

May 18, 2016

To: Dept. of Neighborhood Empowerment, City of Los Angeles
Fr: Jay Ross, stakeholder, resident of 2307 Amherst Ave., LA 90064

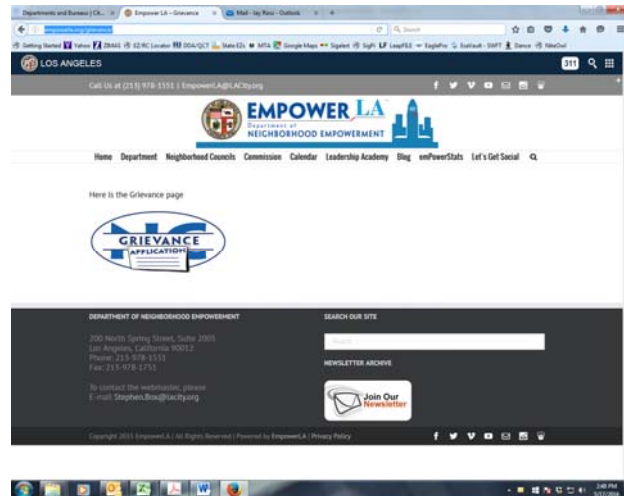
Re: Grievance – Jan. 5, 2016 meeting – West L.A. Sawtelle NC Board of Directors’ possibly improper vote to appoint Jay Handal to Organizational Member (term expiration in 2018) in violation of WLASNC by-laws.

Note:

As of Apr. 28 and May 17, 2016, the DONE website’s main Grievance page provided no information on filing grievances. The grievance webpage has a graphic “Grievance Form,” but you cannot click on it. No form opens, and no information is/was provided.

<http://empowerla.org/grievance/>

In addition, as of Apr. 27, the WLASNC by-laws posted on both the NC website and the DONE website stated that grievances should be submitted directly to the NC (and not to DONE). I followed these instructions and submitted a grievance at the first NC meeting after the Jan. 5 NC Board meeting, which was on Mar. 23.



DONE should respect both of these sets of instructions and consider this grievance valid for its consideration, as submitted on this date.

Grievance

I, a Stakeholder, have been disenfranchised by the WLASNC by its appointment on Jan. 5 of a person who provided no evidence that he is authorized by his Organization to serve on the WLASNC Board of Directors:

1. Failure of Board of Directors to require submittal documentation of Jay Handal’s current authorized Organizational representative prior to vote for appointment; and failure of Board of Directors to provide the documentation to the public in advance of the Agenda or in advance of the Item consideration and vote, as required by WLASNC by-laws. (Stakeholder Jay Ross and Boardmember Rosie Kato requested at the meeting for a

paper copy of documentation prior to the Jan. 5 vote, but the Board denied the request.) Bylaw V-501 requires that formal documentation by the Organization director be submitted that authorizes the candidate to run for the NC and represent the Organization. Mr. Handal refused to submit this documentation when stakeholders requested it, and the Board did not provide it to the public for review as part of his candidacy packet / documentation.

2. Failure of the Board to properly notice the Special Meeting of Board of Directors of Jan. 5, 2016, 24 hours in advance of the Special Meeting, as required by the Brown Act. City clerk's email notification was received on Tues. morning, Jan. 5, which is only 8 hours in advance of the Jan. 5 meeting that started at 7:30 pm. This is many hours less than the 24 hours required. In addition, this Special Meeting was held at a date and time that was different from the regular date and time, and Stakeholders had no idea that they should monitor the website every day for Special Meeting agendas.
3. Improper appointment by the Board of Mr. Jay Handal to the Organizational Member seat (term expiration of 2018) because he did not provide required DONE and WLASNC Stakeholder Verification and Organizational Stakeholder Documentation documents, per WLASNC Bylaw V-501.
 - a. The documents on which the WLASNC may have improperly relied were Mr. Handal's identification card from the LAPD's Community-Police Advisory Board that expired in Dec. 2014 (14 months ago), but not even that document was submitted for public review at the meeting on Jan. 5.

