

Enforcement Division
Fair Political Practices Commission
428 J. Street, Suite 620
Sacramento, California 95814

"Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided."

Gov. Code section 81002(c)

"No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

Gov. Code Section 87100

The California Political Reform Act prevents conflicts of interest in two ways -- disclosure and disqualification. (See Gov. Code Sections 87100-87350.) I , Lynne Brown, allege that the City and County of San Francisco (CCSF) and the following individuals have conspired together to violate the Political Reform Act, and my civil and constitutional rights, and hereby request that your agency bring enforcement action against CCSF and the listed individuals to the maximum extent of the laws available to you under the California Political Reform Act.

Mayor Gavin Newsom
(Elected official)

Mayor Newsom violated the Political Reform Act by sponsoring 10 legislative measures introduced and passed by the Board of Supervisors without public comment on Tuesday, Dec. 7 and 14 concerning the Hunters Point Shipyard Redevelopment Plan and building codes for both the Shipyard and Treasure Island.

Newsom is the nephew of Congresswoman Nancy Pelosi and cousin

to Laurence Pelosi, a current or former senior vice president for Lennar Communities. Laurence Pelosi is documented as the campaign treasurer for Newsom's mayoral campaign. Laurence Pelosi has been identified as the son of Ronald Pelosi and Barbara Newsom Callan.

Congresswoman Nancy Pelosi's nephew, Laurence Pelosi, has been a top executive with Lennar Communities and treasurer of the Newsom for Mayor campaign. Pelosi literally "strong armed" the signing of the Hunters Point Shipyard Conveyance Agreement despite expressed opposition by the United States Navy, as reported in the San Francisco Chronicle and Examiner in February of 2004.

Ahimsa Porter Sumchai, M.D. asked that the mayor be recused in public comment to the Board of Supervisors on Dec. 7 and gave this information to City Attorney Dennis Herrera and Ethics Commission Director Mabel Ng, and Dr. Porter presented it to the San Francisco Field Office of the FBI.

Additionally, the April 2, 2004, San Francisco Chronicle features an article by Katia Hetter, who documents that Darius Anderson, a principal member of a development firm negotiating for a redevelopment lease from the Treasure Island Development Authority in partnership with Lennar Corp. of Miami, Fla., also had pending an exclusive development agreement for the Hunters Point Shipyard. Anderson held a fundraiser in his Sacramento office to help Mayor Newsom retire his \$400,000 campaign debt. Anderson is a principal partner in Treasure Island Community Development.

The fundraiser was held in early March 2004. Newsom signed the Hunters Point Shipyard Conveyance Agreement granting Lennar Corp. exclusive development rights for the Shipyard on March 31, 2004.

In 1995, San Francisco voters passed a law prohibiting campaign contributions from anyone bidding on or negotiating for a city contract

or development lease if the recipient has a say in approval of the matter.

Former Mayor Willie Brown
(Former elected official)

According to an article by Peter Byrne and John Mecklin of the SF Weekly, while mayor of San Francisco, Willie Brown crafted the decisions to grant residential development rights to Lennar Corp. for both Treasure Island and the Hunters Point Shipyard. Brown violated conflict of interest statutes as an elected official by making official decisions benefiting business entities that are partners in his private business endeavors, according to an article edited and researched by David Pasztor. Brown has disclosed a \$100,000 ownership of Live Oaks III, a subsidiary of Whitney Oaks Development in Sacramento. Renaissance Homes, a subsidiary of Lennar Corp., is a partner in Whitney Oaks Development. According to a July 1995 Live Oaks Status Report, the partners invested \$200,000 for a potential return of \$2.2 million. The purchase was consummated a few weeks before Brown won the San Francisco mayoral runoff election against Frank Jordan in December 1995.

After Brown took office, Lennar Corp. was awarded a San Francisco Redevelopment Agency contract to oversee the Shipyard transfer and development. The contract became publicly controversial in 1998 when Brown's close associates, Billy Rutland, trucking contractor Charlie Walker and Democratic Central Committee Chair Natalie Berg were hired as consultants by Lennar. The Redevelopment Commission, consisting of mayoral appointees, rejected the recommendation of a major independent consulting firm, Peat Marwick, and chose Lennar Corp. as the Shipyard's "Master Developer" over Catellus and the consultants' pick, Forest City Enterprises.

