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TRANSCRIPT OF THE
CITY OF RIVERSIDE BOARD OF ETHICS HEARING PANEL
VIRTUAL MEETING
COMPLAINT: ALLOTTA v. PLASCENCIA
OCTOBER 15, 2020
5:00 PM

Transcribed by:
Christine Aiello

Job No. J6113053

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BOARD OF ETHICS HEARING PANEL

Chair Freya Foley
Member Champagne Ford
Member Taylor Keen
Member Jessica Newman
Member Dave Stahovich

OTHERS PRESENT ON BEHALF OF THE BOARD

Assistant City Clerk - Eva Arseo
Senior Deputy City Attorney - Brandon Mercer

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None offered.

1 P R O C E E D I N G S

2 (On the record)

3 CHAIR FOLEY: We're at -- I believe it's
4 5:03, and we're going to -- do we have any public
5 comment? I think we do. We'll have to -- we're
6 waiting.

7 MR. ERROL: Sure, thank you very much. Good
8 afternoon, the city commission or -- or the ethics
9 board or whatever it is. My name is Errol. I live in
10 Gaby's district. My -- I wanted to ask you guys, can
11 you guys read off the e-comments tonight sometime
12 during the meeting and read them off? I don't know if
13 you guys actually do read off the e-comments. There's
14 a people -- a couple of people who have wrote
15 e-comments, and they couldn't call in. So I was just a
16 little concerned about that.

17 But I wanted to get back to the ethics and
18 the complaints of -- of -- pertaining to this. I just
19 feel a big problem with the city right now is basically
20 you guys don't tell the truth, and that's the whole
21 issue. A lot of people have a lot of problems with
22 that. Even if you don't like the truth, we need to
23 talk about it and fix the truth.

24 You know, history goes a long ways. You
25 ain't going to be able to change history here in

1 California, okay? That's going to be a no-win
2 situation. And I -- I just think we need to start
3 telling the truth. You know, and that's what angers
4 everybody, when you blame somebody else for the
5 problems that we're having in California; and that's --
6 that's the issue, you know. And you've got to start
7 being truthful. You cannot be saying things that
8 aren't true, and -- and that's -- that's the -- that's
9 the problem that I'm having.

10 You know, you're teaching things or saying
11 things that aren't true, and you're blaming other
12 people for the problems here in our city, in our
13 county, in our state on other people. And I -- that is
14 a -- I mean, you've got to step up and say, you know
15 what, yes, the Democratic party has destroyed
16 California. And it is what it is.

17 And I mean, I -- I don't know what else to
18 say to you guys. And -- and that's where there's a
19 problem, when you sit there accusing somebody else of
20 what you guys are doing, you know. And that's the
21 whole issue about the -- the -- the situation with
22 people, they're upset because you guys have lied, you
23 have blamed others for decades.

24 I mean, and then recently all this stuff
25 that's going on now, we -- I mean, it's going to come

1 out after the election; but what the problem is, you've
2 got to continue to say, you know what, yes, we have
3 screwed up our city and our county. We have screwed up
4 our state. The state has allowed us to screw it up.
5 And that's just the way it is. You cannot blame
6 somebody else and expect to get bailed out of your
7 lousy policies or your sense of -- of -- of tax-paying
8 money.

9 However you want to look at it, it's not
10 going to do anything. You've got to understand what
11 the problem is. Accept your failures, okay? Don't
12 blame somebody else for your failures or put it on
13 someone else. Be truthful with the people. And that's
14 the whole division right now we've got, okay?

15 That's all I want to say, sir. And -- and
16 you guys have a pleasant day. And the failures are
17 because of --

18 CHAIR FOLEY: Okay, all right.

19 Dave, can you -- before we go to the next
20 caller, can you, while we're waiting for the next
21 caller, can you please read the online comment, public
22 comment?

23 MEMBER STAHOVICH: Yes. And before I do that,
24 I had a question for the clerk. I -- I'm told that
25 people are having a difficult time finding the link to

1 the public meeting. Where would that be? Is that on
2 the clerk's website? Is that -- is that somewhere
3 available?

4 MS. ARSEO: The meeting can be found at
5 www.engageriverside.com. And then there's --

6 MEMBER STAHOVICH: Okay, perfect.

7 MS. ARSEO: -- a button that says, council and
8 board meetings. They click there and they'll get the
9 whole calendar of all meetings happening and they
10 should see the Board of Ethics meeting in progress.

11 MEMBER STAHOVICH: Okay, perfect. Thank you.

12 Okay. So now there was a public comment that
13 came in on the e-comments from Linda, I think it's
14 Durham. I hope that's right.

15 It says, hello. My name is Linda Durham. I
16 support imposing ethics violations against Gaby
17 Plascencia. I have lived in Riverside Ward 5 for 32,
18 I'm reading exactly how it says, for 32. I would like
19 to say, I sure miss Chris MacArthur. I am disgusted by
20 Gaby Plascencia and feel she failed miserably at
21 honoring her oath that she took when she won the
22 election to be Ward 5 councilmember.