WLASNC response since Jan. 5 meeting

The Board and Mr. Handal have attempted to submit documents retroactively in order to bolster their case for the Jan. 5 appointment after that date, which is not allowed. All documents must be disclosed in the public sphere in advance of any Board action, so that stakeholders may review and submit public comment. The Board cannot take an action and then provide documentation after the fact (i.e. no backdating).

At the April 27 Board meeting, the Board stated that it is not required to provide these documents to the public (either as part of the agenda, in paper form, or on the website in advance of the Board meeting), even though the NC is part of a city agency (DONE) and all city agencies are required to provide these documents to the public.

The Board also tried to distract from the issue, none of which are valid:

1. It said that another Organizational representative (Jack Fujimoto, who has subsequently resigned) did not have to submit authorization to represent his Organization. This is wrong because DONE head already certified his candidacy during the 2014 election.
2. It said that an At-Large Resident Board member did not have to provide evidence of being a Stakeholder when she was appointed. This is irrelevant because At-Large Resident candidates have different requirements than an Organizational representatives (they can self-affirm).
3. It said that it shouldn't be required to maintain current records on Stakeholders' eligibility because it has failed to do so in the past. This violates NC by-laws where all Board members must be eligible stakeholders and authorized by their organization at all times.

Mr. Handal attempted to submit documents after the fact in March, which is two months after the Jan. 5 Board meeting at which he was appointed (he did not submit the documents during a Board meeting for public review, either).

1. Letter dated 2015 from an Organization that states he is authorized to represent it. The letter is from an Organization that is different from the Organization that he claimed to represent at the Jan. 5 Board meeting. In the 2014 NC Election, Mr. Handal filed to represent the Community Police Advisory Board (LAPD), but this letter from 2015 is from the West L.A. Farmers Market. Although it is dated 2015, it was never submitted to the NC (it was never noted in any Minutes and the Secretary had no copy of its submittal prior to Jan. 5, 2016), and it was not provided to the public or to the Board in advance of the Jan. 5 Board meeting at which he was appointed.

The letter is not from a legal entity (a corporation, non-profit corporation, LLC, etc.), but from the common name of the group, and the formal name of the legal entity may be different (WLA Cultural). Furthermore, no documentation of the entity from the Secretary of State is included to verify that the person who signed the letter is the president / director of the entity and authorized to designate a representative.

2. Identification card LAPD's Community-Police Advisory Board that is current and expires in Dec. 2016. It was not provided to the public or to the Board in advance of the Jan. 5 Board meeting at which he was appointed.

Also, the Farmers Market is a business whose main purpose is to sell food, and the entity does not qualify as an Organization. An Organization provides services, such as a school, church, advocacy group (chamber of commerce, Sierra Club, Friends of Library, etc.). If Mr. Handal

wishes to represent a business, he must run for a Business Seat (2 are provided on the NC), not an Organizational seat.

Events that prompted filing of grievance:

At the Board of Directors Special Meeting on Jan. 5, 2016, the Board possibly violated the DONE regulations, and WLANC By-Law V-501 that requires that all Boardmembers be a current Stakeholder at time of appointment or election to the Board of Directors.

At the Jan. 5 meeting, the Board voted to appoint Jay Handal to the vacant Organizational Member (term expiration in 2018) seat. None of the List A and List B documentation that DONE requires (in its Election Handbook 2014 and 2016) was presented into the public record by the Board, and no authorization from the Organization for him to represent it that WLASNC requires was presented. Mr. Handal did not formally submit any documentation to provide evidence of being an Organizational Stakeholder as of the Jan. 5, 2016 date of candidacy, and he stated that he did not have to submit such documentation. In addition, the Board did not formally request, present evidence nor submit into the public record that Mr. Handal was an Organizational Stakeholder at that time of candidacy.

