

Orrin Heatlie
104 O'neill Court
Folsom, CA 95630

December 13, 2024

Attorney Steven Wang
City of Folsom Council Members
City of Folsom
50 Natoma Steet
Folsom, CA 95630

Dear Attorney Steven Wang and City of Folsom Council Members,

I am writing to demand the immediate resignation of Councilmember Michael Kozlowski due to multiple clear violations of residency requirements under California and municipal law, as well as breaches of public trust.

Residency Misrepresentation

On his nomination forms, Mr. Kozlowski listed 364 Mountain View Drive as his residence. Evidence shows he resides with his family at 1528 Hammond Court, which is outside District 1. Furthermore, Mr. Kozlowski has claimed to reside in a camping trailer on the Mountain View property. However, this violates Folsom Municipal Code § 17.02.220, which prohibits living or camping on a property for more than 10 consecutive days without a permit. There has never been a permit issued to establish residency for the partially improved lot or trailer at 364 Mountain View Drive since he filed his nomination paperwork.

This misrepresentation undermines California Election Code § 349(a)(2), which requires elected officials to maintain their domicile within the district they serve. Additionally, knowingly providing false information on election documents constitutes perjury under California Penal Code § 118.

Precedent from Councilmember Roger Gaylord

The council has faced similar circumstances before. In June 2020, Councilmember Roger Gaylord was pressured by then-Mayor Sarah Aquino to resign over residency discrepancies. Mayor Aquino removed Mr. Gaylord from all committee assignments and stated publicly that enforcement of residency requirements was critical to maintain public trust and uphold the law. As quoted in the Sac Bee article dated June 17, 2020, Aquino stated, "I do believe in following the state law and city charter, even when it's inconvenient," Furthermore, "If he wanted to rent a property in the city sure, but he actually has to put his head on a pillow in Folsom and as we know the home he owns is in Pilot Hill in El Dorado County." As was true then, it is still true now; the same logic applies to the boundaries of the districts now as they did to the city boundaries then.

Read more at: <https://www.sacbee.com/news/local/article243575762.html#storylink=cpy>
Ms. Aquino's leadership and commitment to integrity remain a cornerstone of this council. As Mayor in 2020 and today, her firm stance against such violations set a precedent that must be upheld in this case. The council cannot treat Mr. Kozlowski differently without risking the erosion of public trust.

Damages and Liability

In addition to legal violations, Mr. Kozlowski's actions may expose the city to civil liability. His opponent in the 2022 election, Michael Reynolds, was materially disadvantaged by this fraud. Mr. Reynolds could potentially pursue claims for lost professional and political opportunities caused by Mr. Kozlowski's deceptive actions. The city, by failing to act, risks complicity and legal exposure.

Demand for Resignation

Violations committed by Mr. Kozlowski and the continual intentional misrepresentation of his residency disqualify him from holding office. His continued presence on the council undermines its integrity. I demand his immediate resignation to uphold the law, restore public trust, and avoid further damage to the reputation and legal consequences for the City of Folsom.

Failure to act will result in the submission of a formal complaint to the Sacramento County Grand Jury and the California Fair Political Practices Commission (FPPC) to ensure accountability.

I urge the council to act decisively, following the precedent set in 2020, and demonstrate to Folsom residents that no one is above the law.

Sincerely,

Orrin Heatlie
Folsom Resident
RebuildCalifornia.com, Chairman
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cc: Mayor Sarah Aquino
Councilman Justin Raithel
Councilwoman Barbara Leary
Councilman Mike Kozlowski
Councilwoman Anna Rohrbough