23 She claimed, during her candidate speech, she
24 was ethical. Well, that has proven to be the farthest
25 thing from the truth. She has, not only has numerous

1 ethics violations, but she is also racist specifically
2 against Whites. She has demanded resignations from
3 Andrew Walkers and Sean Mills. Mr. Walker did resign,
4 but thank goodness Sean Mill did not.

5 I wouldn't doubt that she has or will go
6 after Chuck Conder next, due to his white skin color.
7 After -- the white skin does not fit her vision of
8 diversity. If that is not racist, I don't know what
9 is. Her Labor Day posts were beyond disgusting, and I
10 do not want her as my councilmember any longer.

11 My other fear is that this woman is a
12 counselor at a school. Can you imagine the kind of
13 hate and racism she has or will instill on students?
14 That is another fight for another day.

15 And those were the comments of Linda Durham.

16 CHAIR FOLEY: Thank you.

17 Okay. Are we ready for another public --
18 online public comment?

19 MS. MIRAMOTES: Thank you. Good evening,
20 esteemed Board of Ethics. My name is Ana Sofia
21 Miramontes, and I reside in Ward 2. It is very
22 disturbing to me that we have to be here a second time.
23 The behavior of Gaby Plascencia is beyond
24 reprehensible. We, the citizens in Riverside, elect
25 our councilmembers to be good stewards of our home, to

1 nurture and to grow this beautiful place. We do not
2 elect our councilmembers to put the needs of the few or
3 the needs of the one ahead of the needs of the many.

4 The extremely unethical behavior of Gaby
5 Plascencia started day one, with the immediate and very
6 deliberate attempt to hurt anyone who did not support
7 her, and has continued to this day. I will put it this
8 way, we have a racism sandwich when it comes to Gaby
9 and her behavior. We saw her viciously unseat one
10 board member and attempt to unseat another simply
11 because of the color of their skin.

12 I sit on a city board. And had a white man
13 attempted to unseat me because of the color of my skin,
14 and in the name of equity and diversity, there would
15 have been an uproar beyond belief; but because this was
16 being done to two white men, it was tolerated. And I
17 am shocked that the motion was even entertained. Her
18 behavior stemmed in extreme racism and hatred.

19 In June, we saw her bring forth a motion to
20 declare racism a public health crisis in Riverside.
21 This ceremonial motion did nothing to better our home.
22 In fact, it was only the bologna to Gaby's racism
23 sandwich. In September, we then again saw extreme hate
24 and racism, completing her racist bologna sandwich with
25 a social media post spewing hatred against the white

1 voter base.

2 In a time where we should be bringing people
3 together, she has decided to use her official position
4 to tear us apart. Why bother with the grandstanding
5 and the declaration if they were and are only words?
6 Outward disdain for the business community is also very
7 clearly evident with Gaby. She made a very clear
8 statement to the business community in late December or
9 early January when she got up and walked off the dais
10 as soon as Cindy Roth, the CEO of the chamber, walked
11 to the podium to speak. She did not even bother to
12 hide her actions. In fact, they sent a very clear
13 message.

14 Her text to Andrew Guerra, stating, unless he
15 calls me to tell me they have removed him, we have
16 nothing to talk about, are more evidence of Gaby's
17 disdain for her business community. She has not
18 participated or joined any chamber or Arlington
19 Business Partnership activities. What message does
20 that send to the businesses in the Arlington District?
21 She is clearly telling them that unless they are
22 represented by a union, they can pound sand.

23 Please do what is right. Help to send a
24 message to the council that this behavior will never be
25 tolerated in our home. I thank you for your time and

1 attention to this matter.

2 CHAIR FOLEY: Do we have more calls? So we
3 have no more calls. Okay. We're going to proceed with
4 -- to item number two. We're going to call the matter
5 for hearing.

6 Roberta Allotta, is that how you say your
7 name, Roberta? Did I say it correctly?

8 MS. ALLOTTA: There's two ways, Allotta or the
9 way you said it, either --

10 CHAIR FOLEY: Which --

11 MS. ALLOTTA: -- way.

12 CHAIR FOLEY: Which do you prefer?

13 MS. ALLOTTA: I don't care. Allotta is --
14 people -- most people say Allotta.

15 CHAIR FOLEY: Okay. Roberta Allotta versus
16 Councilwoman Gabriela Plascencia.

17 Could you please both identify yourselves?
18 Roberta.

19 MS. ALLOTTA: I -- I am Roberta Allotta.

20 CHAIR FOLEY: Councilwoman.

21 COUNCILWOMAN PLASCENCIA: I'm Councilwoman
22 Gaby Plascencia.

23 CHAIR FOLEY: Thank you.

24 Okay. Now, I think what we're going to do,
25 prior to opening statements, I'm going to ask Brandon,

1 because a lot of people are new to this process, I'm
2 going to ask our attorney, Brandon Mercer, to give a
3 brief overview of the process.

4 Brandon.

5 MR. MERCER: Hi, everybody. What -- what I'm
6 basically going to do is just give a brief outline so
7 both parties understand what's going to go on. We've
8 really tried to make this a fair procedure, but
9 understanding that it can get a little complicated. So
10 I'm just going to kind of run through an outline so
11 everybody knows what to expect, and that's for the
12 benefit of both parties.