Bylaw V-501 requires that a formal authorization by the Organization's director be submitted that documents and authorizes the candidate to run for the NC seat and represent the Organization. This authorization likely should be an original, signed letter with a date of no more than 1 month prior to the appointment (Dec. 5, 2015). Mr. Handal did not provide any evidence that this type of letter documentation was ever submitted to the Board. In fact, Mr. Handal said that he did not have to provide it. If such a letter was drafted, the Board did not provide it to the public for review as part of his candidacy packet / documentation in advance of consideration of the Agenda item, either in paper copy at the Board meeting, by email to stakeholders (agenda, other correspondence), or by posting on the WLASNC website. In addition, this letter must be current and may not be provided at a later date (i.e. "back dated"). It must be submitted in advance of the appointment. Also, the designation may not be retroactive, i.e. dated after Jan. 5 and stating that the person had been authorized in the past to represent the Organization in the past.

I, as a Resident Stakeholder, formally requested that documentation/ evidence during public comment while the Item was being considered at the Jan. 5 meeting, and Boardmember Rosie Kato also formally requested that documentation evidence (an application, all required List A and List B documentation, and the WLASNC required Stakeholder authorization to run and represent from Organization director) during Board discussion. Both requests were rejected by

the Board, and as a result of this decision, the Board possibly violated DONE and the WLASNC by-laws and disenfranchised me, a Resident Stakeholder, during its processes:

- No paper copies of Mr. Handal’s documentation were provided to the public at the meeting (either in paper or electronic copy)
- No paper copies of Mr. Handal’s documentation were included in the Jan. 5 Board of Directors Special Meeting Agenda that was printed and available at the meeting, no electronic copies of Mr. Handal’s documentation were included with the Jan. 5 Board of Directors Special Meeting Agenda that was posted on the WLASNC website.
- No electronic notification of the Jan. 5 Board of Directors Special Meeting Agenda was emailed in advance to stakeholders within the 72-hour Brown Act time requirement.
 - This was the first time in many months that the Board failed to send an email notification of a Board Meeting directly to Stakeholders. That failure is atypical because this was a Special Board of Directors meeting on a date (1st Tue. of the month) that is different from the normal meeting date (4th Wed. of the month). Stakeholders had no reason to go to the website on a daily basis to check if a Special Board meeting had been scheduled.
- No documentation/evidence of Mr. Handal’s status as Organizational Stakeholder as of Jan. 5, 2016, were submitted/posted into the public notification realm 72 hours in advance of the meeting, which may violate the Brown Act.
 - No proof was provided that Mr. Handal reported a change in status after the Dec. 2014 expiration.

Mr. Handal and the Board insisted that his documentation as an Organizational Stakeholder from the 2014 NC Election is still valid, even though this is a new appointment to a newly vacant seat. The Agenda clearly stated that a new appointment was open for the seat. To do this, new and current documentation / evidence of Organizational Stakeholder is required, per DONE and WLASNC by-laws. The Board refused my request and Boardmember Rosie Kato’s request to delay the vote for one month while this would be reviewed and properly adjudicated.

The Board refused to make that 2014 documentation of Mr. Handal’s Organizational Member stakeholder status available to the public upon request. The Board said the public should “go to the website” instead of providing it the public. (The Board is required to provide this

information, not vice-versa. The Board cannot require public to do the groundwork that it is mandated to do by its and the City's and State's ordinances, by-laws and policies).

In addition, that 2014 documentation is not posted on the WLASNC website, and it is not posted on the DONE website as of Jan. 5, 2016, the date of that directive from the Board.

I made California Public Records Act request to WLASNC board members and to DONE on Jan. 7, 2016.

