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Department of Neighborhood Empowerment Grievance Form

Thank you for contacting the Department of Neighborhood Empowerment regarding your Grievance. Your concerns are important to us. Please fill out this form as completely as possible to help expedite our determination. Please be aware that the information you are submitting is subject to the California Public Records Act.

We will NOT be able to respond to your Grievance unless you provide a valid email or mailing address. Please note that once you click Save at the upper right corner, your Grievance will be submitted.

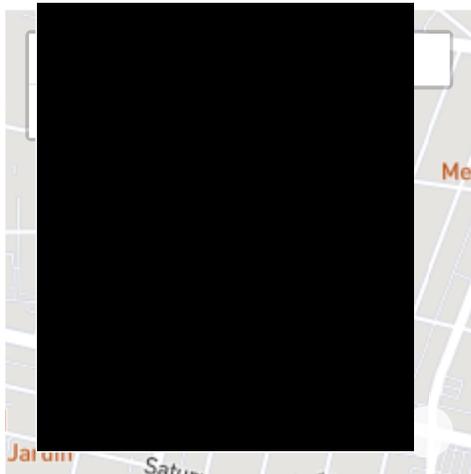
All witness statements must be attached on this form.

The Department will not process more than three Grievance Forms filed by the same person in any calendar year and no more than five Grievance Forms filed by the same individual in any three year period. All Grievances submitted through this portal are considered processed.

<b>First Name</b>	<b>Last Name</b>	<b>Please identify your role within the Neighborhood Council system:</b>
Brad	Kane	Board Member

<b>Phone Number</b>	<b>Email Address</b>
[REDACTED]	[REDACTED]

**Mailing Address**  
 [REDACTED] [Los Angeles, California 90035](#)



[Neighborhood Council](#)      [Neighborhood Council Bylaws](#)  
[PICO](#)

### Specific Violation Alleged

Failure to indicate the nature of your alleged Grievance will result in the dismissal of your Grievance.

- | <input checked="" type="checkbox"/> Neighborhood Council Bylaw   | Article Number   | Section              |
|--|--|----------------------|
|  | Article VIII   | Sections 1, 3, and 4 |
| <input checked="" type="checkbox"/> Los Angeles Administrative Code  | Section  |                      |
|  | Section 22.810.1(b)(2)(C)(iv)(4)   |                      |
| <input type="checkbox"/> Plan for the Citywide System of Neighborhood Councils   |  |                      |
| <input checked="" type="checkbox"/> Board of Neighborhood Commissioners Policy   | Please state Policy below  |                      |
|  | "NEIGHBORHOOD COUNCIL AGENDA POSTING REQUIREMENTS"<br>Policy 2014-01.1(2)<br>Policy 2014-01.1(8)   |                      |
|  | "NEIGHBORHOOD COUNCIL FUNDING PROGRAM: Policies & Guidelines"  |                      |
|  | Policy 2.0: Expenditures, Section 11 Inventory, Part (d)   |                      |
|  | Policy 2.1: Office/Operational Expenditures, Section 1 Office/Operational Expenditures, Part (b)   |                      |
| <input checked="" type="checkbox"/> Department Policy  | Please state Policy below  |                      |
|  | Abusing the "Special Meeting" Forum by (i) scheduling a Special Meeting at the same time as a General Meeting; and (ii) by attempting to circumvent notice requirement by calling a meeting "Special" instead of "General".<br>See <a href="https://empowerla.org/all-about-meetings-how-to-run-one-regular-vs-special-meetings-agenda-posting-public-comment/">https://empowerla.org/all-about-meetings-how-to-run-one-regular-vs-special-meetings-agenda-posting-public-comment/</a> |                      |
| <input type="checkbox"/> * - Any other City code, executive directive, rule or regulation applicable to Neighborhood Councils. |  |                      |

**Date of Alleged Violation**

07-15-21

A Grievance must be filed within 30 days from the date of the event giving rise to the Grievance. Any Grievance alleging a violation relating to Neighborhood Council funding must be filed within 90 calendar days of the date the expenditure is made.