13 The first thing, prior to your opening
14 statements, each side has five minutes to address any
15 technical issues they might have or procedural issues.
16 An example of a procedural issue may be if you
17 discovered new evidence, and you want the panel to
18 decide that issue prior to the hearing starting. That
19 would be an example of a procedural issue. I think we
20 all know what technical issues would be, you know,
21 problems with sound or -- or video or whatnot.

22 Then we move to opening statements. The
23 complaining party gets to give their opening statement
24 first. You have up to 15 minutes, that's combined for
25 the opening and the closing. After the complaining

1 party gives their opening, Councilwoman Plascencia, as
2 the respondent, you have a right to give your opening
3 right at the beginning as well, or you can wait until
4 the close of the complaining party's case.

5 A little thing about opening statements, if
6 you remember Perry Mason or -- or Law & Order, an
7 opening statement is just that, it's a statement. It's
8 kind of a blueprint of what your evidence is going to
9 show. And a lot of times when you watch movies or
10 whatnot, it's going to say, lawyers tend to say, the
11 evidence is going to show the jury or the evidence is
12 going to show the panel whatever the evidence is going
13 to show. It's not really -- you're not really
14 introducing evidence and you're not testifying during
15 your opening. It's just kind of giving an -- an
16 overview of what's -- what you expect to show the --
17 the panel.

18 After opening statements are given, then the
19 complaining party goes first. Complaining party can
20 call their first witness. That's called direct
21 examination. When they're done with direct
22 examination, councilwoman, you'll have an opportunity
23 to cross-examine immediately while -- while the witness
24 is still, you know, under being sworn in. And then
25 after the cross-examination, we'll move to the next

1 witness, and we'll just compete -- repeat that process
2 until all the witnesses have testified.

3 At the close of complaining party's case,
4 then the respondent, Councilwoman Plascencia, gets to
5 put on her case. If she reserved her opening, she can
6 give her opening at this time, otherwise we can start
7 with her first witness. And of course the councilwoman
8 can testify on her own. And -- and if that's the case,
9 then she would be subject to cross-examination.

10 I believe at the prehearing I made it clear
11 that neither party can call the other party as -- as a
12 witness in their case, but you are allowed to
13 cross-examine witnesses. After cross-examination and
14 also during respondent's case, if there's any rebuttal
15 evidence, Councilwoman Plascencia should include that
16 rebuttal evidence during the presentation of her case.
17 After the presentation of the councilwoman's case, then
18 it will go back to the complaining party to put on any
19 rebuttal evidence that she may have.

20 After the rebuttal evidence, then we move on
21 to closing statements, and you have whatever time you
22 -- you -- you reserved of -- of that 15-minute chunk.
23 And again, a closing statement is really just you're
24 summarizing the testimony that you had already put on.
25 It's not -- you're not introducing evidence. You're

1 just summarizing what you had already presented to the
2 panel and kind of putting in a little argument on what
3 you think it proves.

4 After the complaining party gives their
5 closing statement, then councilwoman will give her
6 closing statement. And at that point, we are going to
7 open everything -- everything up to public comment.
8 After public comment, the panel will discuss. I think
9 that pretty much hits the blueprint of what we're going
10 to do this -- this evening.

11 CHAIR FOLEY: Thank you very much, Brandon.

12 I -- I have --

13 MR. MERCER: Does the panel have any
14 questions? No, okay.

15 CHAIR FOLEY: Okay.

16 MR. MERCER: And -- and by the way, staff is
17 told that if you're not speaking that we shouldn't
18 really be on camera, so that's why I'm -- usually
19 you're not going to see me on camera.

20 CHAIR FOLEY: However, the panel has to be on
21 camera at all times, okay? Okay. Prior to -- as -- as
22 Brandon said, prior to the opening statements, each
23 party has five minutes to address any technical or
24 procedural issues, and then we can proceed after that.
25 So if each -- if you have a -- if each one of you or

1 both of you have a -- an issue, it's five minutes for
2 each of you to discuss your issue.

3 I believe, Ms. Allotta, you wanted to add
4 evidence; is that correct?

5 MS. ALLOTTA: Yes.

6 CHAIR FOLEY: And --

7 MS. ALLOTTA: Do you want me --

8 CHAIR FOLEY: -- Councilwoman Plascencia, did
9 you have anything you wanted to add or discuss for the
10 technical? Are you there?

11 COUNCILWOMAN PLASCENCIA: I'm trying to turn
12 on my camera. Sorry.

13 CHAIR FOLEY: Okay.

14 COUNCILWOMAN PLASCENCIA: Hello. I just had a
15 question for Brandon.

16 During the discussion portion, is that an
17 opportunity for the panelists to still ask me
18 questions?

19 MR. MERCER: Yeah, that's a good question.
20 Yes, that -- that would be the appropriate time for
21 them to ask questions.

