958. He was raised in San Jose, California to parents that instilled Christian values and a strong, honest work ethic. Sal got his first job at 16-years-old, as a stock boy / bagger at a local grocery store. Sal would go to work at 4:00 a.m. He would stock shelves for three-hours, and then head to school, where Sal also played varsity baseball. After school and practice (during the season) Sal would return to the grocery store and bag groceries for a few more hours, before heading home for dinner and to study.

Fresh out of high school at 18, Sal's cousin, who owned a plumbing business in Santa Clara, offered to bring Sal on and teach him the trade. In 1977 Sal entered the plumber's union as an apprentice making \$4.00 an hour. Three years later, at just 21 years old, Sal Chiaramonte had worked his way up to being a Journeyman plumber. In 1982, at just 24 years of age, with his cousin's help, Sal opened his first business offering plumbing services for new home construction in and around Gilroy, CA. The timing could not have been better. With Ronald Reagan in office and the skyrocketing inflation and interest rates of the Carter era under control, new home construction was on the rise. By 1986, 28-year-old Sal Chiaramonte had 25-30 plumbers working for him installing plumbing for new home builds, on California's north-central coast.

In 1987, the national housing market turned significantly downward. In that year housing starts fell by 10% nationally. In 1988, they fell another 8.7%, and in 1989 another 7.1%. Over a four-year period (1986-1990) new home starts in the US shed roughly a half-million units a year, from an average of 1.8 million starts to 1.3 million in 1990. The downturn hit Sal and his young business hard, ultimately forcing Sal to shutter his business. The experience showed Sal that as a plumbing business he was but one instrument in the orchestra, but the general contractor was the conductor. So, instead of giving up, Sal Chiaramonte evolved and in 1989, Sal sat for and received a California general contractors license and then moved his family to Tulare, CA to open *Cottonwood Construction and Plumbing* in 1990-1991 as new housing construction once again began to rebound.

In a new community and a new license Sal was looking for his break, when he met Ron and Gloria Lucio, who hired Sal to build their Tulare, CA home. More than thirty-years later, Gloria Lucio, who "...had not met Sal before [she and Ronnie hired him] found him [Sal] very professional...[Gloria] (who states she was who worked most directly with Sal on the project) found him to be very honest and open with his ideas and information on the project." *Attached as EXHIBIT No. 1.*

At the time Sal and his young family arrived in Tulare, home construction in the area was still almost universally "slab foundation" construction, but on the North Central coast between San Jose and Gilroy, contractors on custom home builds were using a "raised floor foundation," a practice Sal brought to Tulare and the Lucio home. The higher quality workmanship did not go unnoticed and a short time later, Sal Chiaramonte and his new general contractor endeavor got their second custom home commission. Chiaramonte was asked to build the custom dream home for a noted Tulare chiropractor, Dr. Gerald Leatherman, and at almost 7,000 square feet, it was, at the time, the largest home in Tulare County, *see attached EXHIBIT No. 2.* Once finished with the Leatherman Home, Chiaramonte was interviewed by the local paper where he and the palatial home this newcomer, sophomore contractor had built, ran front page and Sal Chiaramonte found his services in high demand.

CHIARAMONTE DELIVERS ON-TIME AND ON BUDGET

A substantial portion of the People's case against the Chiaramonte family, and Sal Chiaramonte specifically, as well as a significant portion of the "presentencing report" had been based on letters written by those who signed contracts with the Chiaramontes for builds in Sonoma County and what they professed were their experiences with that process. Since the early 1990s up until the day Sal Chiaramonte was told, he would have to stop working, a far different experience and story is told in Tulare County and other areas around the State, for example:

Individual Clients

- *"My husband, Clint and I had the pleasure of using Chiaramonte Construction for a remodel in our home. We had a great experience. The job done was exceptional. It was exactly what we were told we would get, when promised, at a fair price."* Email from Jaelyn Jones, *Attached herein as EXHIBIT No. 3.*

- Dr. Steven Mitchell, describes himself as a very satisfied repeat customer of Sal Chiaramonte, because *“they delivered exactly what I expected at the price I expected.”* Letter from Dr. Mitchell, *Attached herein as EXHIBIT No. 4.*
- Mr. Anthony de Campos of Tulare, CA writes: *“...I have known Sal Chiaramonte for over 20 years and in that span I have always found him to be trustworthy, fair, and diligent in the numerous construction projects and repairs that he performed on my behalf... I have never heard a single word from any employee, customer, or friend that Sal Chiaramonte is anything but upstanding, compassionate, and trustworthy.”* Letter from Anthony de Campos, *Attached herein as EXHIBIT No. 5.*
- Mr. Arie Verkiak, discovered a broken water pipe under his new home shortly after moving in. He called Sal. *“Sal presented us with available options to match our budget... His employees were very respectful and arranged the work to reduce any impact to our daily lives... The price quoted was the price that was paid when the work was finished.”* Letter from Mr. Verkiak, *Attached herein as EXHIBIT No. 6.*
- Former Sonoma County Residents, Attorney Patrick Beck and his wife Laycee Beck, had this to say about Sal Chiaramonte and Chiaramonte Construction and Plumbing, to deal with drainage and yard construction on their home purchase. *“At the time, my wife and I had little excess income-the Chiaramontes nonetheless exceeded expectations. Chiaramonte Construction made itself available after business hours for consulting, employed reasonable and honest subcontractors, and advocated on our behalf during the permit application process. Our out-of-pocket costs accurately reflected their initial price quote and their work has well withstood the test of time and inclement weather. To this day, we regularly receive compliments on the quality of work Chiaramonte Construction provided.”* Letter from Attorney Beck, *Attached herein as EXHIBIT No. 8.*
- Ms. Mary Ann Gracian had this to say about her experiences with Chiaramonte Construction and Sal Chiaramonte: *“[Sal] went above and beyond his contract and spent many more hours with me than most people would. The house was finished in March of 2000, on time and for the amount we agreed to. The quality and details of the house are above standard. My family and I have enjoyed this house for 22 years and still live there.”* Letter from Ms. Gracian, *Attached herein as EXHIBIT No. 9*

Corporate & Government Clients

It easy for a cynic to look at the accolades of Sal Chiaramonte's Tulare County clients who were or became friends and neighbors with the Chiaramonte family and find bias. However, it was not just friends and neighbors that stepped forward to speak on behalf of Sal Chiaramonte and Chiaramonte Construction. For example:

- **Sierra Mortgage Corporation** – *“Sal of Chiaramonte Construction and Plumbing, Inc. has performed the work on several project that we were the construction lender on, They*

included various single family homes and multi-family units over approximately a 10 year span... I always found his work to be of great quality and we never had any issues with him or his firm." Letter from Ms. Carolyn Mitchell, Vice President, Sierra Mortgage Corporation, Attached herein as EXHIBIT No. 10.

- **The City of Lemoore, CA** – The city of Lemoore's Redevelopment Agency awarded Chiaramonte Construction and Sal Chiaramonte a contract to design and build a single family residence on an in-fill lot within the city, in 2008. City Housing Specialist with the agency explained that Chiaramonte won the bid because of *"their ability to provide a home that would match the design of the existing neighborhood at the most affordable price."* When the project was completed, the city had this to say about the home built to serve a local and qualified low income family, *"Chiaramonte Construction delivered the project in a timely manner and on budget... they even included extras, such as tile countertops in the kitchen and bathrooms, instead of laminate, at no extra cost. Their staff was also always cooperative, professional and prompt when responding to service requests... It was a pleasure working with Sal Chiaramonte and Chiaramonte Construction..."* Letter from City of Lemoore, Redevelopment Agency, Attached herein as EXHIBIT No. 11.
- **City of Visalia, CA** - In 2008 Sal Chiaramonte and Chiaramonte Construction was selected by the City of Visalia to provide "security and abatement services for the Neighborhood Preservation Division." Here is what city preservation manager, Tim Burns wrote about Chiaramonte Construction's service of that contract. "Chiaramonte Construction continues to meet all of the conditions of the proposal and provide service in a timely and professional manner. We are pleased to conduct business with Chiaramonte Construction Inc." Letter from the City of Visalia, Attached herein as EXHIBIT No. 12.

Between 2009 and 2016, at the height of the housing crisis, Sal Chiaramonte's business, like all construction businesses slowed and many of them collapsed during this time. However, Sal found work to not only sustain his family, but as much of his business as he could, to try and help his employees weather one of the worst economic crises since the great depression. Sal did this by taking a job. In 2009, Sal was offered a job as *construction superintendent* for the Tule River Indian Housing Authority ("TRIAHA"). Sal held that job until 2016, and was even promoted to *construction manager*. Sal's job with TRIAHA was to build low-income housing for families on tribal land, while adhering to the strict scrutiny and budget demands of the federal grant programs used to fund the position and projects. This meant extraordinary ability to manage changing circumstances on builds, use and management of subcontractors, and vendors, and deliver on time and budget.

"Sal would prepare the scope of work, design the home with the architect, prepare the subcontractors' contracts, and oversee the construction of homes. He made sure the homes were of good quality, compliant with regulations, and that the subcontractors did their work on time and accurately. Under Sal's guidance, we built the first homes on the reservation in 20 years," wrote Susan Janoko, TRIAHA bookkeeper on the project. *"Our subcontractors were very happy that they got paid faster than most of the construction jobs because Sal did*

his job... Sal's finished homes are of the highest quality.... He cared about improving the lives of our low-income tribal members with nice homes." Letter from Susan Janoko, Attached herein as EXHIBIT No. 13.

Ray DePerry was executive director of the tribal housing authority during Sal Chiaramonte's tenure, he wrote, *"I must admit, that I as a new executive director, considered myself very fortunate in having an individual on board like Sal who possessed the knowledge of the housing construction trade. He displayed extreme insight into the particular demands which were required for a project this size. Additionally, because the project was funded with federal dollars, he was more conscious of the federal guidelines and regulations that we were required to follow and he did so in a very professional manner."* Letter from executive director, Ryan DePerry, Attached herein as EXHIBIT No. 14.

