

Sunshine Task Force Item 2- Public's Ability to respond and rebut during Commission and Council Hearings

As I am out on town and unable to make the meeting, please receive the following correspondence.

Dear Sunshine Task Force,

The goal of any of the public hearings is for the Commission or Council to make the best decision possible given the information they have been given. While ensuring that the hearings do not continue endlessly.

While I have great faith in our Council Members ability to reach good decisions, I do not have great faith in the current process. I have personally experienced numerous skewed facts be presented, which has led to skewed deliberations, and in my opinion, skewed decisions, as the opportunity to correct the record does not currently exist.

Just a few of my personal experiences:

1. Land use presentations carry on for the much longer than the allowed 10 minutes, with unlimited members of their team being allowed to speak. For 1260 Lago Vista Drive on Apr 19, 2017, the Developer's presentation was 72 minutes (44:32- 1:58:20), and then was given an additional 11 minutes (3:57-4:08) later to respond, more than is supposed to be allowed for the entire presentation!- for a total of 83 minutes.
2. At a Planning Commission meeting, a land-use attorney stormed the microphone after the public hearing portion was closed, and the Chair allowed him to speak
3. Residents are held to the 3 minutes unless requesting more, which if granted is usually 5 minutes, yet at a recent hearing, a land-use attorney who did not request additional time spoke for 8 minutes
4. Staff presenting partial or incorrect information which then gave a skewed picture
5. Developer representatives attacking me personally in a way I consider slanderous with no chance to defend myself
6. Developer's representatives purposely waiting for me to speak before turning in their speaker cards so that I am unable to counter any misstatements
7. Developer's agents twisting something I said in my speech- in this case it was about a serious substantial adverse impact- to make my point seem meaningless

The residents are at a severe disadvantage.

I appreciate the need to restrict the time spoken so that we are not there all night, but it needs to be more balanced with due process.

Proposed solutions:

1. Limit the amount of time the entire Developer's team has to present their case to 15 minutes total. They can chose how many of their team speak and for how long- but they cannot exceed 15 minutes. The response time should be limited to 5 minutes in total for all speakers.

2. After the Public Comment has been closed for City Council, Commissioners who were involved in their Commission's decisions may request to speak again to clarify something they hear being discussed that they think is inaccurate.
3. At the end of the public comment, right before they close the public comments,
 - a. If a resident has been personally attacked, they should have the opportunity to respond (i.e. speak again) during this period for 2 minutes
 - b. Up to two residents would get 3 minutes with the sole reason to respond to something that someone else said
4. After deliberations, and before a vote takes place
 - a. Up to two people who represent the residents can comment or ask questions for up to 5 minutes total to Staff, Commissioners or the Council

Thank you,



Debbie Weiss

Sunshine Task Force- Item 3- Noticing Procedures for Projects

We have found the current noticing procedures to be very challenging. The developers control the timeline and are ready to go at the time of submission and already have their teams in place.

Noticing Time period and distance:

- Is much too short for both
- By the time the notice gets to you and you open it, you are left with a mere few days
- If you are out of town for a week, then you missed it entirely and are denied due process
- It takes time to find and hire an architect, civil engineer or geologist
- The noticing distance should be vastly expanded. For example, for 1260 Lago Vista Drive, the current area did not even cover many of the residents on the street.

Suggestions:

- 1 notice sent soon after an R-1 application is initially submitted to the City
- 1 notice sent 30 days before the R-1 hearing date once determined
 - Rather than make the noticing period longer than 30 days, I think my suggestion of a notice when the application is filed goes a long way towards solving these issues
- The noticing radius be 1 mile. For example, that would just catch my house for a project at the top of Lago Vista Drive.
- Also, make it a standard policy to email all residents who expressed interest in a project
 - As soon as any hearing dates are known (with 30 days notice as above)
 - Each time new plans are submitted and if R-1, to let them know they are allowed to receive digital copies of the plans
 - Each time correction letters are submitted with the correction letters attached to the emails

Thank you,



Debbie Weiss

LAW OFFICES OF
Ronald Richards and Associates

A Professional Corporation
310-556-1001 Office
310-277-3325 Fax

*Admitted in the following
Courts:*

All Fed. and State Cts. in
California, 2nd, 9th & 11th Circuit,
C.O.A.'s, ED of Michigan, D of
Colorado, W.D. of Tenn.,
The United States Supreme Court
(U.S.S.C.)

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Beverly Hills, CA
90213

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WEBSITE: WWW.RONALDRICHARDS.COM

February 9, 2018

Lourdes Sy-Rodriguez, MMC, CRM, CCS
Assistant City Clerk
City Clerk's Office
City of Beverly Hills
455 N. Rexford Drive, #290
Beverly Hills, CA 90210

Re: 2-12-18 Sunshine Task Force Agenda

Dear Ms. Sy-Rodriguez,

I am writing to you regarding agenda items 3 and 4.

Item 3: Noticing procedure for projects: The notice needs to be increased to 20 days, add email addresses where appropriate, and service by a private overnight carrier to the most effected homeowners. Ten days with the Beverly Hills Post Office, an entity that chronically loses and delays mail, is simply unreliable.

Also, the Planning Commission packet cuts off the submissions at ten days so the public is immediately disenfranchised from participating in the packet sent out in advance to the Commissioners because by the time they receive their mail; the packet cut off has already come and gone. I personally witnessed a staff report, which said no public opposition and yet, the opposite was true by a 100 residents once notice was given.

Item 4: Ensuring lobbyist forms are in compliance: The new software went into effect on the forms last night at 12:01am. They are now in compliance but the forms filed prior to today are not. A notice needs to be sent to all lobbyists that they have ten days to update their forms. Also, there is problem with a law firm and a lobbyist colluding to shield the lobbyist's employer or providing if they are self-employed. See attached complaint with exhibits.