22 CHAIR FOLEY: But the panel can also ask
23 questions during the hearing.

24 MR. MERCER: Right.

25 CHAIR FOLEY: Okay.

1 COUNCILWOMAN PLASCENCIA: Thank you for the
2 clarification. That's it for me.

3 MR. MERCER: Okay.

4 CHAIR FOLEY: Okay. Thank you.
5 Okay. Ms. Allotta.

6 MS. ALLOTTA: Okay. I have --

7 CHAIR FOLEY: Allotta.

8 MS. ALLOTTA: -- three -- three separate
9 items.

10 CHAIR FOLEY: Okay.

11 MS. ALLOTTA: And I sent you the Labor Day
12 post.

13 CHAIR FOLEY: Right.

14 MS. ALLOTTA: And -- and asking that that be
15 put into evidence. That was not available when I
16 initially submitted this complaint.

17 CHAIR FOLEY: Correct. What does this pertain
18 to, what part of your case?

19 MS. ALLOTTA: The -- the -- the -- the part
20 about racism. So it would be the third violation.

21 CHAIR FOLEY: Okay. Well, you have two -- you
22 have two violations, don't you, A and M? In fact --

23 MS. ALLOTTA: Well, I have three. I have
24 three.

25 CHAIR FOLEY: What am I missing?

1 MS. ALLOTTA: It's the third violation --
2 violation, violates Municipal Code Section 2.78.060M
3 concerning racial discrimination. It's on page 13 of
4 your packet.

5 CHAIR FOLEY: Okay. But I'm looking at your
6 -- your checked items, and you only have A and M
7 checked. Let's see.

8 MS. ALLOTTA: Yes. Okay. You're -- you're
9 looking at page 5.

10 CHAIR FOLEY: Right.

11 MS. ALLOTTA: Yes, there was only two things
12 checked because one of them, there was -- of the three
13 violations, two of them violated the same part. So
14 that's why there's only two checked.

15 CHAIR FOLEY: Okay, okay. And so the -- so
16 just so that you understand that the violation has to
17 be prohibited conduct and not of values statement.
18 Just so that you are -- you're clear that what you're
19 looking at, we look at A through M for prohibited
20 conduct. Do you see what I'm saying?

21 MS. ALLOTTA: So are -- are you saying then
22 that you're not going to allow that, or are you --

23 CHAIR FOLEY: Well, we probably would have to
24 have -- let me just see what it -- it says. Well, so
25 you have on page 13 a values statement; is that

1 correct? It's one of the value statement.

2 MS. ALLOTTA: Yeah, yes.

3 CHAIR FOLEY: Okay. But the violation can
4 only --

5 MS. ALLOTTA: I mean, that, but it's also
6 backed up with things that have happened.

7 CHAIR FOLEY: Okay. So what -- what
8 prohibited conduct are you saying it goes under? Like,
9 so you see A through M here, correct, in your complaint
10 you filed, right? Page 4 actually.

11 MS. ALLOTTA: Uh-huh.

12 CHAIR FOLEY: So these are the things that --

13 MS. ALLOTTA: Okay.

14 CHAIR FOLEY: -- one can violate. Do you
15 understand what I'm saying?

16 MS. ALLOTTA: Okay. It's a violation of local
17 law.

18 CHAIR FOLEY: So you want to modify -- so
19 you're saying you want to modify your -- your complaint
20 to include that information under M?

21 MS. ALLOTTA: Yes, yes.

22 CHAIR FOLEY: What does the other panel
23 members think about that?

24 Dave, I see you speak -- you want to speak.

25 Dave.

1 MEMBER STAHOVICH: So I -- I think, as I
2 understand it now -- I've -- I've got a question on
3 this -- this information. So if you're saying that
4 this supports -- you -- you have two complaints under
5 section M is what I hear you saying.

6 MS. ALLOTTA: Exactly.

7 MEMBER STAHOVICH: And -- okay. So -- so just
8 because you -- you -- you're alleging two violations of
9 M and one of the first, of A. Okay. So that makes --
10 I get that now. So that makes sense. And again, I --
11 I -- I would say that at this point we're just dealing
12 with allegations, but if allegations turn out to be
13 deemed conduct, it would be -- it -- it would -- it --
14 it -- it would fit under that category, in my -- in my
15 estimation. Thank you.

16 CHAIR FOLEY: Okay. So we need to -- is there
17 any -- if there's no further discussion of this item,
18 we need to --

19 Eva, can you do a roll call to admit the
20 additional evidence?

21 MS. ARSEO: Chair Foley, has someone made a
22 motion?

23 CHAIR FOLEY: Oh, make a motion.

24 MEMBER STAHOVICH: I -- I will make that
25 motion.

1 CHAIR FOLEY: Okay. Somebody second, please.

2 Taylor, could you second?

3 MEMBER KEEN: I second.

4 MEMBER STAHOVICH: Does anybody want to
5 second?

6 CHAIR FOLEY: Yes.

7 MEMBER KEEN: Yes.

8 CHAIR FOLEY: Does anybody want to second? I
9 think they wanted to, they were just thinking.

10 Okay. Can you do the vote now, Eva?

11 MS. ARSEO: Okay, okay. Here we go. Member
12 Newman.

13 MEMBER NEWMAN: Yes.

14 MS. ARSEO: Thank you.

15 Member Stahovich.

16 MEMBER STAHOVICH: Yes.

17 MS. ARSEO: Member Keen.

18 MEMBER KEEN: Yes.

19 MS. ARSEO: Chair Foley.

20 CHAIR FOLEY: Yes.

21 MS. ARSEO: And did I miss anybody? Am I
22 missing somebody?

23 CHAIR FOLEY: I think we have another person;
24 shouldn't we?

25 MS. ARSEO: You do on the --

1 MEMBER FORD: No. I'm on -- this is
2 Champagne, but I'm just an alternate. So I don't
3 believe I vote on any of this.

4 CHAIR FOLEY: I -- well, aren't we supposed to
5 have four people voting on this, or did I miss
6 anything?

7 MS. ARSEO: Okay. Well, so that motion passes
8 unanimously with four.

9 So, Brandon, was it just the -- the panel of
10 four, or do we include the alternate? I don't think
11 anybody is missing.