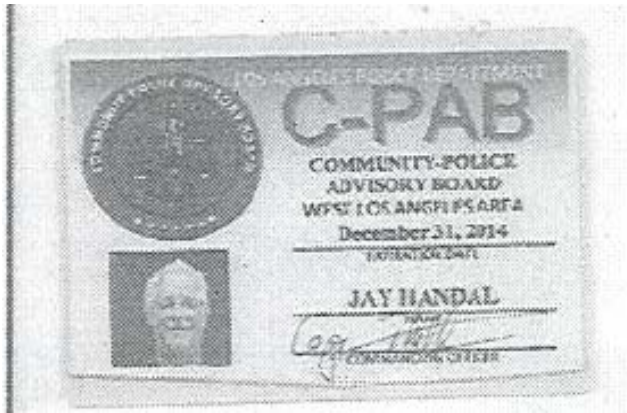
On Jan. 19, Greg Ericksen, the WLASNC Outreach Chair, stated that Mr. Handal's Stakeholder Verification had never been provided for posting in the months prior to Jan. 5 (see his email), and therefore, no information was posted on the website in advance of the Jan. 5 appointment meeting.

On Feb. 4, Mr. Jeffrey Brill of DONE replied that no documents had been submitted nor were available during the dates prior to the Jan. 5 WLASNC hearing (see his email), and therefore, no information was posted on the website in advance of the Jan. 5 appointment meeting.

Therefore, the NC's directive to me and a Boardmember to "go to the website" was false; the directive on which the Board relied to deny my public information request was false; and by providing false information to a reasonable request, the NC disenfranchised me.

In addition, Mr. Handal shouted at a Boardmember to "go get it yourself" and stated that it is not the Board's responsibility to provide these public documents when the public requests. This also may violate the Brown Act, DONE and WLASNC by-laws that state that all public documents are available upon request. A public request by me and the Boardmember in advance of the vote was refused, and that may be a violation of the Brown Act, DONE and WLASNC by-laws.

In addition, the Mr. Handal's Organizational Member stakeholder documentation from the 2014 Election is no longer valid. He submitted a copy of a membership card for the Los Angeles Police Dept.'s Citizens Police Advisory Board that expired in Dec. 2014 (see exhibit). He has submitted no letter of authorization from the Organization director to run for the NC seat and represent an organization during a Board meeting.



If new documentation of Mr. Handal's Organization Member stakeholder status is submitted, it should be dated after Jan. 5, 2016. Mr. Handal stated at the Jan. 5 meeting that he did not have any new, current or subsequent documentation because he believed that he was not required to do so, which is an incorrect interpretation of DONE and WLASNC by-laws and policies.

That is the gist of this grievance/challenge. Mr. Handal provided no documentation of current Organizational Member stakeholder status that was current as of Jan. 5, 2016, the date that he submitted his candidacy and the date which the Board of Directors voted to appoint him, and the Board refused to request any nor provide any to the public.

Consequences:

A simpler solution that would confirm the integrity of DONE and WLASNC by-laws is for the Board to rescind its Jan. 5 vote of appointment of Mr. Handal to Organizational Member (term expiration of 2018), require Mr. Handal and all qualified candidates to submit current documentation of Organizational Member stakeholder status, post that documentation into the public realm in compliance with the Brown Act, and agendize the consideration for appointment of any interested Stakeholder for Organizational Member (term of expiration 2018) for consideration at a future Board meeting.

Also, the Organizational Member (term of expiration 2016) is now open because Mr. Handal automatically vacated the seat when he was appointed on Jan. 5 to the Organizational Member (term of expiration 2018) seat. A new stakeholder must be appointed to the 2016 seat, which is now open, and Mr. Handal and qualified stakeholders may submit for consideration/candidacy. Mr. Handal presumably cannot "automatically" return to his old position if the Jan. 5 appointment to a separate seat is rescinded, and that seat must remain open for all interested stakeholder to submit their candidacy.

Public Records Request to DONE (Jan. 21, 2016).