Furthermore, not all praise for Sal's professionalism, quality of work, and skill were catalogued in response to the pending criminal matter. In fact, in a correspondence dated July 13, 2012, Dennis A. Townsend, a California state licensed architect, hired by the tribal housing authority to review and inspect Sal's work, had this to say:

"I must say again that I am very impressed with the overall quality and condition of these homes. It is evident to me that the care has been taken by you, your team, and your subcontractors to deliver these homes in a well-crafted, clean, and sound condition I have been involved with many housing projects on several reservations around California over the past 22 years and none of the homes constructed have come close to the quality standards, materials, and amenities TRIAHA has delivered in these products." Letter from architect, Dennis Townsend, July 13, 2012, Attached herein as EXHIBIT No. 15.

Architect Townsend goes on to list seven (7) specific notations and examples of the exemplary work under Sal Chiaramonte's leadership. Number three on that list was a notation of a "specialized septic system" that while still being inspected at the time of the letter, it was a revolutionary advancement that Sal found, while still in the research and testing phase, that eliminated the problems and concerns of traditional septic systems, which when installed on steep graded and rugged hillsides, are extremely expensive to service or repair and often result in leakage or rupture sending human waste into the watershed. Sal lobbied to have this new system installed and today the systems are helping to keep the cost of home ownership low for the families on the reservation, while protecting the environment for all of us.

Sal's efforts were getting noticed by authorities off tribal land as well. *"I have seen Sal's work on many projects for the Tulare County Housing Authority over the last 10-years or so,"* wrote Tulare County architect, Thomas Hayslett. *"He has always been very diligent in his bidding process, so as to not miss things that could cause a problem during construction, as well as very detailed in the building process. He has consistently produced good quality projects and meets the time constraints placed on each job. I highly recommend Sal and would be happy to provide further information if needed."* Letter from Tulare County architect, Thomas Hayslett, Attached herein as EXHIBIT No. 16.

Subcontractor, Employee, and Vendor Statements

Another sizable portion of the Probation Presentencing Report and the People's case against Sal Chiaramonte, his family, and company, is the perception that Chiaramonte sought to serve himself, rather than pay his subcontractors, vendors, or employees. Again, this is a substantially divergent view from the subcontractors, vendors, and employees who drafted statements to this Court in support of Mr. Chiaramonte.

First, as pointed out by Susan Janoko, the "full charge bookkeeper" for the Tule River Tribal Housing Authority, general contractors do not get paid until the build is complete and the vendors and subcontractors are paid. This is standard protocol for general contractors, and it means that the contractor needs to have sufficient reserve funds to cover operational expenses, should advance funds are either not timely paid, or unforeseen circumstances, like a natural disaster and a doubling of rain stoppages, result in additional delays and costs. In this case, Sal Chiaramonte used his family home that he built himself, lived in, and raised his family in, as collateral on a line of credit to provide what any reasonable contractor would have believed would be sufficient reserve funds. Ultimately, the inferences that the Chiaramontes profited off of not paying their subcontractors and vendors through acts of self-servitude and greed, are simply inaccurate. The Chiaramontes lost their home and were forced into bankruptcy trying to ensure the homes in Sonoma were built, and the subs, vendors, and employees were compensated.

Subcontractors, Vendors, and Employees:

- **Starace Mechanical Heating and Air Conditioning:** "Sal has always been fair in his contracts, honest, considerate but always expected us [subs] to deliver superb trade work. Sal always held his subcontractors accountable and from my experience working with Sal her has always delivered what he has promised." Martino Starace, Owner. *See attached EXHIBIT No. 17.*
- **Tom Griesbach:** "I have sold lumber and building materials to Sal Chiaramonte for the past 30 years. I have never heard a complaint from a customer [Sal] has served. If I were to build my personal house, I would be comfortable choosing Sal as my contractor." *See attached EXHIBIT No. 18.*
- **Jake's Roofing:** "I first met Sal Chiaramonte in 1991-1992 when he was building a large custom home for a prominent Tulare family. This is where I had the pleasure of doing my first roofing job for him. Sal ALWAYS built quality homes and delivered them on time. In all the years I have worked on his jobs, I never heard anything bad about him or his company." Darrin Garrett, Owner/Subcontractor, *see attached EXHIBIT No. 19.*
- **Luis Fernando Perez Ventura, former employee:** "(SIC) Sal would alway treated me fairly and with respect, he required for us to do the same to the costumers, to always be respectful, kind, and honest to the costumers & to be profecional, efficient, and neat on all job sites..." *see attached EXHIBIT No. 20.*

- **Garza's Cabinets:** "I have done lots of homes for Sal. (SIC) He was a real quick paying his subcontractors. I can trust him as a businessman." Ignacio Garza, Owner, *see attached* EXHIBIT No. 21.

CHIARAMONTE PHILANTHROPY AND THE COMMUNITY

Despite several reports of the Chiaramontes being openly mocked for their Christian values, the principles of charity, community, and serving those in need is the motivation that drive Sal Chiaramonte. It is a stand he is proud of and proclaims, without shame or fear. Chief among his callings are taking on projects that address the need for affordable housing in California. This was evident in the role he took on with the Tule River Tribe, and again in 2016, when Sal accepted a "Tax Credit" renovation in Los Angeles. Like TRIAHA, it was a post with strict government funding demands, regulations, and protection of the public trust. Chiaramonte would have to renovate and retrofit 38 low-income apartment units, in nine (9) months, on a budget of \$3.5 million dollars, without displacing the residents during the build. Sal delivered on budget and three-weeks ahead of schedule, while continuing to manage Chiaramonte Construction and Plumbing, Inc. which was almost back up to pre-housing crisis levels of work. Over the years Sal has contributed hundred of thousands of dollars in direct and in-kind value to those in need in his community, across the state, and around the world.

- In 2006 Sal and his wife traveled to Columbia to help rebuild following destructive floods in that county. In 2009, they returned to Central America, this time El Salvador as part of a charity mission with their church. Both times the Chiaramontes paid not only for their trip, and donated their time, they paid for the building materials they used as well.
- Sal built a large classroom for the church he and his family attend, again donating both time and materials.
- Sal donated time and materials to repair the home of an elderly woman, at the request of the Tulare Board of Realtors.
- He provided repair services to veterans through a non-profit veterans group called CALVINS.
- Sal has also worked free of charge for the non-profit group self-help.
- Sal is an active Kiwana, a Son of Italy, a Salvation Army Bell Ringer each holiday season a Special Olympics volunteer, a Sunday school teacher and so much more, *See attached* EXHIBIT No. 22.

Point being, Sal did not need Sonoma County to support his business or family. Going to Sonoma County would have cost him money, even without the problems that occurred.

SONOMA COUNTY

Sal Chiaramonte does not bear the hallmarks of a personal who “bilked” residents of Sonoma County at one of the lowest points of their lives, as reported by the media, the prosecution, and in the presentencing report. There is no money. No evidence of any personal financial gain. In fact, just the opposite is true, Sal Chiaramonte lost everything, much of it (particularly his family home he personally built and lived in for 20-years) was lost before there were even charges brought, because he used his home to secure a contingency line of credit to protect his clients from unforeseen financial setbacks with the builds. There were no hidden bank accounts, fake passports, or plane tickets to non-extradition countries, there were simply bankruptcy petitions. Sal Chiaramonte did not run, in fact, under growing scrutiny by law enforcement, the CLSB, and the media, Sal Chiaramonte maintained a presence in Sonoma County until every contract he still held was completed by them or was placed with another contractor.

What is Sal Chiaramonte's view of the crime that he wants this court to consider before deciding on any modification or imposition of his sentence? He wants the court to know that he knows he made a mistake, a bad choice in which his principles overruled his business judgement and professional bandwidth. As a result, people he so badly wanted to help, during a time of hurt and loss from the fire that took so much, were, in fact hurt further. And while Sal Chiaramonte's error in judgement has been determined by plea bargain to have been the causal factor in the victim's loss, it was not the only factor and maybe not even the biggest factor.

At the time of the Tubbs Fire in October 2017, Chiaramonte Construction was again growing with the rebound of the housing market, following the 2008 collapse. Like most in California, across the country, and around the world, the Chiaramontes watched in horror and prayed for the victims, as fire tore through neighborhoods and subdivisions across Sonoma County. However, according to family, there was never a suggestion that Chiaramonte Construction seek to engage in the rebuilding, they had plenty of work in their own community.

However, sometime later, Chiaramonte Construction received a call from a Tim Dang, a car salesman in Sonoma County, who's home was one of the 1,300 some-odd structures that burned during that tragic week in October 2017. Mr. Dang told Sal that the area contractors that were still working and not dealing with their own losses, were quoting \$450-\$750 a sq. ft. for rebuilds, and even at that unconscionable rate, were so overbooked there was no certainty when the work would be done, for those few who could afford it. Mr. Dang asked Sal to come to Sonoma and see if Chiaramonte Construction might be able to help. Sal agreed. Neither Sal nor his wife Pamela could put into words the feelings of sadness and grief they felt following that first trip up. However, they had to tell Mr. Dang it would not be cost effective to have them travel the roughly 300 miles each way to do the job. They explained that even if Chiaramonte Construction felt it was able to do so, they would need to rely on local subcontractors, who, like the general contractors in Sonoma County and immediate vicinity had no availability and where they did, their quotes were astronomical. As the Chiaramontes were preparing to leave, they mentioned to Mr. Dang in passing that the only way Chiaramonte Construction could even hypothetically help,

is if there were enough builds contracted for, to entice subcontractors and vendors in the Tulare Valley that Sal had worked with for the past 30 years, to sign on, without raising their rates.