Charlie Walker
(Contract Holder with CCSF)

An Aug. 11, 1999, article in the San Francisco Examiner by Chuck Finnie and Lance Williams reported that Charlie Walker was being investigated by the FBI. When Lennar Corp. of Miami began assembling a team to bid on the Shipyard, it retained the Bayview Hunters Point Builders Exchange, a Walker company, purportedly to ensure people from Bay View Hunters Point were hired to work on the project. Walker was personally campaign connected to Mayor Brown, and Redevelopment Commission President Lynette Sweet was treasurer of Charlie Walker's non-profit organization in Bayview/Hunters Point. On March, 30, 1999 Sweet violated conflict of interest statutes by voting the deciding vote to give the contract to develop the Shipyard to Lennar, rejecting the recommendation of Peat Marwick, was the independent consulting, which received \$100,000 dollars, firm hired to evaluate ex Mayor Willie Brown's no bidding contracts or Request For Qualifications (RFP)

Walker has appeared before numerous city commissions and the Board of Supervisors and has lobbied members of the Board without disclosing what he boasts openly about in the neighborhood, that he receives somewhere between \$5,000 and \$10,000 a month from Lennar. Additionally, he has demonstrated disruptive, verbally abusive and physically threatening behavior towards opponents of the Shipyard transfer and elected members of the Shipyard's Restoration Advisory Board.

He referred to Ahimsa during a radio broadcast as a "mad scientist." He disrupted a press conference held in the Anna B. Walden Public Library by opponents of the transfer in November of 2005 and called the organizers "niggers" and physically threatened SF Bay View publisher Willie Ratcliff. The press conference was being filmed for television by Channel 29 producer Ken Johnson, who retained the footage.

Walker was also incriminated by Supervisor Chris Daly in the recruitment of the homeless men who came to City Hall seeking payment for testimony to the Planning Commission hearing of Dec. 2

in support of the Shipyard Redevelopment Plan. Ahimsa attempted but was unable to schedule a meeting with Supervisor Jake McGoldrick, president of the Land Use Subcommittee of the Board of Supervisors, on two separate attempts. Ahimsa attended the Land Use Subcommittee meeting where the Health Ordinance and the Shipyard Redevelopment measures were being discussed and observed Supervisors Aaron Peskin and Jake McGoldrick give hand signals to Charlie Walker indicating their support for the measures. Ahimsa was seated next to Mr. Walker during the hearing.

Roy Willis, Lennar/BVHP executive
(Developer - Contract Holder with CCSF)

assisted by Charlie Walker, Willis recruited 50 homeless African American men by distributing fliers in homeless shelters offering them \$10 to testify at the Dec. 2 Planning Commission hearing in support of the Hunters Point Shipyard Redevelopment Plan's environmental findings. When the developer determined he had the four votes necessary to pass the measures, he did not pay the men and they staged a protest outside City Hall.

A homeless advocate named Abdullah showed me a copy of a leaflet distributed in the shelters. It read, "Mandatory meeting for BVHP residents ... jobs" and directed them to attend the hearing. Francisco Da Costa reports that a homeless man came up to him seeking payment for attendance at the hearing and asked him, "Are you Roy Willis?"

A homeless African American man sat behind Ahimsa Porter Sumchai, M.D. in the hearing and asked, "Is this where you get paid?" This incident was reported by Adriel Hampton in the Dec. 3 edition of the Examiner and by H. Brown on the internet.

Supervisor Chris Daly investigated the matter and asked that the 10 Shipyard redevelopment measures be held over until Jan. 11, 2005, to allow for investigation. The following week the measures

were reintroduced and Daly reported that his investigation incriminated Charlie Walker and that he was told that Walker was no longer on the developer's payroll but then learned he was still receiving payments from the developer.

Planning Commission President Shelley Bell
(Appointed Official)

Planning Commission President Shelley Bell was asked to recuse herself at the recommendation of the City Attorney's office when it was publicly disclosed at the Dec. 2 Planning Commission hearing that, as executive director of the Bayview Opera House, she had received a \$100,000 grant from Lennar. Former Supervisor Willie B. Kennedy, a member of the board of the Opera House, reported to the SF Bay View that she knew nothing about the grant.

Base Closure Director Michael Cohen, Mayor's Office of Economic Development
(Appointed Official)

Michael Cohen, previously with the transaction team of the City Attorney's office, has actively concealed and flagrantly lied about the extent of residual toxic contamination at the Shipyard in numerous government hearings and to the media. He has actively conspired to conceal the violations of CEQA and CERCLA in the transfer process and was knowledgeable about the exclusion of information documenting radiation-impacted buildings, soils and landfills from the Final Environmental Impact Report for Phase I Development of the Shipyard and the seismic instability of the industrial landfill on Parcel E of the Shipyard identified by the U.S. Geological Survey.