Public Information Request

Jan. 21, 2016

Jay Ross
2307 Amherst Ave.
Los Angeles, CA 90064

West L.A. Sawtelle Neighborhood Council
Attn: Tom Donovan, Vice Chair
1645 Corinth Ave.
Los Angeles, CA 90025

Dept. of Neighborhood Empowerment
Jeffrey Brill
200 N. Spring St. #90012
Los Angeles, CA

Public Information Request: Stakeholder Verification documents for WLASNC Board Member Jay Handal on file as of his Jan. 5 appointment to a seat on the NC Board of Directors

Mr. Donovan and Mr. Brill:

Per the California Public Records Act, I request copies of the Stakeholder Verification and Registration Documents for Jay Handal, as required by WLASNC and DONE to submit candidacy for membership on the Board of Directors, that were on file as of Jan. 5, 2016, and/or were filed between Jan. 1, 2015 and Jan. 5, 2016.

This request for documents includes, but is not limited to:

1. The WLASNC requirements of an Organizational Representative for a letter (or documentation) from the Organization/ Entity which formally designates the candidate Mr. Handal to represent the organization, per its 2015 Bylaw V-501.

Article V – Governing Board

501. **Composition.** The WLASNC Board of Directors (the "Board") will consist of fifteen (15) voting Stakeholders, of at least eighteen (18) years of age, elected or appointed by the Board. All Board members must be Stakeholders as defined in Article IV, and they must be qualified to run for a particular seat.

A. The composition of the Board will be as follows:

- Four (4) Residents: one (1) from each of the following sections of the WLASNC area:
 - Northeast of the intersection of Nebraska and Barrington;
 - Northwest of the intersection of Nebraska and Barrington;
 - Southeast of the intersection of Nebraska and Barrington;
 - Southwest of the intersection of Nebraska and Barrington;
- One (1) Large Business Representative – Owner or operator of a business with twenty (20) or more employees
- Two (2) Small Business Representatives – Owner or operator of a business with nineteen (19) or fewer employees
- Two (2) representatives from houses of worship, educational institutions, community services or civic organizations (each such representative must be designated by the entity to be represented and authorized to seek election).

2. The DONE requirements of an Organizational Representative for List A and List B items for Mr. Handal, per its Election Guide (personal information may be redacted.)

I, a stakeholder in the WLASNC district, requested these documents at the Jan. 5, 2016, special meeting of the West L.A. Sawtelle NC Board of Directors. The NC did not provide them in the form of paper copies at the meeting. The NC directed me find the documents on my own at the WLASNC and DONE websites, but I was unable to find the documents posted after an extensive search. Therefore, I submit this formal request.

Can you please provide these documents in 30 days, by Feb. 19?

Thank you



Jay Ross
(310)979-9255 - Ross_Jay@hotmail.com

2015 JAN 25 4:15 PM

Public Records Request to WLANSNC (Jan. 7, 2016).

The screenshot shows an Outlook web interface. The browser address bar displays <https://outlook.live.com/owa/#path=/mail/search/rp>. The page title is "Outlook Mail (Preview)". The search results on the left show "WLANSNC meeting last night" under the "Sent Items" folder. The email header identifies the sender as Jay Ross and lists recipients: tdonovan@wlanc.com, acasas@wlanc.com, and GEricksen@WLANSNC.com. The subject is "NC meeting last night". The email body contains the following text:

Re-sent with Greg's correct email.

From: Jay Ross <ross_jay@hotmail.com>
Sent: Thursday, January 7, 2016 5:22 AM
To: tdonovan@wlanc.com; acasas@wlanc.com; gerickson@wlanc.com
Subject: NC meeting last night

Tom, Al, Greg,
I can't find Jay Handal's stakeholder verification documents for Organizational Member seat on the website. Can you send me the link or exact location? You guys told me they were posted, and I can't find them. I attached the screen shots of where I looked -- Board, Outreach and Boardmember pages.
Feel free to share this with other Boardmembers if necessary, who may know the location.
Jay
310 979 9255