12 MR. MERCER: I thought the panel was supposed
13 to be five people.

14 CHAIR FOLEY: Me, too.

15 MS. ARSEO: So I think --

16 CHAIR FOLEY: We're missing somebody.

17 MS. ARSEO: -- for some reason my -- my -- my
18 roll call is missing somebody.

19 MR. MERCER: Is somebody missing?

20 CHAIR FOLEY: Yeah, I really think so.
21 There's -- because there should be four people and plus
22 me.

23 MS. ARSEO: Oh, no, excuse me. I don't think
24 -- I don't think we had an alternate on this panel. I
25 am sorry. I spoke --

1 CHAIR FOLEY: Champagne.

2 MS. ARSEO: Champagne is a member.

3 I apologize, Member Ford.

4 MEMBER FORD: Okay. Not a problem. I'm just
5 going to turn my webcam on.

6 CHAIR FOLEY: Well, Champagne --

7 MEMBER FORD: I thought I was --

8 CHAIR FOLEY: -- do you have a vote?

9 MS. ARSEO: I apologize.

10 CHAIR FOLEY: All right. Champagne --

11 MEMBER FORD: Yes.

12 CHAIR FOLEY: -- do you have a -- you --

13 MEMBER FORD: Uh-huh.

14 MS. ARSEO: You vote yes?

15 MR. MERCER: Okay.

16 MEMBER FORD: Uh-huh.

17 CHAIR FOLEY: Thank you.

18 MS. ARSEO: Thank you. I apologize for that.

19 CHAIR FOLEY: Okay. No problem.

20 MEMBER FORD: No worries.

21 CHAIR FOLEY: So well, we have it corrected
22 now. We're all good. Okay, all right.

23 So you said you had other issues?

24 MS. ALLOTTA: Yes. We would have liked to
25 have had the councilwoman's good friend, Andrew Guerra,

1 to testify as a hostile -- hostile witness --
2 witness --

3 CHAIR FOLEY: Uh-huh.

4 MS. ALLOTTA: -- but he chose not to come.

5 CHAIR FOLEY: Okay.

6 MS. ALLOTTA: We had hoped he would have been
7 subpoenaed. In his absence, Rob Steinmuller, president
8 of ABP, has volunteered to testify to the validity of
9 the text messages. I have --

10 CHAIR FOLEY: And --

11 MS. ALLOTTA: -- his phone number and his
12 email.

13 CHAIR FOLEY: Well, he would have to be here.
14 I mean, he would have to --

15 MS. ALLOTTA: But he -- he's available.

16 CHAIR FOLEY: Okay. So I guess my question
17 is, you said that Andrew Guerra, if I remember from the
18 prehearing, gave you the texts; is that correct?

19 MS. ALLOTTA: They came from him, not directly
20 to me, but we'll be -- we'll be talking about that and
21 testifying, there will be testimony -- testimony about
22 that.

23 CHAIR FOLEY: Well, the whole purpose of
24 having this person was to authenticate, you know, the
25 -- the authenticity of the document -- the text

1 messages. I don't know.

2 Brandon, can you help us here? So what about
3 adding a witness at this point?

4 MR. MERCER: It's -- it's up to the board.
5 It's provided for under the rules. I even flagged that
6 section, under 2.78.080D, if the majority of the panel
7 finds that discovery of such evidence came to the
8 awareness of the proponent after filing of the
9 complaint or reply and that the proponent disclosed
10 such information to the clerk as soon as practical,
11 then it's up to you, in your discretion, whether or not
12 you want to allow additional witnesses. It's -- it's
13 up to the panel.

14 CHAIR FOLEY: So what would this witness,
15 other than -- because, to be honest with you, we could
16 just ask Councilwoman Plascencia if she wrote those
17 text messages.

18 MS. ALLOTTA: That's true.

19 CHAIR FOLEY: And, you know, I don't know if
20 we would need another witness.

21 What -- what does the rest of the panel
22 think? So the purpose of bringing this --

23 MEMBER FORD: (Indiscernible).

24 CHAIR FOLEY: -- witness was to authenticate
25 -- authenticate those text messages that are in there,

1 but I think we can authenticate them through
2 Councilwoman Plascencia without another witness.

3 Go ahead, Champagne.

4 Oh, Dave is --

5 MEMBER FORD: Yeah.

6 CHAIR FOLEY: Dave is first.

7 MEMBER FORD: I was going to agree with you.
8 If she can, you know, state that, you know, those were
9 her text messages, I'm fine with that, just for the
10 sake of time.