Respectfully submitted,

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Associates, APC
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February 9, 2018

BYRON POPE, MMC | City Clerk



City of Beverly Hills
455 N. Rexford Drive, Suite 290
Beverly Hills, CA 90210
☎: 310-285-2401
☎: 310-385-0862
✉: bpope@beverlyhills.org

**Re: Official Complaint against Registered Legislative Advocates Sherman Gardner
and Alan Hearty IN CONNECTION with A PUBLIC MATTER before the City Council.**

Dear Mr. Pope,

This letter is to advise you that I am lodging an official complaint against Sherman Gardner and Alan Hearty. Mr. Gardner has submitted false information under penalty of perjury to the City of Beverly Hills and Mr. Hearty is aiding and abetting Mr. Gardner by perpetuating the false information.

Mr. Gardner is guilty of the following false statements before the City.

- Count 1: He has lied about his employer. He does not work for Allen Matkins.
- Count 2: He has lied about his work phone number. When you call the number on the form, the number rings to Allen Matkins.
- Count 3: He has lied about his fax number. The fax number goes to Allen Matkins.
- Count 4: He has lied about his office address. It is not Allen Matkins law firm.
- Count 5: He has lied about his client. According to Mr. Hearty, the law firm hired Mr. Gardner. Therefore, the law firm is his client, not Loma Linda Holdings, Ltd.

Mr. Hearty is guilty of aiding and abetting these lies. Based upon information and belief, Mr. Hearty's office filed the false and misleading form. (See Exhibit "A".) Mr. Hearty then sent me an unsolicited email to defend the false statements. (See Exhibit "B".) Mr. Hearty admitted he and his firm hired Mr. Gardner as a consultant.

Mr. Hearty should be charged by the City Prosecutor for aiding and abetting the five counts listed below and if found guilty, the applicable penalties be imposed, after due process and a fair hearing, as set forth in the Code.

My investigation has shown that Mr. Gardner is not an attorney, has never worked for Allen Matkins and the fact that they have retained him for a consultation to lobby City Council members, he has a personal relationship with, does not make him an employee of Allen Matkins, nor does it create an employment relationship.

Mr. Gardner is required to identify what company is paying him to lobby on behalf of this law firm and if he is either working for himself or getting paid through a corporate vehicle.

The public information is being severely compromised as Mr. Hearty is aiding and abetting the concealment of the source of payment for Mr. Gardner, who is in fact paying him, and what company Mr. Gardner operates from.

By concealing Mr. Gardner's operating company, business address, business telephone, and business fax, and business name, Mr. Hearty is shielding the public from analyzing Mr. Gardner's prior lobby experience, work history, indexing history, qualifications, amongst a myriad of other issues.

The law firm's attorney, also a lobbyist, is improperly shielding its lobbyist from public scrutiny by aiding and abetting this active concealment of facts.

Finally, I am attaching the email from Mr. Hearty admitting these facts and my email to Mr. Gardner attempting to resolve this informally as well as the lobbying law that is now in effect (Exhibits "B" and "C".) I am also attaching an article in today's newspaper about this issue. (See Exhibit "D".) Apparently, this publication has come to the same conclusion I have.

I am immediately requesting that Mr. Gardner provide to the City his engagement letter and other documentation about his own business that currently appears to be a lobbyist. His former employer indicated he no longer works there. Mr. Gardner does not enjoy the benefit of anonymous lobbying with Mr. Hearty masking his current "employer". If that is Mr. Gardner himself, then he has to state so under penalty of perjury.

The entire purpose of these transparency laws is for transparency. Mr. Hearty and Mr. Gardner are doing the exact opposite.



City of Beverly Hills

Legislative Advocate Registration

Contact Information for the Legislative Advocate

Name	Sherman Gardner	Phone	310-788-2400
Employer	Allen Matkins	Email	steffg@me.com
Business Address	1901 Avenue of the Stars	Website	
Address Line 2	1901 Avenue of the Stars	Fax	310-788-2410
City	Los Angeles		
State	CALIFORNIA	Zip	90067

Client Information

Name	Loma Linda Trust / Loma Linda Holdings Ltd.	Phone	604-631-1300
Specific Business of Client	Owner of 1184 and 1193 Loma Linda Drive	Website	n/a
Client Address	666 Burrard Street		
Address Line 2	Park Place, Suite 1700		
City	Vancouver		
State	British Columbia	Zip	V6C2X8

Description of Matter that Legislative Advocate is Attempting to Influence

Project Name
Development of real property
Description of Municipal Legislation that is subject of Advocacy
Obtain building permits concerning by-right projects at 1184 and 1193 Loma Linda Drive.
Desired Outcome
Project approval/approval of entitlements/approval of permits or CUP/approval...
Initial Date of Lobbying Engagement
2018/01/30

Sign and Date

I declare under penalty of perjury that the information which has been included in this Registration Form is true and correct.			
Signed	Sherman Gardner	Date	2018/01/30

Recent Legislative Advocacy Activity

Development of real property			
Client Name	Loma Linda Trust / Loma Linda Holdings Ltd.	Phone	604-631-1300
Specific Business of Client	Owner of 1184 and 1193 Loma Linda Drive	Website	n/a
Client Address	666 Burrard Street		
Address Line 2	Park Place, Suite 1700		
City	Vancouver		
State	British Columbia	Zip	V6C2X8
Desired Outcome		Engagement Date	2018/01/30

EXHIBIT B

Ronald Richards

From: Ronald Richards
Sent: Thursday, February 8, 2018 8:01 AM
To: Hearty, Alan
Subject: RE: INACCURATE INFORMATION

Dear Mr. Hearty,

Your position is astounding and legally unsound, but not surprising. Does your office now represent Sherman Gardner as his attorneys? Please clarify immediately. I am assuming you do not absent a direct representation as you omitted that from your email. If you do not, why are you responding for him instead of him responding for himself? Did the lobbyist lose his voice?

