

# Contra Costa Superior Court Judge Steven Austin Aided & Abetted Real Property Theft Says Whistle Blower Architect



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This post was contributed by a community member.

## **Contra Costa County Superior Court Judge Steven Austin Aided & Abetted Real Property Theft with the help of Assessor Gus Kramer & Other Public Officials**

A local vetted source has provided a complaint filed with District Attorney Diane Becton on June 14, 2018, demanding a criminal investigation of several public officials including Gus Kramer and Martinez Superior Court Judge Steven K. Austin. This complaint alleges that Judge Austin colluded with County officials by rigging a trial in an effort to steal real property from an Orinda resident.

The verified complaint to the District Attorney describes how County and City of **Orinda** officials failed to enforce code violations on the property of an architect who committed horrific environmental crimes and zoning violations. This architect, with the help of City of Orinda and Contra Costa County officials, was able to double the square footage of his house and also change public records on the assessor's record to reflect the unpermitted additions. In early 2013, the County Assessor's office was notified by the whistleblower about the tampering of public records, but Gus Kramer refused to investigate.

According to several forensic engineers and experts, this Orinda architect resorted to extreme tactics with reckless disregard for the environment in order to access the whistleblower's panoramic views and cheat on his property taxes. The architect's zoning violations also included exceeding setback and height limits, grading massive amount of dirt, destroying a ridge line, uprooting several landmark oak trees, and illegally building decking, structures, pouring concrete and piers next and on top of utility East Bay Municipal Utility District (EBMUD) drainage

pipes. Further, this architect built nuisances on two neighboring properties and tampered with public records.

The subject experts who reviewed the case documents are in agreement that environmental and zoning violations have placed the surrounding houses and safety of residents in danger of flooding and created a fire hazard in the Sleepy Hollow, Orinda neighborhood.

New evidence indicates that [recent press articles circulated by the Mercury News](#) may be heavily influenced by the Contra Costa County Board of Supervisors. Such press alleges that **Gus Kramer** engaged in sexual misconduct, leading to his private censoring. However, in view of the complaint to the District Attorney, it is questionable as to whether the new sexual misconduct allegations are indeed the true crux of Kramer's wrongdoings, or whether these accusations are intended to detract from the very serious criminal acts that are described in the June 14, 2018 complaint to the DA Becton about the Orinda property theft.

[This article](#) states: "On June 18, **County Administrator David Twa** wrote to one of the accusers — associate appraiser Margaret Eychner — saying an independent investigator determined it was 'more likely than not' that on several occasions in 2014 and 2015, Kramer 'made comments that were not appropriate in a workplace environment and that made you feel uncomfortable.' "

[08-05-2018 CCounty Gus Kramer embroiled in another sex harassment probe \(Click Here\)](#)

It is highly suspicious that within three days after the whistleblower's complaint having been filed, David Twa resurrects alleged sexual misconduct by Kramer dating back to 2015. It is reasonable to infer that the county officials are giving Gus Kramer a get out of jail free card instead of allowing DA Becton to do her job by conducting criminal investigation of Gus Kramer, Judge Austin and others. Strangely enough, the whistleblower's complaint names David Twa being involved in aiding and abetting the theft of her property as well.

[Board of supervisors, not former DA Mark Petersen, axed the probe into Gus Kramer's criminal investigation. \(Click here for evidence\)](#)

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The complaint to DA Becton states that the whistleblower tried to facilitate the architect to remove the encroaching nuisance that interfered with her privacy. The architect continuously promised to do so, but deliberately misled her for two (2) years. He then swiftly ambushed her by filing a lawsuit claiming several baseless legal assertions including outright ownership and punitive damages for accusing him of building without permit.

Before filing the lawsuit, the Orinda architect threatened **“either you agree to a lot line adjustment or I will drag you through the court for years to come and make you lose everything you have.”**

Public records show the whistle blower in 2012 involved county deputy director, **Jason Crapo**, county engineer **Thoam Huggett**, and former Orinda planning director, **Emmanuel Ursu**. However, in a meeting both Ursu and Thoam Huggett, threatened that the county would retaliate and reverse everything by coming after

the whistle blower instead, if she didn't stop complaining about the architect's violations.

Communications between the whistleblower and the County public officials and the Assessor's office show a blatant refusal of public officials to investigate the architect's violations. The Orinda city officials, however, opened a code enforcement investigation against the architect for encroaching onto another neighbor's property. Incidentally, this other neighbor was an attorney with political aspirations.

The whistleblower's complaint to the District Attorney accuses the officials of selectively applying the rules and failing to prosecute white collar crime, as in this case clearly the violations didn't apply to the Orinda architect. Also, when it came to opening a code enforcement the rules only applied to an elite group of people, attorneys and others who are politically well-connected.