11 CHAIR FOLEY: Dave.

12 MEMBER STAHOVICH: Now, this -- this
13 individual, who -- yeah, I understand why is -- why is
14 there a sub -- a last-minute substitution. I don't
15 know if we're going to actually want to testify --
16 testimony from another witness, but my suggestion would
17 be, if the individual was so inclined, maybe he would
18 call in and request to speak during that time period.
19 That way we would have him on the line if we had
20 questions for him or if there -- there was testimony
21 from him needed.

22 I understand that the previous individual
23 that was requested did not show up. So again, I -- it
24 -- if -- if we have somebody that can authenticate him.
25 And I don't know that the councilwoman should be in a

1 spot to, you know, testify potentially against herself.

2 I --

3 CHAIR FOLEY: Okay.

4 MEMBER STAHOVICH: You know, that's -- that's
5 my concern.

6 CHAIR FOLEY: Okay. I agree.

7 Taylor, Taylor.

8 MEMBER KEEN: Yeah, I agree. I don't know
9 that we should be putting Councilmember Plascencia in a
10 position to testify against herself. And if --

11 CHAIR FOLEY: Okay.

12 MEMBER KEEN: -- Mr. Steinmuller is available,
13 I think we should let him be the witness.

14 CHAIR FOLEY: Okay. Somebody make a motion,
15 please, to add -- to allow this witness in.

16 MEMBER STAHOVICH: So moved.

17 MEMBER KEEN: I --

18 CHAIR FOLEY: Okay.

19 MEMBER KEEN: I second.

20 CHAIR FOLEY: Okay. Eva, can you call the
21 vote, please?

22 MS. ARSEO: Yes. Let me get my roll call
23 again.

24 Okay. Starting from the top. Member Ford.
25 Member Ford, you're muted. You're muted.

1 MEMBER FORD: Hey, I apologize for that. The
2 answer is no. I think I'm probably going to have a
3 different answer than everyone, but mines is no.

4 CHAIR FOLEY: That's fine.

5 MS. ARSEO: Is Member Newman -- I'm sorry, I
6 was muted.

7 MEMBER NEWMAN: Yes, you were. Yes.

8 MS. ARSEO: I'm calling for you, okay.
9 Member Stahovich.

10 MEMBER STAHOVICH: Yes.

11 MS. ARSEO: Member Keen.

12 MEMBER KEEN: Yes.

13 MS. ARSEO: Chair Foley.

14 CHAIR FOLEY: Yes.

15 MS. ARSEO: Okay. Motion passes four with --
16 unanimously -- with Member Ford dissenting. Sorry.

17 CHAIR FOLEY: Okay. So, Ms. Allotta, how --
18 can you find -- how are you going to let him know to
19 call in? He needs -- can you -- maybe you can --

20 MS. ALLOTTA: I can have my husband call him.

21 CHAIR FOLEY: Right, but he doesn't have
22 access, the access, does he, himself?

23 MS. ALLOTTA: No, actually not.

24 CHAIR FOLEY: Okay. So he --

25 MS. ALLOTTA: Can I give you his phone number?

1 CHAIR FOLEY: I'd prefer that -- I don't want
2 you to tell the whole world his phone number.

3 Okay. Scott says we won't be able to talk to
4 him. Okay. Can -- do we have a technical issue?

5 Yeah, if he can call into the team's meeting.
6 So what somebody needs to give him, the call-in number
7 and identity -- ID code. Maybe that should be --

8 Eva, are you there?

9 MS. ARSEO: Yes, I'm here.

10 CHAIR FOLEY: Could you maybe -- I don't know
11 how --

12 MS. ARSEO: All right. I will need the
13 information from --

14 CHAIR FOLEY: Yeah, could you --

15 MS. ARSEO: -- Ms. Allotta.

16 CHAIR FOLEY: -- put his cell phone number in
17 the chat so that everybody in the world doesn't get his
18 telephone number? I don't know another way to do it.

19 Does anybody know of another way to do it to
20 get him the information? I don't know of another way
21 without telling everybody what his number is.

22 MS. ALLOTTA: Would you like me to write it in
23 the comment section, either his phone number or his
24 email?

25 CHAIR FOLEY: Well, do his phone number so we

1 can get him here, so Eva can give him the number and
2 get him into the meeting.

3 MS. ALLOTTA: Okay. I'll do -- I'll do it
4 right now.

5 CHAIR FOLEY: Okay. Thank you. While you're
6 doing that Eva -- Ms. Allotta has agreed to have Eva
7 take the place of Colleen Nicol. Sean Mill is here. I
8 think as we discussed earlier, Councilwoman Plascencia
9 cannot be a witness for you. You can cross-examine her
10 if she has direct testimony. And Ronaldo Fierro --
11 Fierro isn't here; is he? I don't see him. I thought
12 he was (indiscernible). Oh, right here. Here it is.
13 He just raised his hand. Very good. So Ronaldo Fierro
14 is here. So all of the -- then all the witnesses are
15 dealt with.

16 MS. ALLOTTA: I put the phone number in.

17 CHAIR FOLEY: Oh, okay. I don't see it.
18 Scott is going to take care of it, but I don't see his
19 number in the chat.