The business address, name, phone number, fax number and employer are all false and misleading. The form requires his **employer**. You are not his employer. He is not an employee of your office. He either works for himself as a lobbyist or for a company that pays him. If you retained him as a lobbyist like you represented, then you are his client. He said Loma Linda Holdings Ltd. is "his client". He cannot mask his own place of business. If that is his house and home phone number, then that is HIS business address and phone number. I am sure you know that when you retain experts or consultants who are independent contractors, they don't use your office and its related numbers as their business addresses. The public has a right to know who is HIS EMPLOYER, where he is working out of as a lobbyist, and how he can be contacted directly by PHONE. Your form misleads the public to your law firm and no one there knows Mr. Gardner as an employee. This is yet another in a series of opaque and secretive dealings you have advanced. This position is on the top of the list. I will be taking further action as a result of your purported legal advice that he should stick with the false and misleading registration form absent simply correcting the information. Thank you for clarifying you rather mask facts than disclose them.

Since you are responding for him, the form you filed also omitted his payment range. What is that? An email is fine. In fact, the form you filed also omitted your payment range. What is that?

As for your "related issue", I do not and have not represented Debbie Weiss, Stephanie Savage, and Jamie Hall. I will give them no such advice nor pass on any messages. You need to defend your client and not through my office as a messenger. My letter to the lobbyist was from me for myself, not on behalf of any other person and your perception that I am here to pass on your message is severely misguided. Therefore, your assumption is INCORRECT so I hope we are very clear on that point.

Have a nice day.

Sincerely,

Ronald Richards, Esq.
Law Offices of Ronald Richards & Associates, A.P.C.
310-556-1001 Office
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www.ronaldrichards.com

Mailing Address:
P.O. Box 11480
Beverly Hills, CA 90213



RONALD RICHARDS
AND ASSOCIATES

*****CONFIDENTIALITY NOTICE***** This electronic mail transmission has been sent by an attorney. This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

THINK GREEN. PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS MESSAGE. THANK YOU.

From: Hearty, Alan [mailto:aharty@allenmatkins.com]
Sent: Wednesday, February 7, 2018 10:17 PM
To: Ronald Richards <ron@ronaldrichards.com>
Subject: RE: INACCURATE INFORMATION

Dear Mr. Richards:

This responds to your email below to Sherman Gardner. Although your inquiry/demand does not warrant a response, please be advised that Mr. Gardner is a consultant who has been retained directly by our law firm in connection with the matter for which he is registered as a lobbyist, and his business address for the purpose of this representation is correct.

On a related note, the lobbying ordinance applies equally to architects/designers and attorneys hired by the Loma Linda project opponents who engage in lobbying activities, including Stephanie Savage and Jamie Hall. Neither are registered lobbyists, but I assume you will advise them accordingly of their legal obligations in this regard.

Alan D. Hearty, Esq.

Partner

Allen Matkins Leck Gamble Mallory & Natsis LLP

1901 Avenue of the Stars, Suite 1800, Los Angeles, CA 90067-6019

(310) 788-2400 (main)

(310) 788-2490 (direct)

(323) 719-3272 (mobile)

(310) 788-2410 (fax)

aharty@allenmatkins.com

Allen Matkins
CHALLENGE. SUPPORT. GROW.

Begin forwarded message:

From: Ronald Richards <ron@ronaldrichards.com>
Subject: INACCURATE INFORMATION
Date: February 7, 2018 at 9:12:01 AM PST
To: "steffg@me.com" <steffg@me.com>

Dear Mr. Gardener,

Last night I witnessed you engaging in lobbying activities. It has been represented that you have also contacted city officials and staff on behalf of Aquilini.

I previously had received your legislative advocate registration. I reviewed it this morning. It states under penalty of perjury your employer is Allen Matkins, the law firm. Yet, you are not a member of the state bar, you are not listed on the law firm website, and when I called the number you put on the form as your office number, the front desk said they have record of you working there. The number went to Allen Matkins.

This leads me to the conclusion that your affirmation that you work for Allen Matkins is false, the number you listed as your office number is false, and the address, you listed as your office address, is inaccurate.

Please indicate to me by close of business today whether you are going to immediately amend your registration to have complete and accurate information.

Sincerely,

Ronald Richards, Esq.
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— AND ASSOCIATES —

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THINK GREEN. PLEASE CONSIDER THE ENVIRONMENT BEFORE YOU PRINT THIS MESSAGE. THANK YOU.

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EXHIBIT C

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 18-O-2749

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE
REGARDING LEGISLATIVE ADVOCATES

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY ORDAIN
AS FOLLOWS:

Section 1. The City Council hereby amends Section 1-9-102, “DEFINITIONS”, of Article 1, “COMPENSATED LEGISLATIVE ADVOCATES”, of Chapter 9, “LEGISLATIVE ADVOCATES”, of Title 1, “GENERAL PROVISIONS” of the Beverly Hills Municipal Code by revising or adding seven (7) definitions, with all other definitions in the section remaining unchanged. The

revised definition terms shall be inserted in alphabetical order, to read as follows:

"CITY OFFICIAL: The mayor, any member of the city council, any member of a city of Beverly Hills commission, and any city employee who participates in the consideration of any Municipal Legislation other than in a purely clerical or secretarial capacity.

CONTRACTOR: A person that agrees to construct, or constructs, a building or other structure, or who provides or installs specialized portions of the construction. A Contractor shall not include any person who prepares the plans or designs of a building or other structure.

ENGAGEMENT LETTER: An Engagement Letter is the written agreement between the Client and legislative advocate that includes one or more of the following: (1) scope of work, (2) the responsibilities and obligations of each of the respective parties, or (3) fee estimates or quotes.