A short time later, Mr. Dang contact Chiaramonte Construction again and told Sal he had dozens of potential clients wanting to meet with him. Again, Sal resisted, but he brought the information to his board (comprised of his family), and Sal was the only vote to decline the invitation. His family told him that the people in Sonoma County needed help, they had the ability to help, and as such, it was their Christian duty to act. With that Sal set out to meet with his local subs and vendors to see if what he was planning, which was to bring lower cost labor and materials from the central valley, could be done. He was able to put together commitments from his subcontractors and vendors and realized that at central valley rates and costs, they could offer builds at roughly \$250.00 a sq. ft. rather than the \$450-\$750 a foot rates in and around Sonoma County. So, Chiaramonte, his wife, and some staff went back to Sonoma County to meet with the group of potential clients brought together by Mr. Dang.

The Chiaramontes met with these clients in a hotel conference room, because where else could they meet. When word got out at what rate the Chiaramontes were quoting, those showing up to meet with them kept growing. However, when Sal Chiaramonte acquiesced and agreed to go help in Sonoma County, he insisted that they not exceed 20 builds at any one time. They still had contracts and business in Tulare and so twenty executed contracts at any one time was the limit.

However, people kept coming, each with their unique and heartbreaking story of loss and destruction. Sal was being asked to make exceptions after they had their 20 contracts. Ultimately Sal allowed roughly 100 people to be placed on the reservation list, and contracted with 39 clients, double what his professional knowledge and experience told him was where he needed to cap the work. This was Sal Chiaramonte's Rubicon. It was not about the money for him. If it were, he could have commanded nearly double the square foot rate and still have come in less than the local contractors and subs. For him, it was about helping the people, just as he had in Columbia in 2006, El Salvador in 2009, and regularly with non-profit and volunteer projects in his own community. Nevertheless, for Sal Chiaramonte, Chiaramonte Construction, and the people who hired him, this is where the collision of good intentions, pure motives, and unforeseen circumstances, would collide into a compounded tragedy.

Although we can never know if the cavalcade of proximate causal events that occurred, would have had the same tragic impact if Sal held fast to his 20-contract decision, what is known is that this is where Sal Chiaramonte carries his personal guilt, remorse, and regret. He did not take anyone's money for personal gain, but he failed to make their lives better and in fact contributed to them enduring further loss and pain. He suffers with that daily. However, signing 39-contracts rather than 20, is not what caused everything to implode.

People

Despite the absolute relevance to the totality of the circumstances, Sal did not want to address the role many of the clients played that contributed to the tragic end here. Sal felt they had been through enough.

Government Failures

Mark Wentworth, owner of Wentworth Construction, who also came from Tulare to Sonoma County to assist with the rebuilds, documented his concerns of what he witnessed. One of the biggest failures, Wentworth noted was the government's lack of preparation to deal with the impact of the fires, and in many cases their refusal to implement simple actions to assist rebuilding efforts with simple and temporary regulatory relief and efficiencies. *See attached letter from Mark Wentworth*, attached herein as EXHIBIT No. 23. For example:

- Homeowner panic began to set in where they realized emergency housing funds provided by most insurance policies were limited, many beginning to expire around the time the Chiaramontes came to town. Yet, it was taking 6-8 months for planning authorities to review plans and issue permits.
- This was complicated by the fact that many of the insured were given current market value settlements, on older track homes, resulting in appreciated amounts of money to rebuild with and the city was allowing homeowners to increase their home's footprint by up to 500 sq. ft. for no additional permitting cost or expense. So, homeowners were wanting to convert their old trac-homes (in many instances) to rebuilt, larger, custom homes. Yet, overworked architects were running with several month delays on drawings and plans as well. The result, by the time many of these homeowners were ready to build, they were running out of insurance paid for emergency housing. This began to cause many to panic.
- Wentworth argues that had Federal Emergency Loan Programs be activated, ensuring contractors could scale up their services and capacity, in order to address the immediate need. To provide additional emergency funds to augment or extend emergency housing needs.
- On the State level, Wentworth was dismayed at the lack of State oversight and presence to protect victims from the type of price gouging and opportunism that was taking place. There was no information flowing from the state educating homeowners on laws, rules, regulations, of practices of contractors, such as the fact that general contractors are not paid from monies collected until the job is finished. That periodic or benchmark payments set forth in a construction contract are there to ensure subcontractors and material vendors are paid, so the project can move forward.
- There were no government monitors, alternative dispute resolution personnel, or other such neutral third party for homeowners and contractors to engage should a concern be raised that needed a quick resolution, while dealing with a massive emergency rebuilding.

- What efforts did county or local authorities and law makers take to address the shortage of contractors to address the needs. Or to assist contractors willing to come in from other parts of the State to assist.

Weather

- One of the most under-explained realities in the probation report and news media is why the issue of the extraordinary amounts of rainfall, during the rebuild in 2018 and 2019, is one of the most critical factors of the events leading to implosion of Chiaramonte Construction.
- In general, there are many facets of construction that cannot be done, cannot be done properly, cannot be done safely, while it is raining or while the ground is wet. These weather-related obstructions and delays are problematic enough, but when local authorities continue to enforce aesthetic based ordinances and regulations, such as prohibiting driving off a worksite on to a public roadway during or after a rain, refusal to allow housing trailers for work crews to be parked on public streets, even in neighborhoods where the houses were gone and people were not living. Over-protection of water run-off that stalls a delays work, but insufficient protections to keep the city sewer farm from overflowing and flooding, stalling work and causing delay.

Government at all levels were unprepared for the destruction left by the Tubbs Fire. The flood of permit applications and demands for architectural drawings extended the start of the rebuilding process by many months, and the victims waited, their lives disrupted. Then they look for someone who can rebuild their home, but waitlists and unconscionable price gouging causes further delay and frustration. When they finally contract, the sheer number of build scheduled has many waiting in que and frustration grows. Then, rain, rain that won't stop and they wait and frustration turns to anger.

Of course, when there is a disruption in the way things are supposed to go, it causes a problem. When there are many problems, it results in unintended consequences. When those problems and unintended consequences meet angry and a frustrated clients, things fall apart, clients start looking for fault and blame.

The Chiaramonte model was to offer help by getting his friends, vendors, and subcontractors to bring high-quality construction work and reasonable central valley pricing to the Sonoma County fire victims. The delays and need to redo do work, ruined by rain meant substantial overruns in labor and materials, when the progress is washed out by rain. Or additional labor and material costs are incurred to protect sites from rain. The delays force subs to go back to Tulare, leaving Chiaramonte to find local subs and vendors and paying their exorbitant costs, not budgeted for, and then often left waiting again.

Finally, angry, frustrated clients tend to create opportunities for those willing to exploit circumstances for their own benefit. Construction managers or superintendents wanting to break away and start their own business, for example, may feed off the frustrations of potential clients and convincing them to take money owed to one company for services and materials already

provided, and giving it to them to take over the project. Without the monies owed being paid, and people being led to panic, the Chiaramonte model, designed to help fire victims, crumbled.

However, the Chiaramontes did not quit. Even as the CSLB got involved, or as the media was broadcasting their particular “angle” of events across the state, and even when the Chiaramontes knew they were going to lose their family home, put up for collateral for the project, or even when discussion of a possible arrest and indictment came to bear, the Chiaramontes did not quit, until every client they contracted with had their project completed. Or they found an outfit to take over the contract and complete the work.

Sal Chiaramonte exceeded what he believed his capacity was, because he wanted to help those in need. He took on too much, so when the weather issues arose, and government inefficiencies interfered, and industry politics and opportunism attacked, and contracts were breeched, every good intention and effort made by the Chiaramontes were crushed, bankrupted, and ruined.

Sal Chiaramonte does not see himself as a victim. In fact, it’s quite the opposite, he knows he made a mistake, and it caused people harm and that he deserves to be held to account for that harm. However, a prison sentence for a 64 years old, in ill health, could turn into a life sentence given his current cardiac condition and other medical ailments. Sal Chiaramonte has accepted that he will have to live with the perceptions of his plea, and the mischaracterizations of his integrity and reputation, which for almost 40-years has remained unblemished; and he will wake up everyday knowing that he lost everything for his family and will likely never have a chance to earn it back. There

CIRCUMSTANCES IN MITIGATION – (CRC § 4.423)

Pursuant to *CA Court Rule § 4.423*, Defendant, Sal Chiaramonte asks this court to consider the following circumstances in mitigation of the offenses for which he entered a plea of “no contest” and that the Court grant leniency in his sentencing to include a disposition that provides him a chance to avoid incarceration.

(a) Factors Relating to the Crime

1. The defendant was a passive participant or played a minor role in the crime.
 - a. **As described in great detail in the defendant’s §1203.1 statement above, to the extent that the harm suffered by the victims in this case was in fact an amalgamation of several “but/for” events and circumstances, including uncontrollable occurrences, such as the weather, defendant’s act of bad business judgement, allowing himself and his company to take on more contracts than he believed they could handle, while itself a possible “but/for” occurrence may not constitute a “minor role in the crime,” but to the extent that defendant’s mistake was not any premeditated scheme or plan to commit a crime, that his culpability was in fact passive.**

2. The victim was an initiator in, willing participant in, or aggressor or provoker of the incident.

- a. While Defendant has indicated his unwillingness to single out individual victims, the several incidences of clients breaching their construction contracts, refusing to pay for completed work, and locking work crews out of the work sites being two of the biggest instances of victim contribution to initiating, or provoking the collapse of Chiaramonte Construction. The fact that such acts may have been initially provoked by the ethically questionable acts of former employees of Chiaramonte Construction, or local subcontractors that failed to perform. Our justice system has a process for addressing civil and contractual disputes. Willful breach is not part of that process, because of the very reach of harm that can occur. For example, client refuses to pay contractor for work completed. Contractor cannot pay subcontractor for the work done. Subcontractor refuses to perform work on the next project, and so it goes. Yes, there were victims, employees, and subcontractors whose willful actions initiated, and provoked the outcome Defendant stood to answer for under the law.

