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Former assistant DA files \$90K claim against Mendocino County



Former Assistant DA Paul Sequeira in a file photo from his days with the Solano County District Attorney's office. Contra Costa Times photo

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Former Mendocino County Assistant District Attorney Paul Sequeira filed a \$90,000 claim against the county March 4 alleging breach of contract asserting he didn't receive the agreed upon compensation during his employment with the DA's Office.

The allegations by Sequeira and responses by Mendocino County staff present some questions.

Sequeira is claiming that between September 2011 and March 2016 he wasn't paid what he was promised by the county. In his claim he says there was a "continuing breach of contract, entered into an employment agreement with the county and began work in September of 2011. The county has failed to pay the compensation spelled out in the agreement while continuing to represent to me they would take care of it."

Sequeira couldn't be reached at the Solano County District Attorney's Office Thursday, where he has since taken the position of chief deputy district attorney.

"Paul Sequeira filing a claim is a necessary procedural step in bringing this to a close," DA David Eyster said Thursday.

The approximate \$90,000 amount in the claim is the difference Sequeira said he was promised over what he was actually paid.

Sequeira never had a signed employment contract, according to the county Executive Office response to a UDJ public records request, and the actual salary amount Sequeira and the county agreed to appears to be unknown.

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The Executive Office said he was hired in September 2011 as “extra help,” and as such, “he served at the pleasure of the District Attorney as an at-will extra help employee. As an at-will extra help employee, Mr. Sequeira does not have a contract with the county.”

However, the District Attorney’s Office said otherwise on Thursday claiming there was a written agreement in place.

“There was a written, negotiated agreement that had been put in the hands of the county Executive Office and County Counsel’s Office for review,” Mendocino County District Attorney’s Office spokesman Mike Geniella said, adding where it went from there, is the probable basis of the issue.

Though the Executive Office said Thursday there was no written agreement in place with Sequeira, in December 2015, Sequeira was offered an “at-will employment agreement,” by the county which he apparently declined to sign, leading to the item being pulled from the Board of Supervisors agenda for consideration at its Dec. 8, 2015 meeting.

Even though the Executive Office claims no written agreements existed, the proposed December agreement stated it would have “superseded all prior employment agreements, finalized or otherwise, between these parties.”



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The general intent, according to the December agreement, was to change “Sequeira’s employment from a full time extra help employee to that of a limited term at-will employee of the county,” specifically, running concurrently with Eyster’s term and at his pleasure.

The salary, also not specifically defined in the December agreement, only stated it was to be the same base salary as that authorized for the undersheriff job classification, “Grade U48C, at step five, payable in equal installments on a biweekly basis based on a 40 hour work week.”

According to county human resources records, the current annual step five amount for the undersheriff position is approximately \$115,000.

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