EXPENDITURE LOBBYIST: Any person, other than any government entity, or officer or employee of a government entity acting in an official capacity, who advises regarding, or makes, payments or incurs expenditures of \$5,000 or more during any calendar year for directing or guiding public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, or studies with the intent of soliciting, requesting or urging, directly or indirectly, other persons to communicate directly with a City Official in order to influence Municipal Legislation. Expenditure Lobbyist shall not include (1) a person who pays Compensation to a Legislative Advocate or who pays Compensation to another representative who appears at a hearing on Municipal Legislation, (2) a person who pays dues to a membership organization that is ongoing in nature and whose membership services do not consist exclusively of Legislative Advocacy, (3) a organization who makes payments to distribute communications to its members, and (4) a person engaged in publication or broadcasting of news items, editorials, or commentary, provided that the person is not Compensated to take a specific position.

INDIRECT COMMUNICATION: Directing, advising or counseling another regarding Direct Communication. Indirect Communication includes, without limitation, communication through an agent who acts under one's supervision or control or communication through a Client.

LEGISLATIVE ADVOCATE: Any individual who is compensated or who is hired, directed, retained or otherwise becomes entitled to be compensated for engaging in Legislative Advocacy and makes a Direct or Indirect Communication with a City Official or who is an Expenditure Lobbyist. For example, a Legislative Advocate may include attorneys, permit expeditors, and architects or designers. However, notwithstanding the definition, a Legislative Advocate shall not include Contractors.

MUNICIPAL LEGISLATION: Any legislative, quasi-judicial, or administrative matter proposed by or pending before the city council or any city commission, or any discretionary matter proposed or pending before the city manager or any department head, or any action that involves a development project. "Municipal legislation" includes, without limitation, those matters involving the granting, denial, amendment, revocation, or restriction of any license, permit or entitlement for use (including all land use permits); the consideration, adoption, amendment or repeal of all municipal ordinances; and the consideration and award of bids and proposals for city contracts. "Municipal Legislation" does not include purely ministerial actions. A development application shall be considered to be pending before the city council or city commission or city staff once any preliminary material, including an application for concept review, has been filed with the city."

Section 2. The City Council hereby adds
Subsections D and E to Section 1-9-103,
“EXEMPTIONS”, of Article 1,
“COMPENSATED LEGISLATIVE
ADVOCATES”, of Chapter 9,
“LEGISLATIVE ADVOCATES”, of Title 1,
“GENERAL PROVISIONS”, to read as
follows, with all other subsections of
“Exemptions” remaining in effect without
amendment:

“D. Any person making a request of the city staff for advice or for an interpretation of laws, regulations, or city approvals or policies; or who responds to a request from a City Official. However, this exemption shall not include any substantive discussion of that advice or interpretation.

E. Persons seeking any ministerial action that does not involve a development project:
An action is ministerial if it does not require the City Official involved to exercise discretion concerning any outcome or course of action”

Section 3. The City Council hereby
amends Section 1-9-105,
“REGISTRATION”, of Article 1,
“COMPENSATED LEGISLATIVE
ADVOCATES”, of Chapter 9,
“LEGISLATIVE ADVOCATES”, of Title 1,
“GENERAL PROVISIONS”, to read as
follows:

“1-9-105: REGISTRATION:

A. Within ten (10) days after a Legislative Advocate begins to engage in Legislative Advocacy or receives an executed Engagement Letter, whichever is sooner, the Legislative Advocate shall register as a Legislative Advocate with the city clerk on a form provided by the city for that purpose. The Legislative Advocate shall specify:

(1) the name, telephone number, business address, e-mail address and fax number of the Legislative Advocate and the Legislative Advocate's employer,

(2) the identity of the Client and the contact information for the Client,

(3) a description of the specific business in which the Client is involved as it relates to the Legislative Advocacy,

(4) a description with specificity of the matter of Municipal Legislation the Legislative Advocate is Attempting to Influence, and the outcome desired by the Client,

(5) an estimate of fees to be generated. The estimate of fees shall be a checkbox on the form that will provide a range of fees as follows: up to \$25,000, \$25,001 to \$50,000, \$50,001 to \$75,000, and \$75,001 and above.

(6) whether the Legislative Advocate has ever been sanctioned for a violation of this Article or a violation of any law, regulation or ordinance of another jurisdiction governing Legislative Advocacy or lobbying. The Legislative Advocate shall include a description of any such violation.

(7) whether a firm at which the Legislative Advocate works, has worked, or for which he owns or has owned an equity interest, has been sanctioned for a violation of this Article or a violation of any law, regulation or ordinance of another jurisdiction governing Legislative Advocacy or lobbying. Provided however, the Legislative Advocate need only report those violations that occurred while he worked for or held in equity interest in the firm. The Legislative Advocate shall include a description of any such violation,

(8) a description of Legislative Advocacy conducted during the previous twelve (12) months that was not previously reported to the city by the Legislative Advocate.

B. In addition, Expenditure Lobbyists shall indicate they are filing as Expenditure Lobbyists. If the Expenditure Lobbyist is a corporation, the form shall include the names of the corporation's chief executive officer, chief financial officer, and secretary, any officer who authorized payments to influence local legislative and administrative action, and any person who owns more than 20 percent of the corporation. If the Expenditure Lobbyist is a partnership, the form shall include the name of each partner if the entity has fewer than 5, or the name of the partner with the greatest ownership interest if the entity has 5 or more partners. If the Expenditure Lobbyist is any other type of business entity, the form shall include the name of each person with an ownership interest if the entity has fewer than 5 owners, or the name of the person with the greatest ownership interest in the entity, if the entity has 5 or more owners.