20 MS. ALLOTTA: I -- I put it in the meeting.
21 Is there another place I need to put it? No.

22 CHAIR FOLEY: Well, it doesn't show up.

23 MS. ALLOTTA: All right. I'll -- I'll do it
24 another -- I'll do it again.

25 MEMBER KEEN: I see it there now.

1 CHAIR FOLEY: It just came. It just took a
2 while.

3 MEMBER KEEN: It just popped up.

4 CHAIR FOLEY: Okay. Scott, the number is
5 there for you.

6 Scott is going to take care of it and get him
7 into the meeting. Okay, all right. Do you have any
8 other issues?

9 MS. ALLOTTA: I have one. I have another
10 issue. I'm assuming, since Councilman Plascencia did
11 not attend the prehearing and did not supply any
12 information to the ethics panel or to me, that she will
13 not be calling any witnesses, because we have not been
14 able to vet any or we've not been aware --

15 CHAIR FOLEY: Well, I don't --

16 MS. ALLOTTA: -- of any witnesses.

17 CHAIR FOLEY: -- (indiscernible) but she can
18 cross-examine any of the witnesses that you have.

19 MS. ALLOTTA: Correct.

20 CHAIR FOLEY: So she didn't submit any
21 evidence, and she hasn't asked.

22 Councilwoman Plascencia --

23 COUNCILWOMAN PLASCENCIA: Yes.

24 CHAIR FOLEY: -- do you have any additional
25 evidence you wanted to submit at this time?

1 COUNCILWOMAN PLASCENCIA: I'm trying to -- no.

2 CHAIR FOLEY: Okay.

3 COUNCILWOMAN PLASCENCIA: No, I do not. And I
4 was told, when the deadline passed, just to answer the
5 question. I don't have any witnesses. So --

6 MS. ALLOTTA: Okay. Thank you.

7 COUNCILWOMAN PLASCENCIA: You're welcome.

8 MS. ALLOTTA: Okay. And my only other issue
9 is if -- is the IT good with the videos that I sent to
10 them?

11 CHAIR FOLEY: Well --

12 MS. ALLOTTA: Is that all --

13 CHAIR FOLEY: -- before we enter that, Brandon
14 would like to speak.

15 MS. ALLOTTA: Okay, okay.

16 CHAIR FOLEY: Brandon.

17 MS. ALLOTTA: That's it from me then.

18 MR. MERCER: Yeah, I -- I'd just like to
19 clarify that of course Councilwoman Plascencia can
20 testify on her own behalf. Even though that she didn't
21 get a response in, she can testify on her own.

22 MS. ALLOTTA: Yes.

23 CHAIR FOLEY: So just so that you know for the
24 future, Ms. Allotta, if you file another complaint, you
25 -- and you submit a video, that you need to give the

1 segment that you want played, not the entire video. So
2 I let -- don't know if they've been able to resolve the
3 issue.

4 Technical people, are you able to identify
5 the section that she asked for only?

6 I see you, Dave. Well, while we're waiting
7 for the techs to get back and answer it, Dave, can you
8 -- you can go ahead.

9 MEMBER STAHOVICH: I believe the segment
10 starts about 4 hours 30 minutes approximately into that
11 video.

12 CHAIR FOLEY: Thank you.

13 MS. ARSEO: Chair Foley, if I may interrupt.

14 MS. ALLOTTA: Yes.

15 CHAIR FOLEY: Yeah.

16 MS. ARSEO: We did submit that request that
17 she sent this morning to our media team, and they said,
18 although they would have preferred to have the
19 information earlier because it's going to be time
20 consuming, they -- they did try to timestamp them at
21 the appropriate place. So they did --

22 MS. ALLOTTA: Thank you.

23 MS. ARSEO: -- make an effort, but I can't --

24 CHAIR FOLEY: Okay. Well, they --

25 MS. ARSEO: -- promise that it will work.

1 CHAIR FOLEY: -- (indiscernible) to get it.

2 MS. ALLOTTA: Thank you.

3 CHAIR FOLEY: They did it. They just said
4 that they were able to do it. Okay, all right. So
5 that -- that's taken care of. Okay. So are there any
6 more procedural or evidence-related issues?

7 MS. ALLOTTA: I'm finished.

8 CHAIR FOLEY: Okay. Thank you.

9 Okay. Now, I want to say before we get --
10 that the complainant has the burden of proof by a
11 preponderance of evidence to establish a violation of
12 prohibited conduct and that the evidence must be a
13 preponderance of the evidence, and that means evidence
14 is more convincing and therefore more probable in truth
15 and accuracy. Neither party is allowed to examine the
16 other party as part of their own presentation of their
17 own case. A party can cross-examine the other witness
18 to anything directly testified to. During the hearing
19 any member of the hearing panel may ask question of the
20 parties' witnesses.

21 Okay. Now, you have a total of 15 minutes
22 for both your opening and closing statement, and you
23 can choose how you would like to divide, how much
24 opening, how many -- much time for the closing. And
25 then you can choose to make an opening statement, to

1 not make an opening statement. You can --

2 Councilwoman Plascencia, you can choose to
3 make an opening statement right after the respondent --
4 I mean, the complainant makes one, if you so choose, or
5 you can wait until after the complainant's case is
6 concluded.