**Please specify the exact rule and explain the facts of the alleged violation.****1 –BROWN ACT VIOLATION:**

On July 14, 2021 the Executive Committee held its fourth Special Meeting in one month. This Special Meeting was accomplished without providing the mandatory 24-hour public notice required under the Brown Act for a Special Meeting. More importantly, the Executive Committee proceeded with the improperly noticed meeting against the advice of DONE representatives and with at least the Vice President's knowledge that the Agenda was posted at 11:11 a.m. the day of the meeting or roughly seven hours before the meeting. [See Dr. Sylvester Robertson Witness Statement showing untimely posting for the July 14, 2021 Special Meeting Agenda.]

PICO NC's 2020 Bylaws, Article VIII, Sections 1 and 3 both mandate: (i) compliance with the Brown Act; and (ii) a minimum of 24 hours' notice for a special meeting. Article VIII, Section 3 expressly provides:

"NOTIFICATIONS AND POSTINGS All meetings, as defined by the Ralph M. Brown Act (California Government Code Section 54950.5 et seq.), shall be noticed and conducted in accordance with the Act and all other applicable laws and governmental policy. An updated listing of the Neighborhood Council's physical posting location/s shall be kept on file with the Neighborhood Council. Notice of regular General Board meetings shall be given at least seventy-two (72) hours prior to the meeting and at least twenty-four (24) hours prior to a special meeting. Said notices shall be by written notice to each Board Member delivered by electronic mail, posted on the Neighborhood Council website, and posted to areas within the geographic boundary of the P.I.C.O. NC as instructed by the Board. Regular and Special meeting agendas shall also be emailed to the Department." [See Attachment 2 at page 16.]

The Executive Committee failed to meet this notice requirement for the July 14, 2021 Special Board Meetings. As such, all decisions at the July 14, 2021 Special Meeting, including signing of the Office lease at 5651 W. Pico Blvd is void as ultra vires.

Per policy 2.1(1)(b) of the "Neighborhood Council Funding Program: Policies and Guidelines", all office expenditures, including the Office Lease at issue in this grievance must be passed in a meeting that complies with all requirements of the Brown Act. Because the July 14, 2021 meeting was not properly noticed, the Office lease must be nullified. [See Attachment 2 at page 47.]

**2 – Neighborhood Council BONC Agenda Posting Requirements Violation:**

For the July 14th Special Meeting, the Board violated the Board of Neighborhood Council Commissioner Policy Violation. Policy Number 2014-01.1 provides:

Policy 2014-01.1(2): "Neighborhood Council shall post agendas of all Board and Committee meetings on their website or, on a page made available to them on the EmpowerLa web site. [sic] Such postings shall be Brown Act time complaint."

Policy 2014-01.1(8): "These posting requirements shall be appended to and become a part of the bylaws of all current and future Neighborhood Councils and any violation of this policy may become the subject of a grievance." [See Attachment 2 at page 73-74.]

### 3 – EMPOWERLA.com Website Posting Violation:

See: <https://empowerla.org/all-about-meetings-how-to-run-one-regular-vs-special-meetings-agenda-posting-public-comment/>

ABUSE OF THE "SPECIAL MEETING" FORMAT BY (i) SCHEDULING A SPECIAL MEETING AT THE EXACT TIME AND DATE OF A GENERAL MEETING; and (ii) ATTEMPTING TO CIRCUMVENT NOTICE REQUIREMENTS BY CALLING A MEETING "SPECIAL" INSTEAD OF "GENERAL".