DONE's reply to Public Information Request (Feb. 4, 2016)

From: Jeff Brill <jeff.brill@lacity.org>
Sent: Thursday, February 4, 2016 10:51 PM
To: Ross_Jay@hotmail.com
Subject: Department Response Ross PRA Request 012116

Mail - Jay Ross - Outlook

https://outlook.live.com/owa/#path=/mail/AQMkADAwATEAGU3NwAtNGMzNC0yNzA2LTAwAi0wMAoALgAAA%2I

Outlook Mail (Preview)

Search Mail and People

New | Reply | Delete | Archive | Junk | Undo

Department Response Ross PRA Request 012116

Jeff Brill
To: Ross_Jay@hotmail.com

Reply

Thu 2/4/2016 10:52 PM

PRA Request Ross WLA...
118 KB

Download Save to OneDrive - Personal

Good Afternoon Mr. Ross,

PRA Request from January 21, 2016:

"Copies of the Stakeholder Verification and Registration Documents for Jay Handal, as required by WLASNC and DONE to submit candidacy for membership on the Board of Directors, that were filed as of January 5, 2016, and/or filed between January 1, 2015 and January 4, 2016. (Attached).

Department Response to January 21, 2016 Request:

The Department has no records pertaining to this Request. You may want to make this request to the Office of City Clerk

As a reminder, I am the custodian of records for the Department and all questions related to Public Records Request should be directed to me. I can be reached at [\(213\) 978-1551](tel:2139781551).

Sincerely,

Jeffrey S. Brill

WLANC 19

WLASNC's reply to Public Information Request (Jan. 19, 2016) – from Outreach Committee.
No formal response received from officers.

Mail - Jay Ross - Outlook

https://outlook.live.com/owa/#path=/mail/AQMkADAwATEXAGU3NwAtNGMzNC0yNzA2LTAwAi0wMAoALgAAA%2I

Outlook Mail (Preview)

Search Mail and People

New | Reply | Delete | Archive | Junk | Sweep | Move to | Categories

Folders

- Inbox 380
- Junk Email 8
- Drafts 14
- Sent Items
- Deleted Items 334
- Borzou
- Columbia 1
- Computer 3
- Dan R.
- Environ
- Events
- Freecycle
- Friends 1
- Good stuff
- Jokes
- Match 19
- Personal 6
- Scooter
- Sigma Pi
- Trans
- Travel 5
- UCLA
- Vento 8
- WLANC 18

Re: WLASNC meeting last night

gericksen@wlanc.com

To: Jay Ross <ross_jay@hotmail.com>; Cc: tdonovan@wlanc.com; acasas@wlanc.com;

From: gericksen@wlanc.com

Sent: Tue 1/19/2016 5:02 AM

To: Jay Ross (ross_jay@hotmail.com);

Cc: tdonovan@wlanc.com; acasas@wlanc.com;

I haven't received anything so I can't post anything.

Sent from my iPhone

On Jan 18, 2016, at 7:34 PM, Jay Ross <ross_jay@hotmail.com> wrote:

Tom, Al, Greg,

May I check on this one more time?

Are these documents available?

From: gericksen@wlanc.com <gericksen@wlanc.com>

Sent: Thursday, January 7, 2016 3:43 PM

To: Jay Ross

Cc: tdonovan@wlanc.com; acasas@wlanc.com

Subject: Re: WLASNC meeting last night

Hi Jay-

There's never been any verification documents on the new website. They might have been on the old site or DONE site. I'll check the archives today.

I can post if I can either find the old docs or get new ones.

Greg

On Jan 7, 2016, at 6:38 AM, Jay Ross <ross_jay@hotmail.com> wrote:

Re-sent with Greg's correct email.

WLASNC By-Law #Article V - 501

Article V – Governing Board

501. Composition. The WLANC Board of Directors (the “Board”) will consist of fifteen (15) voting Stakeholders, of at least eighteen (18) years of age, elected or appointed by the Board. All Board members must be Stakeholders as defined In Article IV, and they must be qualified to run for a particular seat.