A meeting was held with him in the City Attorney's office in early 2002 that included an investigator for the District Attorney and now Supervisor-elect to discuss the radiological issues published in the Historical Radiological Assessment in March of 2002. Cohen confronted Ahimsa face to face as she left Room 400 of City Hall after she offered testimony documenting an appeal of the FEIR

at the Dec. 2 Planning Commission hearing. He threatened Ahimsa and she reported this incident to the office of Board of Supervisors President Matt Gonzalez.

Mitigation Engineer Amy Brownell, SF Department of Public Health

(Discretionary Employee)

Amy Brownell flagrantly lied and actively concealed from the DPH, the media and city government hearings the extent of toxic contamination at the Shipyard and has consistently failed to incorporate human health risk assessment in her role as DPH representative to the RAB. Brownell openly lied to the San Francisco Health Commission in public testimony on Tuesday, Nov. 2, 2004, telling them they were voting only on CEQA findings for Parcel A, with full knowledge the FEIR addendum for Shipyard Phase I development dated November 2003 is for Parcels A and B.

A city attorney attempted to correct her. Her testimony was videotaped by Channel 29 producer Ken Johnson and KPFA radio. Brownell next lied at the Department of Building Inspection's televised hearing on Dec. 6, telling the commissioners an EPA Scan Van had cleared the Shipyard buildings for radiation hazard. The EPA Scan Van is a motorized vehicle developed for detection of "dirty bomb" fallout. It can only analyze gamma radiation on paved roads and therefore could not and did not clear buildings or landfills on Parcels B and E, where radioactive soils and radium containing devices are implanted.

Brownell worked with the City Attorney's office to develop a health ordinance, passed by the Board of Supervisors, that violates federal statute by allowing the Navy to transfer Shipyard Parcel A despite the documented presence of residual soil contaminants including lead, asbestos, arsenic, manganese, nickel and chromium. The health ordinance, Article 31, will "kick back" fees from the developer to the DPH. Brownell and Dr. Rajiv Bhatia are expected to directly benefit

financially from the consulting fees for "oversight" of the Shipyard development.

The Health Department's Environmental Division for many years objected to this but agreed to the mitigation measures because of the inclusion of "developer kickbacks" in the ordinance which allows the DPH to collect \$586 administrative fees and \$153 an hour consulting fees from the developer who disturbs more than 50 cubic yards of soil on Parcel A.

Saul Bloom, executive director Arc Ecology, consultant to Lennar and Larry Florin/ Mariposa Management
(Discretionary Employee /Appointed Official)

By a grand coincidence, from Mare Island to Treasure Island to the Hunters Point Shipyard, where there's Lennar ... there's Arc Ecology. Saul Bloom receives direct financial revenue from Lennar and the Mayor's Office of Economic Development paid to Arc Ecology.

He was asked to move his BVHP office due to conflicts of interest with Bayview Advocates by the Department of the Environment and received funding from Lennar to do so. Bloom is an appointee to the Mayor's Citizens Advisory Committee on the Shipyard re-appointed by Mayor Willie Brown.

Bloom appeared as an invited testifier with the city team, including Brownell and Michael Cohen, at the Health Commission hearing on the health ordinance. In his testimony, he denied the Shipyard is a source of health risks. Bloom was identified as a consultant to Lennar in a Dec. 3 Examiner article written by Adriel Hampton. Bloom testified before numerous city government agencies, boards and commission and to media as the executive director of Arc Ecology and failed to disclose the fact that he is a paid consultant to Lennar and that Arc receives funds from Lennar and the Mayor's Office of Economic Development.

In May of 2004, I acting as community co-chair of the Shipyard's Restoration Advisory Board accused Arc Ecology of this conflict of interest and in a written statement dated May 26, 2004, Bloom responded to the RAB stating, "Conflict of interest laws seek to ensure that funds raised do not influence the actions of decision makers and therefore the actions of government. Neither Arc Ecology nor I am a decision maker in the Shipyard process." Mr. Bloom is a voting member of the San Francisco Redevelopment Agency Community Advisory Committee for the Bay View Hunters Point Project Area, and a member of the Shipyard's Restoration Advisory Board.

Bloom plays an important role in city government. He is a venomous hypocrite who "bad mouths" environmental activists, look at what Saul Bloom has done to the 7,000 African Americans who lived and worked at Fort Ord, neighborhood residents and members of the Shipyard's Restoration Advisory Board. Many of these people are African Americans, women and people of color who live in the community. Bloom does not live in Bay View Hunters Point; indeed, he does not live in San Francisco!