3. The crime was committed because of an unusual circumstance, such as great provocation, that is unlikely to recur.

- a. As defendant has lost his business and license to operate such a business again, there is almost no likelihood of recurrence. However, yes, the totality of the circumstances here was a substantially unusual circumstance. The Tubbs Fire was the most destructive fire in state history. There were more than 1,300 homes and structures destroyed. There were not enough contractors to serve the community need. Of the contractors there were, there is evidence that they were exploiting the tragedy by charging unconscionable rates. The government was unprepared to properly respond, and the defendant went to market, with the best of intentions to help, with a plan that was untested, bringing subs and materials from 300 miles away, to a community in crisis, then over-extending the ability to help. These were all unusual events, which in this context anyway, will most certainly never recur.

4. The defendant participated in the crime under circumstances of coercion or duress, or the criminal conduct was partially excusable for some other reason not amounting to a defense.

- a. N/A except as discussed above.

5. The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

- a. **As set forth and strongly supported in Defendant's §1203.1 statement, Defendant has had a career spanning nearly 40-years in which he has maintained a sterling reputation for being a man of great integrity, honesty, charity, and humility, both personally and professionally. It would probably be most accurate to state that Defendant's actions were induced by the totality of the circumstances and events in Sonoma County at that time and the fear, frustration, and confusion that shaped or induced the actions of many people at that time.**
6. The defendant exercised caution to avoid harm to persons or damage to property, or the amounts of money or property taken were deliberately small, or no harm was done or threatened against the victim.
 - a. **Defendant exercised caution to avoid anything close to what occurred, from occurring. To that end he mortgaged his own family home of 20-years, to secure a line of credit as insurance against unforeseen costs and expenses. He stayed in a community where he was being ostracized, called out and shamed in the media, and subject to criminal investigation, while he worked to mitigate any harm to the victims / clients by helping them find a new contractor, so they could get their homes done. It was defendant who faced threats and there is no suggestion that he sought to threaten anyway. Not even his former employees that sought to profit by destroying Chiaramonte Construction.**
7. The defendant believed that he or she had a claim or right to the property taken, or for other reasons mistakenly believed that the conduct was legal.
 - a. **To the extent that there contracts involved between all interested parties, there is insufficient evidence to discuss what monies were taken, or for which it could be claimed no claim of right existed. Defendant asks the court to remember, there were no absconded funds found. Chiaramonte Construction and the Chiaramontes are bankrupt. No evidence exists to suggest funds demanded were not within the four corners of the contract as appropriate. And unless the project was finished, no funds would have been demanded to the benefit of Chiaramonte Construction, but rather to pay subcontractors, vendors, and operational costs.**
8. The defendant was motivated by a desire to provide necessities for his or her family or self.
 - a. **No, defendant was motivated by a desire to provide necessary construction services to strangers in need, 300 miles away. His families necessities would have been far better suited if he had just turned a blind eye to the suffering of others.**

9. The defendant suffered from repeated or continuous physical, sexual, or psychological abuse inflicted by the victim of the crime, and the victim of the crime, who inflicted the abuse, was the defendant's spouse, intimate cohabitant, or parent of the defendant's child; and the abuse does not amount to a defense.

a. NA

10. If a firearm was used in the commission of the offense, it was unloaded or inoperable.

a. NA

Factors Relating to Defendant

- (1) The defendant has no prior record, or has an insignificant record of criminal conduct, considering the recency and frequency of prior crimes.

Defendant has no prior criminal record as an adult or juvenile.

- (2) The defendant was suffering from a mental or physical condition that significantly reduced culpability for the crime.

The defendant was diagnosed with clinical depression and placed on medication, during the events in Sonoma County.

- (3) The defendant experienced psychological, physical, or childhood trauma, including, but not limited to, abuse, neglect, exploitation, or sexual violence and it was a factor in the commission of the crime.

NA

- (4) The commission of the current offense is connected to the defendant's prior victimization or childhood trauma, or mental illness as defined by section 1385(c).

NA

- (5) The defendant is or was a victim of intimate partner violence or human trafficking at the time of the commission of the offense, and it was a factor in the commission of the offense.

NA

- (6) The defendant is under 26 years of age, or was under 26 years of age at the time of the commission of the offense.

NA

- (7) The defendant was a juvenile when they committed the current offense.

NA

- (8) The defendant voluntarily acknowledged wrongdoing before arrest or at an early stage of the criminal process.

Defendant cooperated with the CSLB investigation and law enforcement. He had been very open about his belief that he likely took on more work than he should have, while maintaining it was not for self-serving or criminal purposes.

- (a) The defendant is ineligible for probation and but for that ineligibility would have been granted probation.

Defendant is eligible for probation. PC §368(d) and PC §484(b) are “wobbler offenses” and eligible for probation and sentencing under PC 1170(h).

- (9) Application of an enhancement could result in a sentence over 20 years.

No.

- (10) Multiple enhancements are alleged in a single case.

No.

- (11) Application of an enhancement could result in a discriminatory racial impact.

NA

- (12) An enhancement is based on a prior conviction that is over five years old.

NO

- (13) The defendant made restitution to the victim; and

Pending

- (14) The defendant's prior performance on probation, mandatory supervision, postrelease community supervision, or parole was satisfactory.

Defendant's behaviors on bail release has been exemplary.

Other Factors in Mitigation

- Sal Chiamonte is not in good health.
- He has been diagnosed with "severe spinal stenosis" in 2 of the 3 sections of the back. Sal's doctor has made it clear that if not corrected by surgery, any slip, fall, or trauma could result in paralysis.

- Sal has not been able to schedule the surgery for concern that he would not be able to have the multiple surgeries completed and rehabilitated if incarcerated.
- Without the surgeries Sal requires regular doctor supervised pain management.
- Sal has multiple tears in his shoulder that also need a surgical repair.
- And, in clearing Sal for surgery, doctors identified blockages in excess of 50% in five of his cardiac arteries.

CONCLUSION

The facts in this matter do not require incarceration for the victims in this case to have justice. Sal Chiamonte and his family have been financially devastated. Sal's ability to earn from the career he held for 40-years is gone and he is too old and infirmed to reasonably expect to find a new sustainable career path. His earning potential, which includes any ability to make restitution, is demonstrably reduced if locked away for three years in prison.

Leniency is appropriate here. Sal Chiamonte does not pose a threat to the public and incarcerating him and thus potentially limiting the quality and continuity of his medical needs thus placing his life and mobility at high risk, is simply unjust.

On behalf of Sal Chiamonte, his family, and his community, we ask this court to grant leniency.

///

Date: 10/18/2022

Submitted By:

Ron Irwin

Ron Irwin, Esq. – *Of Counsel*

The Rosenfeld Law Firm, Attorneys for Sal Chiamonte

PEOPLE V. CHIARAMONTE
EXHIBIT 1

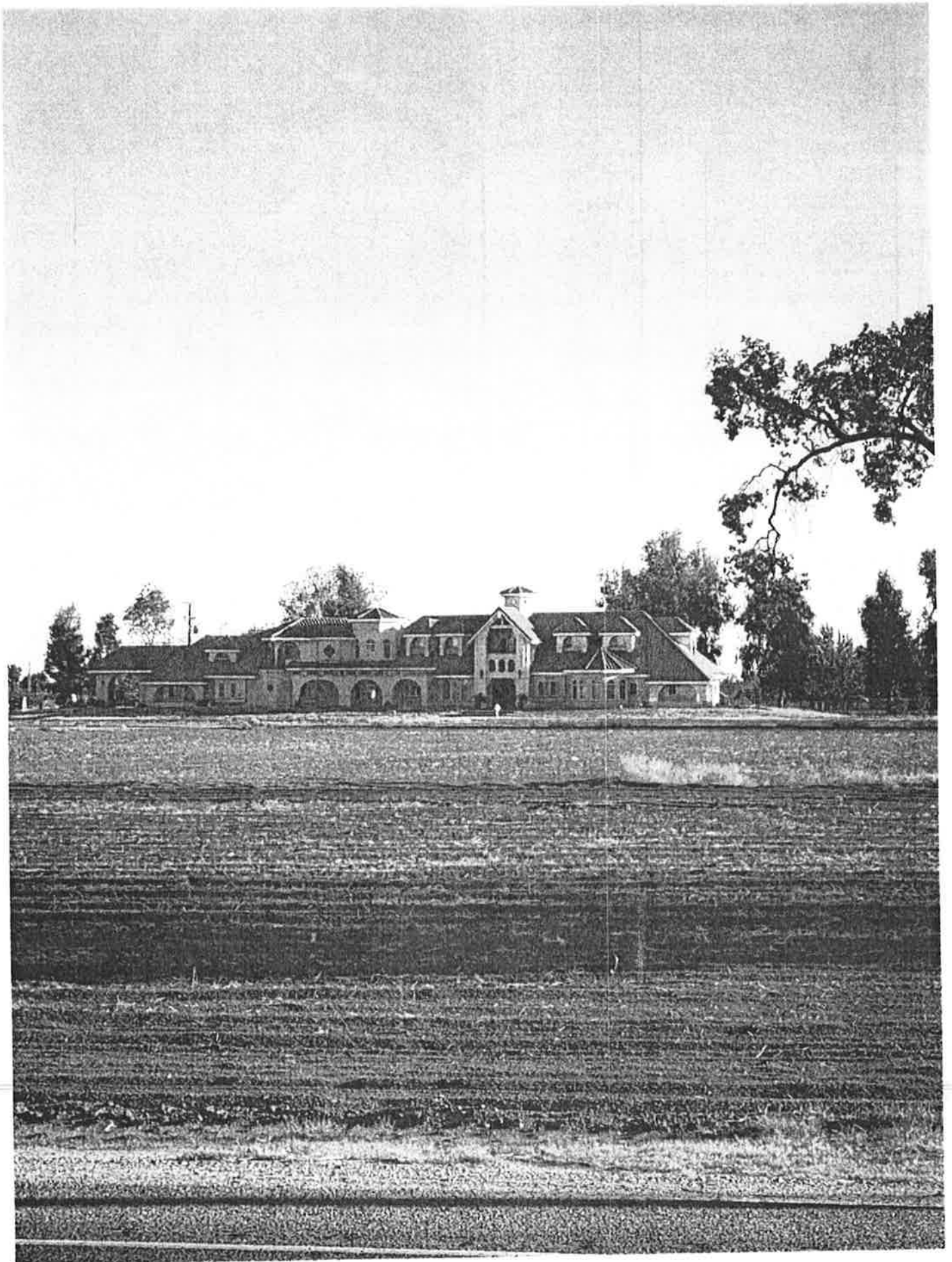
To Whom it may Concern

My name is Gloria Lucio and my husband Ronnie and myself hired Sal Chivromonte to build our home in Tulare, Calif. Although we had not met Sal before we found him very professional and very personable.