A. The composition of the Board will be as follows:

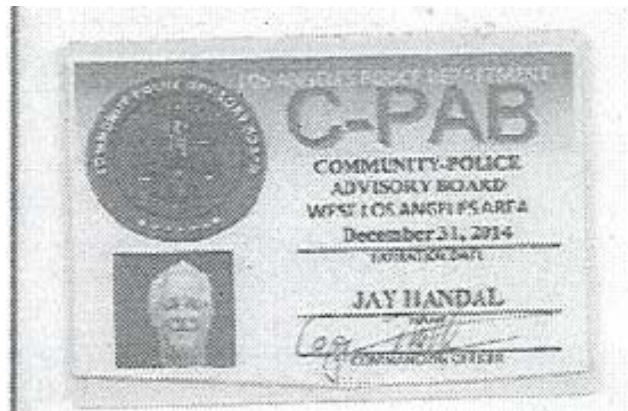
- Four (4) Residents: one (1) from each of the following sections of the WLANC area:
 - Northeast of the intersection of Nebraska and Barrington,
 - Northwest of the intersection of Nebraska and Barrington,
 - Southeast of the intersection of Nebraska and Barrington,
 - Southwest of the intersection of Nebraska and Barrington;
- One (1) Large Business Representative – Owner or operator of a business with twenty (20) or more employees
- Two (2) Small Business Representatives – Owner or operator of a business with nineteen (19) or fewer employees

-- Two (2) representatives from houses of worship, educational Institutions, community services or civic organizations (each such representative must be designated by the entity to be represented and authorized to seek election);

- Six (6) At-Large Representatives.

Mr. Handal’s identification card for Organization – LAPD Community-Police Advisory Board

Expiration date is Dec. 31, 2014.



Agenda for special meeting of Jan. 4, 2016.

Item #5 is a new appointment for an open seat.



January 5, 2016, 7:30 PM-SPECIAL TIME
Board of Directors SPECIAL MEETING Agenda
West L.A Neighborhood Council Office-In WLA Municipal Building
1645 Corinth Avenue
West L.A., CA 90025

The public is requested to fill out a "Speaker Card" to address the Board on any item of the agenda prior to the Board taking action on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the Agenda that is within the Board's subject matter jurisdiction will be heard during the Public Comment period. **Public forum is limited to 1 minutes per speaker**, unless waived by the presiding officer of the Board.

The chair may take items out of order. Agenda is posted for public review at: www.wlanc.com, WLA office 1645 Corinth Ave,

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by calling The Department of Neighborhood Empowerment at 213-978-1551. All items on the agenda are possible action items and subject to a C.I.S. filing. In compliance with Government Code 54957.5, non exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at www.wlanc.com, or at the scheduled meeting. Documents related to agenda items can be found at www.wlanc.com/important_docs.php?cid=2

1. Call to Order
2. Public Comment items NOT on the agenda
3. Approval of Minutes Prior Meetings
4. Outreach committee (Report Greg)
- 4.1 Motion to approve 160.00 for local library supplies
5. Appointment to open seat (Organizational)
6. Finance and Budget Report (Zana)
7. Review and approve outstanding monthly funding reports
8. PLUM Committee Project Presentation, Reports and/or PLUM Action re Projects:
 - 8.1 1735-37 Westgate Ave
 - 8.2 New Roads School proposal
 - 8.3 Black Beards CUB
 - 8.4 11916-36 Pico- Armsoco Property
 - 8.5 Small lot and short term rental issues
 - 8.6 12071 Wilshire Boulevard
 - 8.7 1721 Granville project
 - 8.8 1852 Stoner Project
 - 8.9 Video presentations for large projects (Policy and procedure issue)
9. Board Comments (5 Minutes)
10. Adjourn