C. Any form submitted by a Legislative Advocate shall be signed under penalty of perjury, shall be available for public view in the city clerk's office as well as posted on the city's website in a searchable database and shall be forwarded by the city clerk to each City Official, the city manager and the city attorney.

D. Within ten (10) days after any information on the form becomes incorrect, the Legislative Advocate shall update the form with the corrected information."

Section 4. The City Council hereby replaces Section 1-9-107, "REMEDIES FOR

**VIOLATIONS”, and replaces it with new
Section 1-9-107, “NOTICE OF
TERMINATION”, of Article 1,
“COMPENSATED LEGISLATIVE
ADVOCATES”, of Chapter 9,
“LEGISLATIVE ADVOCATES”, of Title 1,
“GENERAL PROVISIONS”, to read as
follows:**

“1-9-107: NOTICE OF TERMINATION:

Upon termination of a Legislative Advocate’s role concerning a project, the Legislative Advocate shall file a notice of termination with the city. The notice shall be filed on the form provided by the city.”

**Section 5. The City Council hereby adds a
new Section 1-9-108 “REMEDIES FOR**

**VIOLATIONS” (formerly Section 1-9-107) of
Article 1, “COMPENSATED LEGISLATIVE
ADVOCATES”, of Chapter 9,
“LEGISLATIVE ADVOCATES”, of Title 1,
“GENERAL PROVISIONS”, to read as
follows:**

“1-9-108: REMEDIES FOR VIOLATIONS:

Pursuant to the administrative remedies and procedures set forth in chapter 3 of this title, any person who knowingly and willfully violates any provision of this article, may be assessed an administrative penalty not to exceed five hundred dollars (\$500.00) per violation.

Additionally, the city prosecutor is delegated the authority to investigate any charge that a person has knowingly and willfully violated this article. If the city prosecutor determines that there is probable cause to believe that a Legislative Advocate has knowingly, willfully and materially violated the provisions of this article, the city prosecutor may request that the city conduct an administrative hearing to determine whether such a violation has occurred and, if so, whether the Legislative Advocate should be prohibited from engaging in Legislative Advocacy for a period of time.

Upon the request of the city prosecutor, a hearing officer shall be retained and an administrative hearing shall be conducted substantially in accordance with the procedures set forth in chapter 3 of this title for conducting hearings on administrative citations.

If, after conducting a hearing pursuant to this section, a hearing officer determines that the Legislative Advocate has knowingly, willfully and materially violated the provisions of this article, then for the first violation of this article, the hearing officer shall prohibit the Legislative Advocate from engaging in Legislative Advocacy for a minimum period of six (6) months, for a second violation, the hearing officer shall prohibit the Legislative Advocate from engaging in Legislative Advocacy for a minimum period of one year, and for a third or subsequent violation, the hearing officer shall prohibit the Legislative advocate from engaging in Legislative Advocacy for a minimum period of four (4) years. The hearing officer may issue an order prohibiting the Legislative Advocate from engaging in Legislative Advocacy for a period of less than the maximum period set forth in this paragraph if the hearing officer determines that mitigating

circumstances justify a lesser period of prohibition.

If the hearing officer determines that the Legislative Advocate has knowingly, willfully and materially violated the provisions of this article, or if the Legislative Advocate accepts the allegation of knowing, willful and material violation and waives the opportunity for a hearing, then the city's website shall identify the Legislative Advocate and indicate that the Legislative Advocate has violated the city's regulations governing Legislative Advocacy. The website identification shall remain posted on the website for one year.

Notwithstanding the provisions of chapter 3 of this title, any decision by a hearing officer pursuant to this section shall be a final decision and not subject to appeal or review by the city council.”

Section 6. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 7. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance

with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 8. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted: January 9, 2018

Effective: February 9, 2018

LILI BOSSE

Mayor of the City of Beverly Hills

ATTEST:

_____ (SEAL)

BYRON POPE

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER

City Attorney

MAHDI ALUZRI

City Manager

EXHIBIT D

Congratulations To The 2018 Winter Olympics Athletes!

BEVERLY HILLS COURIER

The Newspaper of Record for the World of Beverly Hills

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SINCE 1965

February 9, 2018

ACADEMIC DECATHLETES — The Beverly Hills High School Academic Decathlon Team took ninth place overall in the Los Angeles County Competition, earning 18 individual medals at a ceremony yesterday. Pictured (from left): Team Captain senior Tim Kim, freshman David Noah Pals, junior Katie Wu, sophomore Emily Zhang, Nellie Soames, and junior Daniel Weiner. Not pictured: sophomore Matthew Park and junior Claire German.



School Board Eyes Parcel Tax In Lieu Of Reconfiguration

By Laura Coleman

After months of discussions, meetings, analyses and investigations, on Tuesday the Board of Education appeared to wholly abandon the possibility of creating a dedicated middle school in Beverly Hills, at least in the immediate future. Despite overwhelming support by Superintendent Michael Bregy, the 21-member Future Focused Schools Team (FFST) and the students themselves that the school district should establish a dedicated middle school, the board's failure to direct staff to create a comprehensive strategic plan made it clear that everyone's work had been an exercise in futility.

"I don't know why we had to go through this conversation over these past four months and create terror in the hearts of people," Board of Education President Lisa Korbato opined.

Indeed, the previous several board meetings lasted for hours, largely due to the high number of community members who addressed the board, many of whom were clearly distraught at the possibility of change and others who were likewise distraught that the district might opt not to move forward with a plan to reconfigure.

For over a year, the board had unanimously supported investigations into reconfiguring the school district.

Following a presentation on Tuesday by Bregy and Assistant Superintendent Dustin Seemann about reshaping the district's current four K-8 schools into three K-8 schools and one K-5 school — as staff was instructed to do by the board at its previous meeting — the board decided against making any changes.

"I'll just simply say; Nah, I'll pass," said Board VP Noah Margo. "I'm not yet sold on a single middle school."