I myself had the most contact with Sal on the construction project. I had a really good working relationship with Sal. I found him to be honest and open with his ideas and information on the project. He was up front with the business part of it and answered any questions to my satisfaction. All in all it was an enjoyable experience

Sincerely,
Gloria Lucio
(559) 259-1098

PEOPLE V. CHIARAMONTE
EXHIBIT 2



PEOPLE V. CHIARAMONTE
EXHIBIT 3



Pam Chiaramonte <pampiresc@gmail.com>

Sal Chiaramonte

2 messages

Jaclyn Sa <jaclynsa@yahoo.com>
To: pampiresc@gmail.com

Fri, Jul 8, 2022 at 10:18 AM

To Whom It May Concern:

My name is Jaclyn Jones. My husband, Clint and I had the pleasure of using Chiaramonte Construction for a remodel in our home.

We had a great experience. The job done was exceptional. It was exactly what we were told we would get, when promised, at a fair price. We felt well cared for, treated with respect and trusted Sal. We would have gladly and with the upmost confidence used Sal again.

Thank you

Jaclyn Jones
Sent from my iPhone

PEOPLE V. CHIARAMONTE
EXHIBIT 4

Tulare Chiropractic Clinic
Steven D. Mitchell, D.C.
TulareSpine.com

1098 E. Cross Ave.
Tulare, CA 93274
Ph (559) 685-9391
Fax (559) 685-0545

06/27/2022

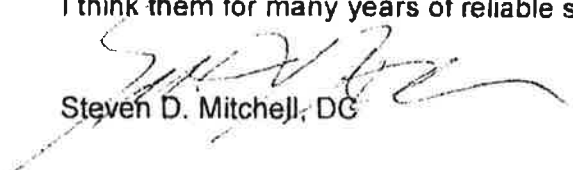
Re: Chiaramonte Construction

Not too long ago, there is a hard rain, and I noticed some leaking through my ceiling of my office. I called Chiaramonte Construction and they came out within an hour or so. They found the source of the leak very quickly and stopped it on the spot. They returned after the rain had stopped and did a great job with the roof repair.

The fact that they came out so quickly when they knew I needed them was worth it alone; it is hard to find that kind of service. To top it off, the work was excellent. The estimate of cost was detailed and professional, so I knew exactly what was expected, and the workers were all professional and polite. We had another hard storm the day after the roof was complete and the roof did not leak a drop.

Another time, a car ran off the road, and struck the sign in front of my office and damaged my building as well. We called Chiaramonte Construction for help, and they delivered a professional, complete job that was finished to a high level; they delivered exactly what I expected and at the price I expected. I have been happy with this company over many years with repeat business because they have always done a good, reliable job.

I think them for many years of reliable service.



Steven D. Mitchell, DC

PEOPLE V. CHIARAMONTE
EXHIBIT 5

June 28,2022

Anthony de Campos

1933 W Tollin Rd.

Tulare Calif.

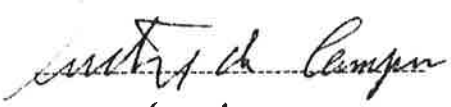
To the court of concern:

Your Honor, I have known Sal Chiamonte for over twenty years and in that span I have always found him to be trustworthy, fair and diligent in the numerous construction projects and repairs that he performed on my behalf. As Sal's across the street neighbor for twenty years, I have talked with dozens of people that he employed as well as many of the people that Sal performed building projects for. In all of that time I never heard of a single word from any employee, customer or friend that Sal Chiamonte is anything but upstanding, compassionate and trustworthy. It is my belief that Sal was undercapitalized for the size of project he embarked upon and was soon undermined by some of the employee's he entrusted.

In closing, I do emphatically state that, in my absence, I would trust Sal to look after and care for my belongings the same as they were his own.

Anthony de Campos

1933 Tollin Rd. Tulare Ca. 93274


6/28/2022

Anthony & Gail De Campos
1933 W. Tollin Drive
Tulare, CA 93274
559-686-6721

PEOPLE V. CHIARAMONTE
EXHIBIT 6

Arie T. Verkaik
2014 Lindsey Way
Lebanon, TN 37087

Honorable Troye Shaffer
Judge of Sonoma County Superior Court
600 Administration Dr
Santa Rosa, Ca. 95403

Re: Sal Chiaramonte, Case #SCR739708

Dear Judge Shaffer:

I am writing on behalf of Sal Chiaramonte. I have known Sal for over 30 years. I grew up with his son and would consider Sal a second father due to amount of time I spent at their home. Sal is a very honorable man. He has always done his best to uphold all his commitments.

When we moved into our house in Tulare, CA everything passed the inspections and was working correctly. Then one day we noticed a strange smell emanating from the closet. After light investigation, we found a large pool of water under house. We called Sal and he was able to arrange for a plumber to asses and fix the broken drain pipe. Sal presented us with available options to match our budget.

Sal took the work in charge and resolved the leak by replacing a large portion of the pipe. His employees were very respectful and arranged the work to reduce any impact to our daily lives. The price quoted was the price that was paid when the work was finished. We have moved from that house since, but during the remainder of the time we lived there we had no reason for warranty requests. In conclusion, we were able to get the fix we wanted with little stress because we knew Sal and his company were the right fit for the job.

Respectfully,

A handwritten signature in black ink, appearing to read 'A. Verkaik', with a stylized flourish at the end.

Arie T. Verkaik

PEOPLE V. CHIARAMONTE

EXHIBIT 7

PEOPLE V. CHIARAMONTE
EXHIBIT 8

Patrick Beck
Esquire
1792 E Independence, Tulare CA 93274
(559)-250-2050
patrickb1790@gmail.com

Laycee Alves Beck
Certified Public Accountant
1792 E Independence, Tulare CA 93274
(559)-358-6261
layceealves@gmail.com

Your Honor,

My name is Patrick Beck. I am writing on behalf of my wife, Laycee Alves Beck, and myself. I am a former Sonoma County resident, and an attorney in good standing with the State Bar of California. My wife is a Certified Public Accountant in good standing with the California Board of Accountancy. My purpose in writing is to request as much leniency as is permitted in the sentencing of Sal Chiamonte.

My wife and I have been friends with the Chiamonte family for several years. On a personal level, we have always known them to be kind, welcoming, dedicated, and honest.

On a professional level, we employed Chiamonte Construction to assist in an extensive renovation of our front yard - our experience was nothing but positive. In 2015, we purchased a previously foreclosed upon home. Our home was bank-owned for several years prior to purchase, and was in dire need of repair. When we decided to address several issues in our front yard (water drainage, dead and/or dying landscaping, curbing, installation of a retaining wall, modification of our driveway approach, etc.) we consulted the Chiamontes.

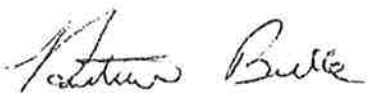
At the time, my wife and I had little excess income – the Chiamontes nonetheless exceeded expectations. Chiamonte Construction made itself available after business hours for consulting, employed reasonable and honest subcontractors, and advocated on our behalf during the permit application process. Our out-of-pocket costs accurately reflected their initial price quote, and their work has well withstood the tests of time and inclement weather. To this day, we regularly receive compliments on the quality of work Chiamonte Construction provided.

I am inclined to believe that our experiences with the Chiamontes and Chiamonte Construction are not unique. I feel confident that, absent the complex challenges involved in helping to rebuild following a natural disaster, the parties impacted by the Tubbs Fire would have had an experience equally positive to our own.

I appreciate your attention to this letter. My wife and I are available to confirm the facts in this letter by telephone or by email.

Sincerely,

Patrick Beck



Laycee Alves Beck



PEOPLE V. CHIARAMONTE
EXHIBIT 9

Mary Ann Gracian
5547 Niles Ave
Corcoran, Ca. 93212
559-362-9888

Your Honor,

I have been asked to document the character of Salvador Chiaramonte, as I know it.

In December of 1999, I contracted him to help me build a house on the lot I owned at the above address. He and I worked together to design the house, chose colors and all the inside things needed. He also helped me with the outside landscaping and concrete choices.

He went above and beyond his contract and spent many more hours with me than most people would. The house was finished in March of 2000, on time and for the amount we agreed to. The quality and details of the house are above standard. My family and I have enjoyed this house for the last 22 years and still live there.

During this process, my family and I grew to know Sal as a remarkable, honest, ethical and trustworthy man. His employees thought the world of him, (and that is unique now adays). We observed his love for his community and willingness to help others, any time he could. No one is ever a stranger to Sal. Our families became friends and we remain friends to this day.

He is a man of God with a great deal of integrity. I believe he would always try his best to treat all his customers the same way that I have been treated.

I have sent a picture of our house and I can be contacted at the above number if you would like to verify any of the above information.

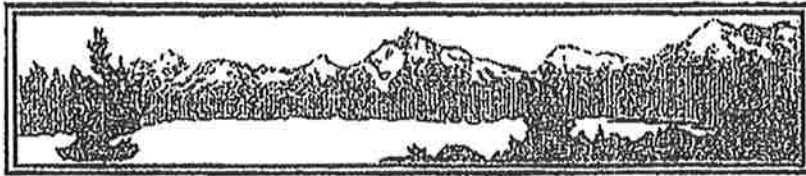
Thank you for your time,

A handwritten signature in black ink, appearing to be 'MAG', with a long horizontal line extending to the right.