The EmpowerLA website specifies that: (i) 24 hours advance notice is required; and (ii) it is improper to schedule a special meeting at the day and time of the regular general board meeting:

"Special Meetings are held to deal with specific business so urgent it cannot wait till the next regularly scheduled meeting. The Brown Act requires that Special Meeting agendas be posted 24 hours in advance. Special meetings are not a safety net for regular meetings that did not get posted on time. For example, if you missed the 72-hour agenda deadline for a regular meeting, you cannot simply re-label it as a "special meeting" in order to shorten the posting deadline to 24 hours. You must reschedule the meeting for a day and time different from when the regular meeting would have been held."

On Sunday, July 11, 2021, the President cancelled the July 14, 2021 General Board Meeting. On Tuesday, July 13, 2021, the President provided notice of a "Special General Board Meeting" in violation of the Brown Act and DONE policy: (i) at the same day and time as the General Board Meeting; and (ii) without timely posting on the PICO NC website. [See Attachment 1 at page 23, "CANCELLED General Board Meeting" Notice; and see Dr. Sylvester Robertson Witness Statement.] Julien Antelin, DONE's Director of Innovation, advised the Executive Committee to reschedule the Wednesday July 14, 2021 meeting to Thursday, July 15, 2021 to: (i) adhere to the 24-hour Special Meeting notice requirement; and (ii) to select a different day and time from when the General Board meeting was originally scheduled. Nevertheless, the current President ignored the DONE representative and DONE's written policies and instead proceeded with the improperly noticed meeting. I filed a complaint with the PICO NC Executive Committee the following day, on July 15, 2021, that the July 14 Special Meeting violated the Brown Act and ignored DONE's representatives and policies and thus any action taken at the July 14, 2021 meeting was void as ultra vires. [See Attachment 3 at pages 1-3.] My complaint went unanswered.

### 4 – Motion for Re-Consideration Violation:

On June 15, 2021, the PICO NC Board voted 14 to 5 against a one-year, \$15,600 lease for the 5651 W. Pico Blvd., # 102 office (the "Office"). If approved, this \$15,600 expenditure—about 50% of the annual budget—would have provided an office to protect the \$2,700 in PICO NC property. Significantly, Vice President Tara Khonsari voted in favor of the rejected motion. Subsequently, Vice President Khonsari improperly moved to re-address the rejected lease on July 14, 2021. [See Attachment 1 at pages 7 and 28 for draft board minutes for June 15, 2021 and July 14, 2021, respectively; Kane Witness Statement that the draft June 15, 2021, June 29, 2021 and July 14, 2021 Meeting Minutes were unanimously approved at the August 11, 2021 General Board Meeting] Importantly, motions for reconsideration must (i) occur the next business day following the failed motion; and (ii) the movant must have voted for the prevailing side on the original motion. Neither condition was met with this motion for reconsideration. Thus, the July 14, 2021 revote for the Office lease directly violated Robert's Rules of Order, Section 36 and thus the PICO NC Bylaws, Article VIII, Section 4.

LOS ANGELES ADMINISTRATIVE CODE SECTION 22.810.1(B)(2)(C)(iv)(4) sets forth that reconsideration motions are only allowed if authorized in the Neighborhood Council's bylaws and the manner stated in the bylaws:

(iv) A description of its meeting procedures which shall include provisions that each Neighborhood Council shall do the following . . . (4) Adopt procedures for running meetings, including provisions that identify . . . the manner in which an action by the governing body can be reconsidered, if at all.

According to the PICO NC BYLAWS, ARTICLE 8 SECTION 4. RECONSIDERATION, "The Board will follow Robert's Rules of Order regarding reconsiderations." [See Attachment 2 at page 16]

Robert's Rules of Order Art. VI. Some Main and Unclassified Motions prohibit reconsideration of an already decided issued unless both the following conditions are met: (i) the reconsideration motion is made on the day of the original motion or the next business day; and (ii) the reconsideration motion is "made by one who voted with the prevailing side":