The board also expressed unanimity, for the first time, that they would not be closing any one school. However, Facilities Director Don Blake pointed out that Hawthorne would need to close at one point when it is ready to begin reconstruction.

Following the board's abandonment of pursuing a dedicated middle school, Korbato told the audience they could vote in board members who support the plan when she and board member Howard Goldstein term out later this year. The board then began discussing board member Isabel Hacker's suggestion from last week that the district go after a parcel tax.

The board still needs to go after an additional school-building bond in order to finish its reconstruction program following the community's failure to pass the \$260 million Measure Y bond in 2016. A parcel tax requires two-thirds of the vote to pass.

Korbato estimated that the parcel tax would be about \$100 per parcel, but requires further investigation. The money would be used to hire a bevy of new employees such as a director of Primary Education, a director of Secondary Education, full time counselors at K-8 schools, security officers, librarians and media specialists, to name a few titles.

The district currently has no plan related to a possible parcel tax. However, four of the five board members, with the exception of board member Mel Spitz, gave direction to staff to explore logistics related to a possible parcel tax for educational programming.

Bregy is currently tasked with spearheading a round of personnel layoffs in order to balance the district's budget — although the precise number of cuts has yet to be determined.

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City Council Of Four Fails To Pass Basement Ordinance

By Victoria Talbot

The Beverly Hills City Council, without Mayor Lili Bosse (recused for conflict) failed to pass the proposed Basement Ordinance yet again.

The life of the ordinance nearly ended Tuesday, as Vice Mayor Julian Gold dug in his heels, taking Councilmember Les Friedman with him.

On the other side, both Councilmember John Mirisch and Robert Wunderlich, seeking a compromise solution that would pass the ordinance, threw out a series of possible compromises that Gold and Friedman summarily rejected.

At issue was not the substance of the Basement Ordinance, which has been painstakingly hashed out through several public meetings deep into the nights in both the Planning Commission and the City Council.

The entire ordinance was nearly defeated by an unwillingness to compromise on the "pipeline projects," or projects that are currently under review in

the Community Development Department, and if they should be subject to an R-1 Permit Review.

The "pipeline" has broad implications through the stages of a project. To clarify, Community Development staff created six categories for the stages in the pipeline.

The council agreed the first four categories are exempt, including projects in the Central and Trousdale areas, Hillside projects that already have R-1 permits, seven projects that have pending entitlement applications, and 32 Hillside pipeline projects that already have active building permits. They also agreed to the sixth category, which are projects submitted between Dec. 5 and the effective date of the ordinance where the total landform alteration exceeds the amended threshold, and thus will require an R-1 permit.

They could not find agreement on Category 5, which

(see 'BASEMENTS' page 20)

Legislative Advocates Keeping It Honest: The Devil Is In The Details

By Victoria Talbot

A new ordinance designed to create more transparency in lobbying at City Hall has resulted in a rush in Beverly Hills to register as Legislative Advocates. Registration is under penalty of perjury, and must be completed by today to conform to the ordinance.

In two weeks, five people have registered on behalf of the Loma Linda Trust/Loma Linda Holdings Ltd. The newly regis-

tered Legislative Advocates include Lindsay Tabaian, Keith Bishop, Alan Hearty, Patrick Perry and Sherman Gardner, who registered on Jan. 30-31.

Two have registered on behalf of 100 Crescent LLC, the proposed Beverly Hills Media Center — Sheri Bonstelle and Ben Reznik of Jeffer Mangels Butler Mitchell, for 100 N. Crescent LLC, on Feb. 7.

(see 'LOBBYING' page 11)



GOING STRONG — The Academy Awards are celebrating a historic 90th anniversary with this year's ceremony. The first event took place at the Hollywood Roosevelt hotel, lasting 15 minutes with tickets priced at \$5.

For more photos, see George Christy's column on page 6.

LOBBYING

(Continued from page 1)

Local attorneys Stephen Webb, Murray Fischer and Tom Levyn, all participants in the Sunshine Task Force efforts to amend the existing ordinance, re-registered with their multiple clients and projects in the last few weeks.

James Sutton, of the Sutton Law Firm in San Francisco, registered on Jan. 29 as a Legislative Lobbyist last week, listing the project name as "New Lobbying Law" and the client as "The Los Angeles Lobbyist Association," at the same address in San Francisco. The legislation subject to advocacy is listed as the "Municipal Legislative Advocates Ordinance."

Marcia Smith of Lewis Smith Media, Inc. registered on Jan. 29 as an advocate on behalf of Oasis West for The Beverly Hilton, to "amend existing development approvals."

Among all the lawyers who are professional Advocates, one name stands out: Sherman Gardner. His client is listed as the Loma Linda Trust/Loma Linda Holdings Ltd., and, like the other members of the Loma Linda team of Advocates, Gardner has listed his employer as Allen Matkins.

Phone calls to Allen Matkins Wednesday produced negative results; Sherman Gardner does not work there.

Gardner, who worked at Goldrich Kest for over 30 years, is a long-time resident of the City of Beverly Hills with deep ties to the network surrounding Vice Mayor Julian Gold and Councilmember Les Friedman. Longtime resident Judie Fenton, who successfully managed both of their campaigns pro bono, said she has employed Gardner's wife as an independent contractor at her events and marketing firm, FTA.

Gardner attended the City Council meeting Tuesday

evening that ended with a near stalemate on the proposed Basement Ordinance.

The proposed Basement Ordinance could impact plans and permits for the Loma Linda project for which he lobbies.

During a 30-minute recess to allow staff time to explore reconfiguring a complicated potential remedy for the 2-2 split that would have killed the ordinance, Gardner and lobbyists for Loma Linda Trust/Loma Linda Holdings huddled with Vice Mayor Gold and Councilmember Friedman.