Mary Ann Gracian
8/29/22022

PEOPLE V. CHIARAMONTE

EXHIBIT 10



Sierra Mortgage Corporation

A MATTER OF TRUST SINCE 1986

May 11, 2018

To Whom It May Concern,

Sal of Chlaramonte Construction & Plumbing, Inc has performed the work on several projects that we were the construction lender on. They included various single family homes and multi-family units over approximately a 10 year span.

He was required to complete a Job Cost/Line Item list which is what we use to identify which items are to be included in the various draws. He was responsible for submitting the completed and signed vouchers for payment, along with the lien releases.

I then personally inspected the jobs to verify those items had been completed. His firm was paid for the progress and then he paid the subs and suppliers.

He was very knowledgeable about all phases of construction and developing. I always found his work to be of great quality and we never had any issues with him or his firm.

Please feel free to call me if you have any further questions.

Sincerely

Carolyn Robert

Vice President

PEOPLE V. CHIARAMONTE

EXHIBIT 11

Chairperson
John Murray
Vice-Chairperson
Mary Hornsby
Board Members
John Plourde
Willard Rodarmel
William Siegel



**Redevelopment
Division**

119 Fox Street
Lemoore • CA 93245
Phone • (559) 924-6701
FAX • (559) 924-9003

Chiaromonte Construction, Inc.
1944 Tollin Road
Tulare, CA 93274

Re: Letter of Reference

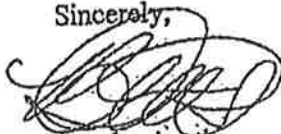
To Whom it May Concern:

The Lemoore Redevelopment Agency released a Request for Bids for the design and construction of a single-family residence on an infill lot. The bid was awarded to Chiaromonte Construction, Inc. in July of 2008 due to their ability to provide a home that would match the design of the existing neighborhood at the most affordable price.

Chiaromonte Construction delivered the project in a timely manner and on budget. In addition, they even included extras, such as tile countertops in the kitchen and bathrooms instead of laminate, at no extra cost. Their staff was also always cooperative, professional and prompt when responding to service requests.

It was a pleasure to work with Sal and his staff at Chiaromonte Construction. The project was a success and now serves as affordable housing for a qualified family. In addition, it blends in perfectly with the surrounding, existing neighborhood.

Sincerely,



Brooke Austin
Housing Specialist

PEOPLE V. CHIARAMONTE

EXHIBIT 12

City of Visalia

315 East Acequia Ave., Visalia, CA 93291



Neighborhood Preservation

Tel: (559) 713-4534 Fax: (559) 713-4812

Chiaromonte Construction Inc
1944 Tollin Rd'
Tulare CA 93274

RE: Letter of Reference

To Whom It May Concern:

In 2008, through the request for bid process Chiaromonte Construction Inc was selected as the contractor to provide security and abatement services for the Neighborhood Preservation Division, non compliant, code enforcement properties within the City of Visalia.

Chiaromonte Construction Inc continues to meet all of the conditions of the proposal and provide service in timely and professional manner,

We are pleased to conduct business with Chiaromonte Construction Inc.

Sincerely,

Tim Burns
Neighborhood
Preservation Manager

C: File

PEOPLE V. CHIARAMONTE

EXHIBIT 13

July 1, 2022
Susan Janoko
619 N 3rd Street
Porterville, CA. 93257

To the Honorable Judge of the Court

re: Salvador Chiaramonte

This letter is to detail the good character of Salvador Chiaramonte, and to ask the court for leniency in his sentencing.

I have known Salvador (Sal) Chiaramonte for over a decade. I met him and his family when I began working as the bookkeeper and finance manager for Tule River Indian Housing Authority (TRIHA) in 2011, on the Tule River Indian Reservation in Porterville. Sal was the Construction Superintendent for TRIHA from about 2009-2016.

As Construction Superintendent for new home construction on the reservation, Sal would prepare the scope of work, design the home with the architect, prepare the subcontractor's contracts, and oversee the construction of the homes. He made sure the homes were of good quality, compliant with regulations, and that the subcontractors did their work on time and accurately. Under Sal's guidance, we built the first homes on the reservation in 20 years.

I worked closely with Sal on the contracts and payments to the subcontractors, after Sal inspected and approved their work. Our subcontractors were very happy that they got paid faster than most other construction jobs because Sal did his job and because I understand how short contractors are on working capital. I was a full charge bookkeeper for construction contractors for the 18 years prior to working for TRIHA, and the last 10 years at TRIHA.

Sal's finished homes were of the highest quality. For example, we were called before the Tule River Tribal Council to hear the Council complain that Sal's homes were of TOO HIGH A QUALITY. The rest of the tribal members wanted homes as good as the ones built by Sal and TRIHA, and the tribe didn't want to pay for such nice homes. The Tribal Council wanted us to build homes of lesser quality. We chuckled to ourselves, but we continued to build high quality homes to improve the lives of tribal members, at no cost to the Tribe, using the HUD grant funds that I managed well.

In my close work with Sal, I observed his ethics and truthfulness up close. He cared about improving the lives of our low income tribal members with nice homes. You could see the transformation in their lives when the tenants moved into these beautiful new homes. We didn't have any complaints from subcontractors or tenants or TRIHA management regarding financial matters and Sal and the new homes. Sal has the highest ethics and truthfulness in business matters. He has pride in his workmanship in home construction.

In the matter before the court, I understand Salvador Chiaramonte's construction business failed, and that he is accused of misappropriation of funds.

In the first matter, it is not a crime to not be successful in business. Many business fail and they do not go to jail. There is no debtor's prison now.

In the second matter, I understand the construction business, having been a construction bookkeeper for 28 years. The profit for a construction project is received at the end of an expensive project (\$100,000-\$1,000,000). The contractor must fund the \$million project with his own savings or with borrowed money or with interim construction payments. This also is not a crime.

A brief restatement of my understanding of the situation of Sal's failed construction business is as follows. Sal and his wife told us they were excited to help the people in Northern California rebuild after the devastating fires, and they would offer a fair price, unlike the blatant price gouging that was occurring after the fires. They wanted to help in the fire recovery, like Sal wanted to help the low income tribal members with homes on the Tule River Indian Reservation.

Sal mortgaged his home and spent his savings to finance the reconstruction projects after the fires. I understand some "friends" and competitors told Sal's clients lies about his quality of workmanship, and persuaded Sal's clients to drop their construction contracts with Sal, and to engage

the lying competitors to do the work. Sal completed the work for his clients who retained their contract with Sal. Because his contract was cancelled in the middle of a project, Sal was not allowed to complete the work for those who cancelled his project.

As I said, the profit comes at the end of a construction project. With cancelled contracts, Sal was denied the profit on these contracts that would provide the capital to operate his business. His business failed due to the lies of his competitors. That is not a crime.

Let me tell a business parable. In the fictional movie "Noble House", one Hong Kong businessman proves how powerful he is by starting a "run on the bank". He spreads rumors to his wealthy friends that the bank is unstable, and they better get their money now. The lie becomes a self-fulfilling prophesy, and the bank is out of money and fails. The bank's competitors "save" the investors by buying the bank at a steep discount and pocketing a huge profit. The bank that failed was not criminal. Those who told financial lies were the criminals in my opinion.

The same parable is true for Salvador Chiaramonte and his family. The competitors who told lies about his business and caused a "run on the bank" bankrupted his business. Sal lost his home, his savings, his business, and his reputation. Sal's failed business is not criminal. Those who told financial lies were the criminals who destroyed a fine business and family.

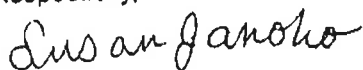
When there is the pain and tragedy such as the Northern California fires, it is tempting to translate that pain into blame. Transferring blame to Salvador Chiaramonte is a grave error. Sal was also a victim, of lies by opportunistic profiteers.

I believe Salvador Chiaramonte is innocent of the accusations. On the Indian reservation where I work, when threatened with years of jail time, several innocent people I personally know have pled guilty to crimes they did not commit. I believe Salvador is another such person.

I respectfully ask the court for leniency in the sentencing of Salvador Chiaramonte. If you must sentence an innocent man, I respectfully ask you to sentence him for a misdemeanor and not a felony. I respectfully ask you to impose a sentence alternative that does not involve jail time.

I respectfully ask to you to use your power to grant the leniency that is the justice that Salvador Chiaramonte deserves.

Respectfully,



Susan Janoko, Full Charge Bookkeeper

PEOPLE V. CHIARAMONTE

EXHIBIT 14

July 6, 2022

Your Honor:

I have been asked to submit this character reference on behalf of Sal Charamonte. I have known Sal for a period of approximately 9 years, both professionally and personally, during my time with the Tule River Tribe in Porterville, CA.

At the time of my arrival there in 2012 to assume the duties of Executive Director for the Tule River Indian Housing Authority (TRIHA), Sal had been serving in the capacity of Construction Manager for a series of affordable housing that TRIHA built with a portion of their HUD dollars. When I arrived, Sal was overseeing the construction of 3 new two- and three-bedroom houses. Each home costs approximately \$200,000. We continued with the building of similar new homes for about an additional 3 years until we shifted our housing focus on developing new homes in the Porterville area.

I must admit, that I as a new Executive Director, considered myself very fortunate in having an individual on board like Sal who possessed the knowledge of the housing construction trade. He displayed extreme insight into the particular demands which were required for a project this size. Additionally, because the project was funded with federal dollars, he was more conscious of the federal guidelines and regulations that we were required to follow and he did so in a very professional manner.

Sal was a professional, thoughtful, considerate and respectful individual all the while he was working for TRIHA as the Construction Manager; right up to the time that he left in 2015.

On the personal side of my knowledge of Sal and his family, I continue to this day to consider him a dear and close friend even though I have left the employ of TRIHA a couple of years ago. Once I got to know him personally, I considered Sal to be thoughtful, caring of others, considerate, fair-minded, compassionate, resourceful to others and forgiving. It would be my guess that these humanistic traits have been instilled in him at an early time in his life by his very religious upbringing and parents who were of sound moral conviction.