"Section 36. Reconsider. This motion is peculiar in that the making of the motion has a higher rank than its consideration, and for a certain time prevents anything being done as the result of the vote it is proposed to reconsider. It can be made only on the day the vote to be reconsidered was taken, or on the next succeeding day, a legal holiday or a recess not being counted as a day. It must be made by one who voted with the prevailing side. Any member may second it. It can be made while any other question is pending, even if another member has the floor, or after it has been voted to adjourn, provided the chair has not declared the assembly adjourned. It may be made after the previous question has been ordered, in which case it and the motion to be reconsidered are undebatable." [See <http://www.rulesonline.com/rro-06.htm> for Robert's Rules of Order, Section 36]

### 5 – Improper Representation of Neighborhood Council Inventory Violation:

Per policy 2.0(11)(d) of the "Neighborhood Council Funding Program: Policies and Guidelines", the Treasurer must photograph and identify each piece of inventory. [See Attachment 2 at page 44] The Treasurer has failed to comply with this policy as demonstrated by the three very different valuations within only two months. The disregard of this policy underscores the Executive Committee's other procedural and ethical violations as well as the need for BONC to intervene.

At the June 15, 2021 meeting, the Treasurer affirmatively represented to the Board that the inventory was valued at \$2,735.00. [See Attachment 1 at page 4] As of the June 29, 2021 meeting, the Treasurer affirmatively represented the inventory was valued at \$27,563.79 – a ten-fold increase. [See Attachment 1 at page 31: the attached inventory for the June 29, 2021 meeting] As of August 11, 2021, the Executive Committee represented that the inventory is valued as \$14,770.50 – a fifty percent reduction. [See Attachment 1 at page 32–33: the attached inventory for the August 11, 2021 General Board meeting.]

In the July 14, 2021 motion, the inflated inventory's value was apparently used to encourage other Board members to spend \$15,000 on a lease to "save \$27,563.79 in inventory." The belated effort to acknowledge that the Office lease is more expensive than the inventory to be saved strongly supports the inference that Executive Committee members breached their fiduciary duties to the other Board Members and stakeholders by providing false information to improperly influence a vote of public funds.

## Remedy

There are various remedies available. Please select from the list below the remedy OR remedies you are seeking. Please be advised that the Department has sole discretion in determining whether your remedy conforms with your Grievance.

From the list below, which remedy or remedies are you seeking?

- 1) Warning to the Neighborhood Council board, individual board member, or, members.
- 2) Required corrective action of the Neighborhood Council.
- 3) Mandated training for the Neighborhood Council, individual board member, or, members.
- 4) Required mediation for the Neighborhood Council board, individual board member, or, members.
- 5) Suspension of Neighborhood Council board until mandated trainings are taken by board, board member, or, members.
- 6) Temporary suspension of Neighborhood Council Funding.
- 7) Placement of the Neighborhood Council board under control and supervision of the Department.
- 8) Suspension of individual board member or members.
- 9) Initiation of de-certification process or process to declare board seats vacant.

Please state why you are seeking the above mentioned remedy or remedies.

As a Past-President of the PICO Neighborhood Council ("NC"), who served in that role for over six years, and as a current At-Large Board Member, I am disheartened by the repeated and ongoing serious violations of our City's rules and laws and the PICO NC's bylaws. The repeated attempts by myself, other board members, community stakeholders and DONE to assist and advise the current Executive Committee on proper governance have been repeatedly ignored.

The Specific Remedies we seek are:

2) REQUIRED CORRECTIVE ACTION OF THE NEIGHBORHOOD COUNCIL. We seek that BONC invalidate the Office Lease that was improperly approved in the July 14, 2021 Special Meeting.

6) TEMPORARY SUSPENSION OF NEIGHBORHOOD COUNCIL FUNDING. We seek that PICO NC's funding be temporarily suspended so the Office Lease cannot be consummated and any other budgetary abuses can be prevented until DONE can provide direct oversight.

