

Patrice Berlin



December 20, 2017

Hon. Councilmember David Ryu
City of Los Angeles
Council District Four
200 N. Spring Street, Room 425
Los Angeles, CA 90012

Dear Councilmember Ryu:

Thank you for your efforts in leading the Health, Education and Neighborhood Councils Committee. I received and completed your *Neighborhood Council Experience* online survey and hope a wealth of responses further informs your discussions.

However, I am compelled to write to share in detail my experience with the NC election process in the hopes it can be vastly improved. I was initially disqualified as a candidate by the first "Regional Grievance Panel" convened to impose "an election remedy" per LAAC 22.818.e.9.

In a process urged by the Department of Neighborhood Empowerment (DONE) and the Board of Neighborhood Commissioners (BONC), drafted by the City Attorney and ultimately approved by City Council and the Mayor, I and another candidate were effectively falsely accused by a politically motivated cabal where manufactured evidence was not only submitted, but actually cited as the basis for our disqualification.

Any right to confront my accuser(s), to present vindicating evidence, or even to choose my own representation was denied by the city ordinance cited above. At the first hearing, the presiding officer referred to us in a public process in a public venue with the public present as behaving like "assholes" and "jerks." His opinion formed by verbal witness "testimony" given during public comment. Testimony that city ordinance denied me the right to refute.

After news of the hearing's outcome was reported in the media (L.A. Times, L.A. Daily News, the Internet, etc.), it was brought to my attention that not only was this public meeting NOT posted per the Brown Act, but also that accused criminals are granted more constitutional rights than I was, and this city policy has a very defective understanding of due process.

As you're probably aware, a second hearing where the rules were changed to something that more resembles justice, we were vindicated and our elective offices restored. But the damage of being this process's "guinea pig" (or lab rat) was done, and to this day there are still uncorrected accounts of me being "booted" off the Studio City Neighborhood Council (SCNC).

The election Challenger referred to us as "culprits." He was given the right to not only speak and present *his* evidence, but also to rebut. Initially, I was not.

There are video recordings of both panel hearings and if you yourself haven't screened them, I would kindly ask that you do, or have a staff member do so and write up a summary with an opinion. For it is my opinion, and nearly anyone who wasn't involved in creating, implementing or abusing this policy, that to call it a travesty would be kind. It exemplifies all that is broken with our current neighborhood council system and its municipal oversight.

While DONE General Manager, Grayce Liu, couches recommendations to "accommodate the testimony of all parties," what she really means is not deny candidates accused of wrongdoing

their right to defend themselves and their reputations. Because nearly two years later, I am still looking for ways to get mine back.

It's one thing to come to terms with the fact this policy's own rules were not enforced; submission deadlines extended, witness statement limits exceeded, objective-party review of documents forgone, etc. That's just negligence. It is yet another to learn that multiple people, including city staff were aware the signatures on sworn--under the penalty of perjury-- witness statements were authored by one person and signed by another. Yet, they said nothing. They did nothing.

In the "aftermath," as Councilmember Krekorian described it, of the SCNC election, I believe our Board has become synonymous with NC failure. Yes, election candidates on the ballot also worked the polling place, and yes two candidates did sign off on the initial canvass of votes, but questions about how or why this was permitted by the "NC election experts" have never been asked.

On three occasions, SCNC agendized motions to request someone in authority look into these apparently doctored witness statements to determine if fraud or perjury occurred, and three times the City Attorney directed us to strike the items from our agenda. The last written directive advised that we not entertain the subject again, "ever." As in "forever." Is this the City Attorney's NC Advice Division protecting the city from legal exposure? Or is this the City Attorney's NC Advice Division protecting themselves from harsh criticism for creating (and supervising the implementation of such shoddy policy?

After a thorough and detailed review of how these events unfolded, I believe the City Council and Mayor were unknowingly complicit in adopting this policy into law; no one double checked the language or thought out what would happen if it were implemented for individuals. While submitted reports advocating the creation of these panels promised the panelists would be trained in conflict resolution, clearly they were not. There were no dry runs, moot courts or beta tests.

The presiding officer unabashedly announced at the second hearing they were making it up as they went along. Again, DONE and City Attorney representatives in were present in the room... and said nothing. Standing accused, learning the people in charge were just "winging it," distressed and appalled me.

I am asking that you and your committee review this matter thoroughly and ask the questions no one has been willing to ask. Look beyond the blue-sky accounts you may hear from city staffers who were complicit in creating this policy, in looking the other way when it went wrong, and would be content and relieved if it all just quietly forgotten.

Mistakes were made and no one has yet stood up and taken responsibility for them. It seems each entity is content to blame the other, with the unfortunate irony that any sort of apology to those unduly and adversely affected would be construed as an admission of guilt.

Thank you for your attention in this matter.

/S/ Patrice Berlin

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cc: Board of Neighborhood Commissioners (BONC)

Council File: 04-1935-S1

Michael Feuer, City Attorney

Eric Garcetti, Mayor

Grayce Liu, DONE General Manager