Sal is a family man who believes the family is the core of community. They are often seen doing things together as a family either amongst friends or as supporting worthy community event. They are strong in their religious beliefs as evident by their church activities and daily prayers.

I respectfully ask Your Honor to take into serious considerations these examples of Sal's behavior when considering a just sentence.

Sincerely,



Ray DePerry

PO Box 574

Bayfield, WI 54814

715-209-7569

ray_zom@yahoo.com

PEOPLE V. CHIARAMONTE

EXHIBIT 15

July 13, 2012



Sal Chiramonle, Development Coordinator
Tule River Indian Housing Authority
P.O. Box 748 / 342 N. Reservation Road
Porterville, CA 93258

Re: Final representative inspection: A. Peyon - 479 S. Reservation Road

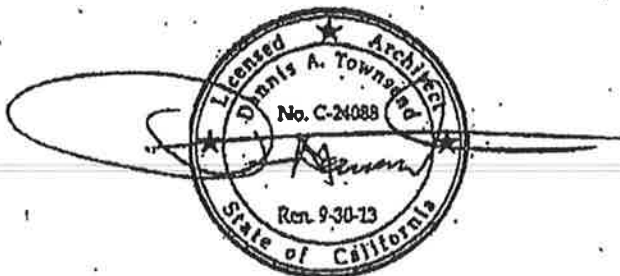
Dear Sal,

Thank you for contacting me in a timely manner in order to complete the final inspection on this representative home. I must say again that I am very impressed with the overall quality and condition of these homes. It is evident to me that care has been taken by you, your team and your subcontractors to deliver these homes in a well-crafted, clean and sound condition. I have been involved with many housing projects on several reservations around California over the past 22 years and none of the homes constructed have come close to the quality standards, materials and amenities TRIHA has delivered in these products. After our inspection, I have compiled the following notations:

1. The upgraded deck material and finishes and configuration is an asset to the home and, I am sure, will be appreciated by the owner.
2. The color selections afforded the owners are well beyond any I have experienced and the final product is exceptional.
3. The specialized septic system was being inspected and adjusted during our visit.
4. You noted you are awaiting the water heater protective cages and setting of the propane tank and that the water heater would be tested at the time the propane is set.
5. We discussed a possible closure firm of the blocking above the deck.
6. One weatherproof bubble cover was yet to be installed on the GFI outlet near the water main.
7. Final cleaning was almost complete at the time of our visit and the home was already exceptionally clean.

There is no need for a further inspection by me of this home and, again, I would like to congratulate you, the TRIHA and the Tribal Council on these homes which may be used as a benchmark for future development.

Respectfully submitted,



Dennis A. Townsend, A.I.A.

484 North Prospect, Suite "B" Porterville, CA 93257
voice: 559.789.9999 fax 559.781-3201
dtownsend@townsendgroup.net

PEOPLE V. CHIARAMONTE

EXHIBIT 16

Hayslett & Hayslett, Architects
303 N. Church St. Visalia, CA. 93291, Tel. (559) 732-9808

April 11, 2017

To whom it may concern:

I have been asked to document my experience with Sal Chlaramonte. I have seen Sal's work on many projects for the Tulare County Housing Authority over the last 10 years or so. He has always been very diligent in his bidding process, so as to not miss things that could cause a problem during construction, as well as very detailed in the building process. He has consistently produced good quality projects and meets the time constraints placed on each job.

I highly recommend Sal and would be happy to provide further information if needed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Hayslett", with a stylized flourish at the end.

Tomas K. Hayslett, Architect
303 N. Church Street
Visalia, CA. 93277
559-732-9808
559-636-8585 Fax

PEOPLE V. CHIARAMONTE
EXHIBIT 17



7/5/2022

Martino Starace
2144 E. Pacific Ave.
Tulare, CA. 93274
License#933756

Presiding Judge in the case of
Sonoma County District Attorney vs.
Sal Chiaramonte and Family
Sonoma County, California

Your Honor,

It is a genuine honor to write this letter on behalf of Sal Chiaramonte. I provide this reference in full knowledge of Sal's situation and sentencing.

I have known Sal for many years. Our relationship started back when I was working for Central Air, before I was married. At that time Sal used Central Air for most of his work and he was doing a lot of residential volume during that time, so we got to know each other very well over the years. As I gained knowledge in this industry, I had wanted to start my own company. I asked Sal to meet over dinner to discuss this and I asked for his business and loyalty if I was to do so, and he agreed. Sal and his wife attended my wedding and have known me through the birth of our children.

Sal was loyal to his word and used my company as a subcontractor on many of his residential jobs, some of which were track homes/subdivisions. We also worked on a large multifamily commercial job in Hemet, Ca. where Sal was hired as a project manager for this project, under another GC license and I was hired by Sal as a subcontractor.

Over the years that Sal and I have worked together, we have both seen ups and downs, as this industry tends to do. But we have always remained supportive and respectful to one another and have continued to give each other business. On a professional basis, I can say that Sal has always been fair in his contracts, honest, considerate but always expected us to deliver superb trade work. Sal always held his Subcontractors accountable and from my experience working with Sal he has always delivered what he has promised. He has always taken great pride in his workmanship in home construction and Sal's finished homes were of the highest quality. His employees always had great things to say of him and seemed happy.

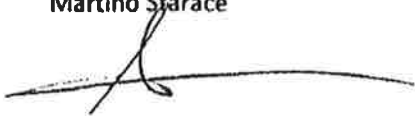
On a personal basis, I will say Sal is an honest, trustworthy and fair man. He holds high integrity, morals and values. He treats others with respect, and I have seen him go out of his way to help many others. He

loves his family. We have a lot in common when it comes to family traditions and values. In the many years we have known each other as friends and professional colleagues, I have come to know him and his family as an honest, hardworking, sincere, God-fearing family and community-oriented family.

It is my hope that you take note of my reference of Sal Chiaramonte and that you have grace and leniency upon him in any decision making. I also thank you for your time in reading my reference.

Sincerely,

Martino Starace

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

PEOPLE V. CHIARAMONTE
EXHIBIT 18

4/26/18

TO WHOM IT MAY CONCERN,

I HAVE SOLD LUMBER AND BUILDING MATERIALS TO SAL CHIARAMONTE FOR THE LAST 30 YEARS. DURING THAT TIME IVE BEEN FORTUNATE TO BE HIS SUPPLIER. I HAVE HAD THE PLEASURE OF HELPING HIM WITH RESIDENTIAL AND LIGHT COMMERCIAL PROJECTS. I HAVE NEVER HEARD A COMPLAINT FROM A CUSTOMER HE SERVED. I AM CURRENTLY HELPING HIM WITH A SUBDIVISION IN THE CITY OF FARMERSVILLE, CA. IN THIS PROJECT, LIKE ALL THE REST OF THE LAST 30 YEARS, SAL IS SHOWING ME HIS PRACTICED SKILL AND JUDGEMENT IN COMPLETING THE PROJECT. IF I WERE TO BUILD MY PERSONAL HOUSE, I WOULD BE COMFORTABLE CHOOSING SAL AS MY CONTRACTOR.

SINCERELY!

Tom Griesbach

TOM GRIESBACH

PEOPLE V. CHIARAMONTE
EXHIBIT 19

Your Honor,

My name is Darin Garrett and I am the owner of Jake's Roofing in Porterville, Ca. I have been in business for my self for 30+ years.

I first met Sal Chiaramonte in 1991-1992 when he was building a large custom home for a prominent Tulare family. This is where I had the pleasure of doing my first roofing job for him. It was a beautiful Victorian 2 story in a nice established neighborhood. It was a raised wood floor, which was rare in our area because most builders switched to slab foundations. But not Sal, he said to me "It's not considered custom in the San Jose area unless it's a raised foundation and that's what I'm building, a true custom home". After that job, I began to do most of his work both residential and custom, as he was a very good man to work for.

In around 1993-1994 he signed a contract for another large custom, as a referral from the Victorian. I believe this customer was a Chiropractor. It was the largest home ever built in Tulare at the time, around 6-7000 sq ft. I believe it even made the front page of the local paper, where Sal was interviewed standing in front of it. It is still the talk of the town to this day. As a referral from that job, another Doctor hired Sal to build him a 6000+/- sq ft home in Visalia. And the referrals grew from there and his Sal became well known for quality custom homes.

My point is that Sal ALWAYS built quality homes and delivered them on time. In all the years I worked on his jobs, I never heard anything bad about him or his company. Over the years, I got to know his family and we became friends.

I, myself, went through some horrible times, both personally and financially. In those times, I would call on Sal for help and he always helped me, even financially if needed. Also, when I had problems with my marriage, he took care of my kids for a short time.

Sal is NOT a bad guy, nor is his family. He keeps his word and is always willing to help out people in need. I know for a fact that he and his family are dedicated Christians and very involved in their community. Without a doubt, I would trust this man and his family with mine and my families lives.

Sal may have gotten in a little over his head, maybe tried to take on too much, but this man is not a criminal....by no means. Your Honor I am asking you to please hear what I have written here and take it to heart. I am asking you to have mercy on him and his family.

They have also lost everything including their home of 20 yrs that they built with their own hands, all their retirement, his ability to work in the industry, everything. He is not a very young man and not in the best of health. I am asking, Your Honor, to please do the right thing here and allow him to remain with his family so they can pick up the pieces and move forward with their lives.

Thank You for taking the time to read this and for letting your heart be your guide. Feel free to contact me at 559-310-3564 if you need to.



Darin Garrett
1279 Henderson Ave #297
Porterville, Ca. 93257

PEOPLE V. CHIARAMONTE
EXHIBIT 20

Luis fernando Perez Ventura
1517 Ashland, Dr. lemoore.

6/30/22

you Honor my name is Luis Perez
and i worked for Chiaramonte plumbing
and const. for about 3 years. Performing
the trade of plumbing for the company.

Sal would always treated me fairly
and with respect, he required for us
to do the same to costumers, to always
be respectful, Kind and honest to The
costumers & to be profesional, efficient
and neat on all our job sites.