7) PLACEMENT OF THE NEIGHBORHOOD COUNCIL BOARD UNDER CONTROL AND SUPERVISION OF THE DEPARTMENT. We seek that DONE exert exhaustive efforts to control and supervise the PICO NC Executive Board until they can comply with all policies and bylaws (as California law requires).

8) SUSPENSION OF INDIVIDUAL BOARD MEMBER OR MEMBERS. We seek the suspension of any Board members who, after this investigation, are found to have breached their fiduciary duties by intentionally misrepresenting material facts to persuade other Board members to vote in their desired manner.

The following facts—supported by citations to the record and a petition signed by 315 of my fellow Stakeholders—support the dire need for the above requested remedies:

1 – In March 2021, the PICO NC learned that Council District 10 would stop leasing 5651 W Pico Blvd, #102 ("the Office") and the PICO NC would lose its free access to the Office. At the June 15, 2021 Special Board Meeting, in a 14-5 vote, the Board decisively rejected a motion to authorize expenditure of \$15,600 per year—or almost 50% of the NC annual's budget—for a

one-year lease of the Office to “protect” \$2,735 inventory. I, Brad Kane, asked the Treasurer what the current inventory’s value was. The Treasurer affirmatively represented to the Board that the NC’s current inventory was worth only \$2,735. [See Attachment 1 at pages 4, 7.] Similarly, the PICO NC’s use of the Office as a meeting space is prohibited by DONE and BONC policy through at least December 31, 2021. BONC Policy Number 2021-1 (“As long as legally permissible under the Brown Act or other applicable laws, all Neighborhood counsel shall ONLY hold virtual meetings pursuant to the Department’s EmpowerLA Virtual Governance Plan. This policy shall become effect upon its adoption [on June 21, 2021] and expire on December 31, 2021.”) [See Attachment 2 at page 75.] Finally, as demonstrated by the change in vote totals that rejected and then approved the Office lease in subsequent special meetings, the Board relied heavily on the Executive Committee’s stated valuations of the inventory: (i) June 15, 2021 - \$2,735; (ii) June 29, 2021 - \$27,563.79; and (iii) August 11, 2021 - \$14,770.50.

2 – At the June 29, 2021 Special Board meeting, the Executive Committee affirmatively represented orally and in writing that since the last meeting—only 14 days ago—the inventory had increased tenfold in value to \$27,563.79. [See Attachment 1 at page 31: June 2021 PICO NC Inventory.] The Executive Committee put on that agenda a motion to approve “the allocation of up to \$1,250 a month for the procurement of a community space and/or a storage unit.” When former Board Member and current alternate Board Member Dr. Sylvester Robertson asked the President if “the wording [of the motion] ‘procurement of community space’ is 5651 [W. Pico Blvd, the same Office the Board rejected to lease in the June 15, 2021 meeting], the [President] Tajuddin said yes. Robertson said if that is the case, then that means that we’re asking the Board to vote on a space that they already voted not to have, correct? Tajuddin said no, Robertson said why not?” The President did not answer Robertson’s question. [See Attachment 1 at page 14.] I, [Brad Kane], also explained that that the Executive Committee had just “multiplied the inventory by a factor of 10.” The President affirmatively represented that “the [inventory] data we provided is accurate and is available at NC funding, this wasn’t made-up data. The assumption that this is prone to error is improper.” [See Attachment 1 at page 11–12.] Additionally, I [Brad Kane] also pointed out that we had just voted down a motion to authorize a lease “and this [motion to approve a lease] would be a motion for reconsideration, which would be improper.” [See Attachment 1 at page 11.] The President disagreed without providing a reason. After this illogical discussion, in the same June 29, 2021 Special Board Meeting, in a 12 to 8 vote, the Board approved the motion to “allocate” money for a community space at a supposedly unspecified location, but which did not exclude the Office. [See Attachment 1 at page 14.] Many Board members voted to approve the \$15,000 lease to protect the PICO NC’s inventory affirmatively represented by the Executive Board to be worth \$27,563.79.

