

COURTS: CITY OF BELL NOT REQUIRED TO DEFEND SCANDAL-PLAGUED FORMER ADMINISTRATOR, COURT RULES

The city of Bell is not contractually obligated to provide a legal defense for Robert Rizzo, the city's former chief administrative officer who left office under a cloud of corruption charges, the Second District Court of Appeal ruled October 9.

Mr. Rizzo, who earlier this month pleaded no contest to 69 felony counts of misappropriating tax dollars, falsifying records, committing perjury and other crimes, argued that his contract with the city required the city to pay his defense costs.

The Court of Appeal wrote: "While we base our opinion on the language of the contract and controlling law, it is also important to not lose sight of the policy issues implicated. Rizzo is alleged to have 'embezzled, stole, and misappropriated millions of dollars in City funds' over a period of 17 years. When the City sought restitutionary relief for such losses, by means of civil actions brought by itself and the Attorney General on its behalf, and the District Attorney initiated criminal prosecutions, Rizzo's response was to demand that the City defend him against the allegations in all such actions. This is not a case in which the public entity has chosen to stand behind its employee, perhaps wrongly accused by third parties. Instead, the entity has brought the accusations itself, and (when asked to provide a defense) has made a specific finding that its employee acted out of fraud, corruption, or malice. Under these circumstances, we find it difficult to believe that any expenditure of City funds to defend Rizzo would not constitute an impermissible waste of public funds."

The court's decision in [City of Bell v. Los Angeles Superior Court](#) was issued October 4, and was modified October 9 with changes that did not impact the judgment.