Sal had high standards of our trade
of work. And he took the time to teach
me what i know today. When ever i had
a question or i wasn't familiar with
something, he always had time and took
time to help me. And always came up
with a efficient solution for problems
and questions i had in the plumbing trade.

Sal and his family are the nicest
persons i ever met i am so glad and
thankful that they became part of my life
and i could say that thank's to Sal
i became a great Plumber and i would always
be thankful to the Chiaramonte Family
and alway be part of it too.

PEOPLE V. CHIARAMONTE
EXHIBIT 21

July 11, 2022

DEAR Honorable Judge

I am writing this letter on Behalf of SAL Charomonte, I have know SAL & his family over 30 years. Doing Business with his company. I have done lots of homes for SAL. I am a Cabinet Contractor. worked for SAL as he built many home. I Built All of his Cabinets for his homes, Big Custom Home, Semi Custom home, he completed All his work, on the home's. He was A REAL Quick Paying his Sub Contractors, SAL A man I can TRUST, him, As A Business man. SAL & me IGNACIO GARZA, attend the SAME Church for YEARS, SAL is very Active in OUR Church MEN'S RETREATS, Bible Study's. he also Teaches young Boy ROYAL RANGERS. this is the Man I know. honest, Good Home Builder and TRUST, with letter explain what kind of man he is. thank you for Taking Time TO READ this letter. thank you.
Honorable Judge.

Ignacio Garza.



Ignacio Garza
Owner

650 South Bridge Street
Visalia, Ca 93277
Visalia, Tulare, Bakersfield and Fresno
Area

PEOPLE V. CHIARAMONTE
EXHIBIT 22

Recognitions/awards/certificates

1. Sal and his wife have traveled with a team from his church to perform construction services in needy countries twice for 2 weeks each. (paid for their own way, donated all of their time and materials) Once to Colombia in 2006 (after a natural disaster) ... and once to El Salvador in 2009.
2. Sal built the large classroom building at Bethel Assembly of God in Tulare while attending there. He donated materials and time to do this.
3. Sal has donated his time and materials when the Tulare Board of Realtors needed help cleaning, repairing and painting a home for an elderly woman.
4. Sal's company has provided repairs free of charge to needy Veterans thru an organization called C.A.L.V.I.N.S.
5. Sal has worked free of charge on homes for the organization: Self Help
6. Besides holding 2 licenses, Plumbing and General Contracting (which are now inactive due to the current issues), Sal also held a Lead Based Paint Certificate and Mold Remediation Certificate
7. Sal has been used as an "expert witness" in Insurance cases
8. Sal donated his time to do a remodel on the Kiwanis building at the Tulare World Ag Expo grounds (the building is owned by the Kiwanis and used once a year to sell food from as their main fundraiser)
9. Sal has been awarded the "distinguished Kiwanian award" twice
10. Sal has been awarded the "Special Recognition award" from PKA fraternity at Fresno state for his contributions to the club.
11. Sal has been awarded the Tulare FFA "Distinguished Member" award for his efforts and contributions to the club.
12. Sal WAS an active member of the Tulare County Sheriff Posse, for many years, until the current issues caused him to resign.
13. Sal was interviewed by the local newspaper about the "largest home ever built in Tulare" at the time and a picture of him standing in front of the house was on front page of the paper.
14. At another time, there was a newspaper article about Sal's company doing work at a commercial space in Tulare
15. Sal is **currently** an active member in these service clubs which serve our community:
Cabrillo Club of Tulare
Sons of Italy, Roma Lodge
Kiwanis
Sportsman's Club of Visalia
And an active member at Visalia First Assembly of God, donating time to the children's ministry.
**Thru Kiwanis, Sal has rung the bell collecting for Salvation Army (many years), worked on the grounds for "Happy Trails" Therapeutic Riding Academy, worked at the "Special Olympics" (for Many years), read to under privileged children at a local school, served dinner to the out of the area visitors to our local World Ag Expo (many years) and many more

PEOPLE V. CHIARAMONTE

EXHIBIT 23

4 July 2022

Mark F. Wentworth
Mark Wentworth Construction
1098 E. Walnut Ave.
Tulare, Ca. 93274

Presiding Judge in the case of
Sonoma County District Attorney vs.
Sal Chiaramonte and Family
Sonoma County, California

Your Honor,

The following is my Letter of Character Reference and my personal account and perspective of the people and events regarding this matter. I believe I could easily write a book about this , but I will do my best to summarize in respect of your time.

Who am I? My name is Mark Wentworth. I am a second generation Licensed General Contractor(#224520) specializing in Finish Carpentry as a sub-contractor to other general contractors. I have known Sal Chiaramonte since the early 1990's when we worked together on multiple Custom Home projects over a number of years. In the process, we, and our families also became friends. In that time I came to know him and his family as an honest, hardworking, sincere, god fearing, family and community oriented people! After a time, our businesses grew in different directions, mine staying in the Custom Home field and Sal's into the Development and Tract Housing field. I believe this gave Sal the unique experience of custom and production builder necessary to even attempt to provide services to the Santa Rosa Fire Disaster! We kept in touch, but did not do any business together until 2018 when he contacted me regarding the Santa Rosa fires!

The Big Picture! 2017 Northern California Fires – Santa Rosa, 3043 homes destroyed. Including all 2017 area fires 8900 buildings destroyed, \$14.5 Billion in losses.

To my knowledge, the charge against Sal and his family is a State law concerning mis-appropriation of funds, using funds from one project for another project. A perfectly appropriate law for normal construction practices. However, does it work in a disaster of this scale to help the Citizens/Owners rebuild? ***In my opinion, the rebuild of the disaster area was the PROJECT!*** The monies appropriated by Sal from the contracts with the various owners was all used toward the disaster PROJECT, not spent outside of that purpose! I personally witnessed no activities that Sal was doing anything other than his best to honor his contracts and re-build his clients homes.

So, who is the bad guy? Who is responsible? Who is to blame? To my Knowledge!

- 1) The Federal Government: FEMA came and over saw the initial clean-up. But there were no SBA disaster loan programs for willing Contractors to scale up their businesses in order to provide the services required at this scale. So how would it be possible, in a timely fashion, for a builder to avoid the mis-appropriation law?
- 2) The State of California: Did the State take a proactive approach to the disaster and establish a local presence to guide contractors avoid breaking rules and owners avoid being taken advantage of, through all the unknowns that were to come! Did they modify any laws to help the situation? All I ever saw was a little 8.5" x 11" sign on the side of the road in one neighborhood from the CSLB saying beware of unscrupulous contractors.
- 3) The County of Sonoma: Did the county do all it could do to help expedite the rebuild process for all parties concerned? There were not enough local contractors to rebuild on this scale in a timely fashion! Did they seek to recruit outside of area contractors to help their citizens rebuild? Or did they just react? Did they fall short also due to the scale of the disaster?
- 4) The Sonoma County District Attorney: Has the Office been Proactive or Reactive in this whole matter? Are they serving their Citizens or themselves? Are they looking for a scapegoat to present to their constituents at election time to further their careers? Did they offer a settlement that Sal and his family would have to take because of the cost to defend themselves? Where and what were they doing to help at the beginning of the Disaster?
- 5) The City of Santa Rosa: Did they make it easy or hard for contractors to rebuild? Examples: No driving on streets from work sites after a rain! No parking of housing trailers for work crews on city streets! Excessive site protection for water run-off but failed to provide same protections for City sewer farm that flooded and overflowed, due to #6. Fine rules for normal affairs, but practical in a disaster?
- 6) The Weather: From October of 2018 to March of 2019 the area received TWICE the normal rainfall. How do you go to work if you can't enter/exit your jobsite because of City rules? How do you build in a downpour?
- 7) The Clients: Of the 14 Clients that I had Contracts with Sal to complete Finish Carpentry Services with, 3 were completed before trouble began, 2 -- Edenfield/Morano and Brian and Jaquelin Scott, asked us to leave and then LOCKED us out of the jobsites we were actively working on, claiming that Sal had abandoned there projects! I believe that they refused to pay, starting the beginning of the end! 5 clients were in various phases of finish work, and 4 were in progress but not yet to finish work stage, and the rest of Sal's clients were not to contract stage with me at that time.
- 8) Employees and Other Contractor Associates: It is my belief that some of the people in this category in Sal's organization actively sought to discredit his company with his clients, and in the process gain his clients under contract, as their own!

In closing, I would like to reiterate the high points of my opinion! First is that Sal and his family are good and honest people and do not deserve what has happened to them and their business! Second is that the Disaster was the PROJECT and all funds appropriated from clients were used toward the PROJECT, for the greater good of all the clients! Lastly, how can any one person, family, or business be held accountable when there are so many variables as mentioned above, especially, THE WEATHER!



Mark F. Wentworth
Owner
Mark Wentworth Construction

PROOF OF SERVICE

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years and not a party to the action entitled below; my business address is 555 Capitol Mall, Suite 1245, Sacramento, California 95814.

On October 19, 2022, I served a People's Request for a Continuance of Motions for New Trial on the party listed below, addressed as follows:

Email: David.Kim@sonoma-county.org / smirand2@sonomacourt.org

Mailing Address: Hall of Justice 600 Administration Drive, Criminal Department Room 105J, Santa Rosa CA 95403

- ☐ **By facsimile machine (FAX):** by personally transmitting a true copy thereof via an electronic facsimile machine to:
- ☒ **By first class mail:** by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the United States Postal Service collection located in our office building; said envelope addressed to the location listed herein to: *Hall of Justice*
- ☐ **By Federal Express/UPS:** two day service by placing a true copy thereof in a sealed Federal Express/UPS box, delivered by Federal Express/UPS.
- ☐ **By Personal service:** by directing our office courier to personally deliver a true copy thereof to the office of the addressee at the location listed herein to:
- ☒ **By electronic mail (E-mail):** by personally electronically transmitting a true copy thereof via email account of:

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on the 19th day of October 2022, at Sacramento, California.



Madison K. Hensley
The Rosenfeld Law Firm