Supervisor Aaron Peskin
(Elected Official)

Supervisor Aaron Peskin has reported receiving \$750 from principals of the shipyard's developer Lennar. The CCSF Ethics Commission lists the Lennar BVHP Partners at http://www.ci.sf.ca.us/site/ethics_page.asp?id=15129

Curtis Eisenberger/Mariposa Management	\$250
Larry Florin Mariposa Management	\$250
Evelyn Florin Mariposa Management	\$250

Aaron Peskin voted on the Shipyard measures put forward by Mayor Newsom before the Board of Supervisors on December 7th and 14th, despite this clear conflict of interest

Richard Blum

Sen. Dianne Feinstein's husband, Richard Blum, is affiliated with Catellus Development, one of the three major developers the Redevelopment Agency considered for the Hunters Point Shipyard Exclusive Negotiating Agreement. Catellus is the major developer for Mission Bay, also in District 10, and plays a role in the overall BVHP Redevelopment Plan. Perini Corp., a Massachusetts company controlled by an investment group headed up by California Democratic Sen. Dianne Feinstein's husband, banker Richard Blum, has become the focus of a lawsuit filed by the Los Angeles County Metropolitan Transportation Authority, or MTA, alleging massive fraud in the construction of the Los Angeles subway system. The lawsuit, which names as defendants Tutor-Saliba Corp., California's largest contractor, and the Perini Corp., owned by an investment group headed up by Blum, alleges that Tutor-Saliba-Perini used dummy minority business enterprises to land contracts on the subway portion of the 57-mile Los Angeles Metro Rail line. The lawsuit also alleges that the white-owned firms set up dummy companies that were "either not qualified or in whom they owned a disclosing interest." The lawsuit alleges that Tutor-Saliba-Perini worked with subcontractors to present false claims for work on the Los Angeles subway to obtain millions of dollars for additional payments. "Willie Brown wanted to give Tutor-Saliba rights to retrofit the SF. Bay Bridge." See <http://www.calrailnews.com/bullettrain.html> Terry Goggin, Lennar Attorney, Willie Brown Richard Katz, and High Speed Rail Authority Joseph Petrillo.

Feinstein sent a representative from her office to speak on behalf of the Hunters Point Shipyard health ordinance and environmental findings at both the Health Commission and Planning Commission hearings in which measures violating CEQA and CERCLA were introduced and passed. The health ordinance, Article 31, violates the federal Superfund law by allowing the Navy to transfer Shipyard property with residual toxic soil contaminants like lead, asbestos and arsenic that exceed EPA cleanup standards.

Conclusion

Wherefore, I allege that the City and County of San Francisco (CCSF) and the following individuals have violated the Political Reform Act and hereby request that your agency bring enforcement action against CCSF and the listed individuals to the maximum extent of the laws available to you.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lynne Brown".

Lynne Brown –
Vice-President
CALifornians for Renewable
Energy, Inc. (CARE)
Resident, Bayview Hunters Point
24 Harbor Road
San Francisco, CA 94124

Verification

I am an officer of the complaining Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

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

Executed on this 26th day of January 2005, at San Francisco, California.



Lynne Brown – Vice-President
CALifornians for Renewable Energy, Inc. (CARE)
Resident, Bayview Hunters Point
24 Harbor Road
San Francisco, CA 94124

Certificate of Service

I, Michael E. Boyd, certify that:

1. The original and one copy of the *Complaint against Respondents violations of the California Political Reform Act* was mailed to the Enforcement Division Fair Political Practices Commission, 428 J. Street, Suite 620, Sacramento, California 95814; and
2. A true and accurate copy of the same document was placed in the United States mail, postage prepaid, and addressed to the following Respondents Service List on this 26th day of January 2005, at Sunnyvale, California.

Michael E. Boyd

Michael E. Boyd

Respondents Service List

City and County of San Francisco
Office of the City Attorney
City Hall, Room 234
San Francisco, CA 94102

Mayor Gavin Newsom
City Hall, Room 200
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Charlie Walker
BVHP-BUILDERS EXCHANGE
3450 Third St., Ste 4A
San Francisco, CA 94124

Former Mayor Willie Brown
KRON4
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San Francisco, CA 94109

Roy Willis, Operations Director
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Shelley Bell
Planning Commission President
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Michael Cohen, Director
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Amy Brownell
Site Mitigation Engineer
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