Obstructed by the tax collector, Gus Kramer, and the Building Department's refusal to investigate, the whistleblower sought help from the local police for unlawful trespass and property damage. The police also refused to do their job, but assured her that she had every legal right to defend her property by removing the encroaching nuisance from her land. The police offered to protect the whistle blower and arrest the architect, if he interfered with the removal.

Documented communications prove the whistle blower went so far as to call self-proclaimed tree-hugger career-politician Steve Glazer when he was the mayor of City of Orinda. **Steve Glazer** ignored serious California environmental code violations, reckless destruction of protected Oak trees, perjury and

falsifying a permit committed by the architect's surveyor, Rick Humann and county deputy director Jason Crapo.

The architect was emboldened knowing one of his many attorneys, [H. Clyde Long](#), had inside connections with the Martinez judiciary, i.e. **Judge Steven K. Austin**. Attorney Long also serves as the chair of city of Lafayette's code enforcement appeal board and [advertises on his website](#) that he can help those with "city/county code enforcement." The complaint alleges that the architect had inside political influence with the municipal officials, the Assessor's Office and the Building Department to be able to unlawfully change the public records twice by increasing the square footage of his house, without any evidence of any permits to increase his house's size.

Indisputable evidence is provided of open judicial extortion committed by Judge Austin in voluminous trial transcripts involving a lawsuit filed by the architect in violation of zoning laws who is also cheating on his taxes, demanding an outright ownership of the whistleblower's land and the court preventing her free speech regarding his violations. Judge Austin's abuse of power and judicial misconducts and collusion to steal the whistleblower's property is captured throughout the trial transcripts:

**"THE COURT: So what they are saying is, as I understand from that side, the evidence that's been developed would be that it's not relevant how big the house is even if it's more than what it's supposed to be on the records of the city because it has nothing to do with the property line dispute, and that it would be more prejudicial than probative to go**

**into that because you'd make them look bad because they built a house bigger than it's supposed to be, right?"**

**"THE COURT: It sounds like you're just trying to say that it looks like they must have cheated on their property taxes so they must be bad people" (RT.Vol.4P.168L-5-9)." "It's a difficult case, in many respects and exactly how this property will be used, going forward, it's not going to matter that much as long as they don't move back, but if they do move back, it's going to make a big difference I think in terms of how the property will be used because of just the history. Okay (RT.Vol.062414P.3301L.9-P.3302L8)."**

**Dewey Wheeler (represented state farm insurance) openly made fun of Judge Austin's Kangaroo trial and jury instructions at the expense of CoCoCounty tax payers when he appropriately called the judicial council a dark hole.**

However, the law is clear in stating that: The California Judicial Canon of Ethics prohibit a judge from ignoring indisputable evidence of the commission of fraud, he has an outright duty to report such fraud to law enforcement. Not to mention that the rules of ethics prohibit a litigant from using the court system

with “unclean hands”. On the record Judge Austin is allowing the architect and his three attorneys to play fast and loose with his court and helped them to correct deficiencies in their lawsuit by coaching them. The architect acted as though he owned Judge Austin’s court.

Review of the trial transcripts by several legal experts show in no uncertain terms, this whistleblower’s case is a posterchild example of thuggery run amok in a deeply-embedded incestuous web of municipal officials, the judiciary, attorneys and politicians. The whistle blower was retaliated against and thrust into a rigged court because she exposed the systemic corruption in the offices of the county of Contra Costa and the tax collector, Gus Kramer.

Judge Austin on the record stated he found attorney misconduct entertaining when presented with evidence of witness intimidation, declaration tampering and obstruction of justice committed by three attorneys, **Clyde Long, Brandon Dooley and Dewey Wheeler** who represented State Farm Insurance. **David Miller of Moraga** was selected by Judge Austin as the discovery referee and paid by state Farm insurance. He too consistently ignored attorney misconduct and was actively engaged in legally abusing the whistle blower.

The lawsuit substantiates the architect’s initial threats of his intent to use his political and judicial connections to steal her property and ruin her financially by dragging her through years of litigation. The court record shows that right from the inception the case was rigged. Judge Steven K. Austin admitted that he personally hand-picked the case because he found it to be interesting. Bolstering the existence of backroom dealing,



Judge Austin just also happens to be a resident of Orinda and buddies with the architect's attorney Clyde Long. Additionally, the architect's homeowner's insurance is State Farm, Judge Austin's former employer.

The complaint alleges that **Judge Steven K. Austin** engaged in extortion by threatening that "if you do not give up your land for \$10K I will make you fall flat on your face and make you pay him, instead. A lot of money." The complaint also states Judge Austin and public officials concocted a plan to extort the whistleblower in agreeing to a lot line adjustment, through abusive litigation and wasting taxpayer's money on allowing a white collar criminal to come to court with unclean hands. When she refused to relinquish her property rights, the officials with the help of Judge Austin retaliated. They schemed a plan to manipulate the trial to come up with a fake money judgement that the whistleblower could not pay. The judgment against the whistleblower ended up to become approximately about \$300,000, including additional fees.