3 – The Executive Committee then called a July 8, 2021 Special Board Meeting to directly vote on approving a one year lease for the Office, even though the Board had specifically voted to not lease the Office in the June 15, 2021 meeting (see point 1, above). This third Special Meeting in less than one month did not agendize a motion for reconsideration. [See Attachment 1 at page 20–22.] The President failed to obtain a quorum and no action was taken.

4 – On July 11, 2021, the President cancelled the PICO NC’s July General Board Meeting scheduled for July 14, 2021 at 6:30 pm. In its place, the Executive Committee called a Special Board Meeting at the same date and time. The Vice President posted the Special Meeting Agenda on the PICO NC website less than 24 hours in advance of the meeting. In fact, the Vice President posted the agenda at 11:11 a.m. or only seven hours and 19 minutes before the start of the meeting. [See Dr. Sylvester Robertson’s Witness Statement.] Worse, the Executive Committee possessed a copy of the Office lease when they chose NOT to include the 11 month lease as an addendum to the agenda. At the August 11, 2021 General Board Meeting, Board members explained that they understood the office lease was month to month and they had not seen a copy of the lease. [See Brad Kane’s Witness Statement, Points 2 and 3.] The Executive Board’s failure to divulge all material facts preceding the vote to approve funding for the lease is a breach of fiduciary duty. [See Attachment 2 at page 31: “The board should include enough information on the agenda regarding a funding matter so that the public can make a reasonable decision whether they would like to attend and provide their input on the matter.”]

5 – I filed a complaint with the PICO NC Executive Committee on July 15, 2021 that listed the numerous procedural errors and ethical violations from the July 14, 2021 invalid vote to lease the Office. [See Attachment 3 at pages 1–3.]

6 – Board Members gathered signatures from concerned citizens in the PICO Neighborhood to invalidate the Office lease because of the procedural errors, ethical violations, and misuse of community resources. Three Hundred and fifteen (315) concerned stakeholders in the PICO Neighborhood signed the petition supporting this grievance. [See Attachment 4 at pages 1–57.]

## Witness Information

**All of your Witness information and Witness Statement needs to be included at this time. The Department will ONLY accept and review Witness information included at time of submission. You can find the Witness Statement form [here](#).**

### Witness 1 Contact Information

First Name

Dr. Sylvester

Last Name

Robertson

Email Address

[REDACTED]

Phone Number

[REDACTED]

Witness Statement

[Dr. Sylvester Robertson Witness Form.pdf](#)

### Witness 2 Contact Information

First Name

Last Name

Brad

Kane

Email Address

Phone Number

Witness Statement

[Redacted]

[Redacted]

[2021-08-12 Brad Kane Witness Statement.pdf](#)

Witness 3 Contact Information

First Name

Last Name

Email Address

Phone Number

Witness Statement

If no witness, please check this box

### Supporting Documents

Before submitting, please include ALL supporting documentation HERE. The Department will ONLY process and review materials included at time of submission.

Supporting Document

Supporting Document

Supporting Document

Supporting Document

[ATTACHMENT 1 - Board Meeting Agendas - Minutes - and Relevant Attachments.pdf](#)

[ATTACHMENT 2 - PICO NC Bylaws - NC Funding Policies - Other Relevant Policies.pdf](#)

[ATTACHMENT 3 - Kanes July 15 2021 Complaint to PICO NC regarding July 14 2021 Violations.pdf](#)

[ATTACHMENT 4 - Petition of Three hundred and fifteen \(315\) PICO NC Stakeholders in Support of Invalidating Office Lease.pdf](#)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By checking this box and typing my name below, I am electronically signing this form.

Brad S. Kane

To SUBMIT, please click "Save" on top right corner.

NC Determination   Panel Determination

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Created on Aug. 12 at 8:52 PM (PDT). Owned by [Anonymous](#).