Gardner and his wife Stephanie were on Gold's election steering committee, with Friedman and his wife Simone acting as his honorary chairs. Gardner and Stephanie were also on Friedman's steering committee.

Despite those close connections, Fenton told the *Courier* by email that she "does not know what Sherman is doing other than I know he formally worked for Goldrich and Keist for over 30 years. I don't know where his involvement comes from."

With Gold as Acting-Mayor after Mayor Lili Bosse recused herself — as she was advised to do by City Attorney Larry Wiener, because her home is in the hillside area — no conclusion was reached. The Basement Ordinance conclusion was yet again delayed.

The Basement Ordinance will return to the City Council at its next meeting for a third round, awarding the Loma Linda applicants an extra two weeks to complete their plan check and possibly, obtain permits for the controversial single-family homes on Loma Linda Drive.

The Loma Linda projects have been working their way through the process for nearly four years. There have been ten correction letters on the two Loma Linda properties, and recently, the City engaged a

third-party firm, GeoKinetics, to review soil estimates. The applicant placed the export amounts at nearly 1,500 cubic yards for each property, which is the threshold for a by-right project that would trigger an R-1 review on a street like Loma Linda that is 24 feet wide or less.

The GeoKinetics calculations, made without the benefit of complete soils reports, showed at least a 33-percent differential. By the GeoKinetics calculations, one of the homes was over 2,000 cubic yards of export, clearly over the threshold, which closely matched the calculations made by an expert hired by neighbor Debbie Weiss. The second home dropped from 1,500 to around 1,000 cubic yards of export

because of a calculation error that Weiss's expert also found.

As the projects have progressed, neighborhood scrutiny has intensified. Two weeks ago, Weiss, who has compiled thousands of pages of Freedom of Information Act (FOIA) requests to obtain documents, and spent hundreds of thousands of dollars to defeat these projects, discovered that the soils reports were incomplete.

Late last week, additional soils report addendums were produced, adding another 200 cubic yards to the soil export.

Two weeks ago, Loma Linda lobbyist Alan Hearty threatened the City with litigation, accusing the Council of "pandering" to "disgruntled homeowners" whom he characterized as "nonsensical." He

called their scrutiny "delay tactics," and threatened that the City was "going to subject itself to significant financial and legal exposure."

It now appears that the delay tactics are on the side of the applicant, as the developer billionaire seeks strategies to bring the two projects in under the 1,500-cubic yard threshold or face an R-1 hearing on the numerous retaining walls that harbor cut and fill.

Editor's Note: The Courier questions the possibility of a conflict that could invalidate the participation of Gold and Friedman on this issue because of their close ties to the applicant's lobbyist and the pro bono agreement with Fenton to manage their campaigns.

SOUTH SANTA MONICA

(Continued from page 9)

sides. If you only restore the parking on the north side, no one will cross the street... There is no 'dwell time' on our street. Putting the parking back does that.... My goal is to ask you, 'What do want the street to look like?'


Anderton came to Thursday's meeting with a petition signed by nine business owners on the south side of the street that, among other things, claimed that the businesses suffered "significant loss of business as a direct result of what was presented a year ago as a temporary removal of the street parking while traffic is diverted onto South Santa Monica Boulevard."

The meeting, which was held at 9 a.m., and did not open the discussion until 9:45, was scheduled at a time when many businesses open. Anderton left to open his business.

Upon hearing the vote, he wrote in an email, "While I was 'flattered' that they 'heard' me last time... it doesn't address the larger problem of the street. The lack of parking just makes us a thoroughfare and uninviting. What I am unclear on is what is the goal of the reconfiguration? To speed up traffic down our street? Do we need traffic sped up with the soon-to-be-completed North Santa Monica reconstruction serving that purpose? The sign reads 'Local Access' at the initiation of South Santa Monica.... Seems that would imply this is a local business street."


Mark Brower from the City's Budget and Finance Department claimed declining business revenues could be a result of "so many variables." Without facts, he blamed declining sales on the shift to online marketing.

The recommendations will go to City Council in the near future.



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BASEMENTS

(Continued from page 1)

includes 10 projects in the Hillside area submitted for plan check as of the effective date of the ordinance that either are new construction or increase the floor area by more than 50 percent.

On Dec. 5, when the ordinance came to City Council (without Bosse). It failed to pass because Gold sent it back to the Planning Commission for a recommendation on pipeline projects. At that Jan. 11 Planning Commission meeting, Staff recommended that Category 5 projects should be subject to an R-1 Permit review.

Newly-seated Commissioner Peter Ostroff was recused due to conflict. Commissioners Alan Block, Joe Shooshani and Vice Chair Andy Licht disagreed with the staff recommendation, and voted 3-1 that these projects should not require an R-1 Permit review. Chair Lori Greene Gordon objected; she agreed with the staff report. The recommendation for no R-1 permit review came to the City Council.

Gold and Friedman and Mirisch and Wunderlich drew line in the sand that showed far more flexibility on the side of Mirisch and Wunderlich towards a compromise.

Friedman and Gold, grasped at threads in support their arguments. Then Gold launched into a speech to plunge the entire ordinance into the waste bin.

"The council majority voted for the existing ordinance more than once," said Gold. "I have a hard time if we dismiss the work of prior

councils... which renders us unable to make a decision tonight. In a year, you could change it up... there have to be rules; how do you build a house?"

Gold ignored the fact that when the Hillside Ordinance was passed two years ago there was always an expectation that another ordinance was going to be drafted to address obvious loopholes, specifically regarding daylighting basements and retaining walls.

Friedman rallied behind him, claiming, "requirements are subjective for an R-1 Review. That is enough to deny it."

The discussion strayed, once again demonstrating that none of the councilmembers sitting on the dais had experience on the Planning Commission.