The whistleblower demanded that local politicians and government agencies circumvent the retaliatory judgment, and involved the former DA Mark Petersen and other politicians such as **Mark DeSaulnier, Catharine Baker, John Garamandi, Dianne Feinstein, Kamala Harris**, and the Board of Supervisors of Contra Costa County, specifically Candace Andersen. None of the officials apparently did anything to stop the commission of the crimes by Contra Costa County officials.

Reviewing the emails with public officials show the whistleblower engaged legal counsel who agreed to confront the City of Orinda officials regarding these officials' failure to perform their jobs

and ignoring perjury committed by **Rick Humann**, the architect's surveyor. In the meantime, the whistleblower involved the County chair of planning commissioner, Duane Steele, who referred her to the Deputy Director of County Building Department **Aruna Baht**. Aruna Baht, upon reviewing the fraud documents, immediately assigned inspector **Joe Losado** to inspect the architect's house and tag it. Joe Losado admitted to the attorney that the architect did not have any permits on file.

Inexplicably, however, Joe Losado refused to inspect the architect's house and engaged in threatening the attorney to back off or the county attorney, Sharon Anderson, would revoke his license and file a restraining order against his client.

In 2017, Mark Petersen had assigned the case to Steve Moawad, former DA, for public corruption. However, DA Moawad was prohibited to investigate Gus Kramer, Judge Austin and others at the behest of board of supervisors.

[DA Moawad stated in writing that he was going to continue investigating Orinda officials for failure to open a code enforcement against the architect. Conspicuously, Steve Moawad left the DA's Office to become California Bar Chief Trial Counsel without concluding the case. Several series of emails prove the public officials were complicit in committing crimes against the whistle blower. \(Click Here\)](#)

The court files demonstrate that the Board of Supervisors and Judge Steven Austin have committed egregious violations in order to silence the whistleblower and prevent the whistleblower from being able to seek appropriate remedy and redress. Judge Austin conducted an expensive jury trial in 2013 in which the jurors were provided with manipulated instructions that biased

the jury improperly. In addition, according to several jurors and the transcripts, Judge Austin gave them a jury instruction that was not part of the record. [Sample kangaroo trial transcripts](#)

Further, the County appears to have enlisted State Farm Insurance to hire a private investigator to follow and harass the whistleblower's daughter in another state for over two years. The whistleblower accuses Contra Costa County Supervisor **Candace Andersen** for failing to mitigate and offer appropriate redress. Incidentally, her husband [Philip Andersen works exclusively for State Farm Insurance as defense counsel.](#)

As stated in a law review [article by Orlando J. Villalba. "Slapping Criminal Speech; how Evolution of the Illegality Exception has Impacted California's Anti-Slapp Statute"](#), this type of lawsuit is deliberately brought to financially decimate its opponent. The true desire of the trespasser is to cause delay and distraction. And to punish his/her opponent for standing up for him/herself. [\(Click here for Villalba's article\)](#).

CA Penal Section SCC. 518. State and Federal Statutes show the definition of the criminal offense of extortion as follows:

Extortion is the obtaining of property or other consideration from another, with his or her consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right.

Years of articles published by the Mercury News show that a culture of "pay to play" is deeply embedded in Contra Costa County municipalities and its court system. At the very core of this crisis is Tax Collector and Assessor Gus Kramer and the Board of Supervisors. As illustrated by [Tom Lochner's article in](#)

[May of 2008](#) “Building disputes near an end”, falsifying and forging documents in the Contra Costa County Building Inspection Department is apparently standard operating procedure. ([Click here for the article](#))

In 2011, the District Attorney’s Office axed a probe investigating Assessor Gus Kramer for a financial scheme involving evading transfer taxes in shady land deals. It was just outright nixed—as if it never existed.

All of this was obviously known to the Board of Supervisors. Thomas Peele, Pulitzer award winning Journalist, exposed Gus Kramer in his article titled [“His Deal Deeds and Doubts.”](#) ([Click here for the article](#))

Federal prosecutors have the authority and jurisdiction to hold judges accountable for their unlawful conduct by charging them with a federal crime.

[Section 242 of Title 18](#) of the U.S. code — the so-called “color of law” statute — is the same federal civil rights legislation that Justice Department prosecutors use against Law enforcement officers who use excessive force and make false arrests. The law applies to prosecutors and judges too. However, the feds do not use it against judges.

Judges are responsible to apply the law and are held to the same standards as everyone else, and when judges flagrantly violate the law, there should be consequences for them as well.

Unfortunately, when judges are caught committing a crime, they are allowed to collect tax payer funded retirement packages and obtain work as mediators collecting \$500 hourly rates with corporate entities like ADR Services Inc.

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