Resident Craig Corman, who drafted the proposed Basement Ordinance during one of his terms on the Planning Commission, brought forward a compromise.

Referencing the "layer-cake effect" at 1201 Laurel Way (the "poster child" for defacing the hillside with retaining walls), Corman suggested that the trigger for an R-1 Review might become the retaining walls, which have been under consideration for years. "People knew it was being worked on for two years to limit people's ability to build eight retaining walls. Putting aside the basement... to mitigate the harmful effects of retaining walls... If you can't see them it's no harm, no foul. We would require an R-1 Review for a more narrow subset... for the greatest impact."

Friedman and Gold reluctantly

agreed. In addition, Gold asked that they extend the deadlines 18 months so that the applicants could finish the plan check process before their application expires.

In this scenario, the applicant could also redesign their home to proceed under the code as it exists now without an R-1 Permit review.

To allow the City Attorney Larry Wiener to reword the Ordinance, Gold granted a 30-minute recess. But upon returning, Wiener determined that in order to capture the changes correctly, it would require at least one hour; it was already after midnight in the Municipal Gallery.

Mirisch and Wunderlich were willing, but Gold continued the item to the Jan. 20 meeting.

Council's direction, according to Assistant Director of Community Development Ryan Gohlich and Senior Planner Timothea Tway, for Category 5 homes "with retaining walls that do not comply with the new standards, the project must either come into compliance with the new retaining wall standards or be granted a Hillside R-1 Permit by the Planning Commission. Projects submitted for building permits between Jan. 11 and the effective date of the ordinance can be designed in accordance with existing regulations and need not comply with the new standards, but only if the Planning Commission reviews and approves the project pursuant to a Hillside R-1 Permit."

"Most, if not all, would trigger the R-1 Review," said Director of Community Development Susan Healy Keene.

The Loma Linda Compromise

By Victoria Talbot

Among the 10 projects that fall into Category 5, two projects on Loma Linda Drive have galvanized community attention for the scale and size of the projects on a cul-de-sac street less than 24 feet in width.

Originally submitted as one home over 25,000 square feet, the applicant subsequently decided to create two "by-right" homes, after the Hillside Ordinance was passed. They are currently suing the City.

The two projects in plan check total over 23,000 square feet; 1184 is 13,081 square foot, and at 1193, it is 10,468 square feet, with the basements and garages.

Though the client was never named, Francesco Aquilini, billionaire developer (with five local properties) and owner of the Vancouver Canucks hockey team, and Legislative Advocates Alan Hearty and Sherman Gardner, visited Mayor Lili Bosse and Councilmember Robert Wunderlich to discuss the properties in December.

Both projects have retaining walls, confirmed Beverly Hills Director of Community Development Susan Healy Keene, subjected to Category 5 review. If the retaining walls do not comply, the projects would have to be redesigned to comply or seek an R-1 Permit for the retaining walls from the Planning Commission. No other part of the project would come under consideration. If they receive the R-1 Permits, they can continue the projects.

The projects can still be called up by any member of the City Council for further review.

The homes are currently being reviewed for by-right status, said Keene. When they are by-right, they will send their findings to GeoKinetics, a third-party engineering firm, to confirm they are 1,500 cubic yards or less on each property. There will be a public presentation and a separate presentation to the applicant by GeoKinetics to explain their findings.



N. SANTA MONICA BLVD. RECONSTRUCTION



WEEKLY UPDATE (Subject to schedule changes)

Traffic Impacts — Two lanes open each direction between Wilshire Blvd. and Doheny Dr.; no left turns from N. Santa Monica Blvd. going eastbound between Alpine and Doheny drives. Nighttime lane closures on Canon Dr. between N. Santa Monica and S. Santa Monica boulevards.

Construction Activity - Removal and replacement of road, subgrade, curbs and gutters on the north side of the road between Alpine and Doheny; construction of new lighting, bioswales and raised crosswalks. Electrical conduit trenching on Canon Dr.

Work Hours: Mon.-Fri. 8 a.m.-6 p.m. Night: 10 p.m.-6 a.m.

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Greystone Concours Car Show on Hiatus

By Victoria Talbot

In a press release Thursday, the City announced that the Greystone Concours d'Elegance car show held at the Doheny Greystone Mansion for the past eight years is going on hiatus while the City of Beverly Hills and the organizers evaluate the timing and format of the event.

The event typically features some of the world's most luxurious and rare vehicles.

The City plans to meet with stakeholders to discuss ways to ensure the long-term sustainability of the event and to develop options that would maximize the funds raised, which support the restoration and maintenance of Greystone Mansion.

The City is also reconsidering the timing of the event to enhance the benefit to residents and to better complement other events held in the City.

Beverly Hills To Celebrate Kindness Week Feb. 11-17

By Victoria Talbot

Spreading kindness will be the focus of events happening throughout the City next week.

The Beverly Hills Human Relations Commission (HRC) will kick off National Kindness Week Sunday at the Farmers' Market where participants can take the Kindness Pledge in exchange for a Celebrate Kindness pin.

The HRC and the Beverly Hills Teen Advisory Committee (TAC) will join Walk with the Mayor Monday to

promote the event and hand out pins. On Tuesday, TAC and the HRC will practice kindness reading books at the Public Library to kids and making Valentines' cards for seniors at Roxbury Park and La Cienega Park. The cards will be delivered to seniors on Valentine's Day.

Spreading the love, TAC will read books about kindness to Kindergarteners at Adventure Camp after school, and on Friday, leading a clean-up effort at Beverly Hills High School.

DUI Checkpoint

The Beverly Hills Police will conduct a DUI/Drivers License Checkpoint tonight at Sunset Boulevard/Sierra Drive between 9 p.m. and 2 a.m. Officers will be looking for signs of impairment while checking drivers for proper licensing.