7 And Eva is going to do all the timing. And
8 the only timing that we are going to accept today is
9 Eva's timing.

10 So, Ms. Allotta, do you -- do you want -- I'm
11 sorry, one of these days. Ms. Allotta, right?

12 MS. ALLOTTA: It's actually missus, but --

13 CHAIR FOLEY: Okay. Mrs. Allotta. Okay.
14 Mrs. Allotta, sorry. Do you want to make an opening
15 statement?

16 MS. ALLOTTA: Yes, I do.

17 CHAIR FOLEY: Okay. Councilwoman Plascencia,
18 are you going to be making an opening statement?

19 COUNCILWOMAN PLASCENCIA: No. I will wait
20 until the complainant does -- presents her case. Thank
21 you.

22 CHAIR FOLEY: Okay. So after the -- you'll
23 make an opening statement and then present your case in
24 chief.

25 Okay. Noise going on.

1 Okay. You don't -- no one has to give an
2 opening statement if you don't want to. So Eva is
3 going to do the timing. And now we're going to --
4 well, now we don't have -- is your witness online?
5 Because it's time -- we were going to swear in all of
6 the witnesses. Yeah. And let's swear in all of the
7 witnesses we have, and then we'll have to swear in your
8 witness when your witness gets online. Is your witness
9 online? I don't -- I don't see his name on here. No,
10 I don't see him.

11 Okay. So we'll -- we'll swear in everybody
12 but Rob, and then we'll swear in Rob at the appropriate
13 time. So that would mean -- Mr. -- Mr. -- all the
14 people that we need to have, Sean, Ronaldo Fierro, and
15 who else? And Councilwoman Plascencia and
16 Mrs. Allotta. I think I have -- do I have -- did I
17 miss any witnesses?

18 MS. ALLOTTA: Eva is going to be speaking
19 for --

20 CHAIR FOLEY: (Indiscernible).

21 MS. ALLOTTA: -- Colleen Nicol.

22 CHAIR FOLEY: (Indiscernible) --

23 MS. ALLOTTA: Okay.

24 CHAIR FOLEY: -- and so Brandon is going to
25 do her after we do everyone else. Okay. So are all

1 the witnesses --

2 Ronaldo Fierro, we need to see you.

3 There it is. Okay. We've got Sean -- oh,
4 there he is. Okay. We have him now. So we have
5 Ronaldo Fierro, Councilwoman Plascencia, Sean Mill.

6 Sean Mill, come back. You just disappeared.
7 Mrs. Allotta.

8 And, Eva, we'll do you later. Okay. So,
9 Eva, can you swear in the witnesses, please?

10 And, Ronaldo, you disappeared again. We need
11 you back.

12 Dave, go ahead.

13 MEMBER STAHOVICH: And --

14 CHAIR FOLEY: Oh, (indiscernible).

15 MEMBER STAHOVICH: -- because we're doing --
16 because we're doing things online, it's probably easier
17 to swear people in one at a time rather than have ten
18 people, you know, all -- all saying the same thing.
19 And, you know, we can certainly swear in anybody before
20 they testify. And we need to --

21 CHAIR FOLEY: Well, I think the last time we
22 had decided it was best to just do it.

23 MEMBER STAHOVICH: Well, that's why we're
24 doing a different hearing now.

25 CHAIR FOLEY: Okay. So I don't know. Does

1 anybody have a problem with swearing everyone in all at
2 the same time? No, okay. So we need to have Rob make
3 himself visible.

4 MR. STEINMULLER: I'm not visible. I'm only
5 on the phone right now. Sorry about that.

6 CHAIR FOLEY: Oh, are you going to be visible
7 at some point?

8 MR. STEINMULLER: No, I will not.

9 CHAIR FOLEY: What does that mean?

10 MS. ARSEO: Okay.

11 CHAIR FOLEY: I don't know if that's -- do we
12 have to see the witness? It could be any --

13 MR. MERCER: Hi, it's Brandon. I don't think
14 it's necessary to see him. Maybe we could just do him
15 separately.

16 CHAIR FOLEY: Okay, all right, okay, all
17 right.

18 So, Eva, could you do everybody but Rob?

19 MS. ARSEO: Okay. So to clarify, I'm swearing
20 in Sean Mill, Councilmember Fierro, and that's it for
21 right now. And Brandon will be swearing me in. And
22 then --

23 CHAIR FOLEY: Yeah.

24 MS. ARSEO: -- we'll take care of Rob.

25 CHAIR FOLEY: So we're going to be doing Sean

1 Mill. Because everybody is going to -- I think, aren't
2 we doing Councilwoman Plascencia and the complainant as
3 well?

4 MS. ARSEO: Yes, thank you.

5 CHAIR FOLEY: So okay. Because they need to
6 all be sworn in.

7 MS. ARSEO: If you would, raise your right
8 hand, please.

9 CHAIR FOLEY: Councilman Fierro, we need your
10 right hand.

11 MS. ARSEO: Okay. So if you -- do you all
12 swear to tell the truth, the whole truth, and nothing
13 but the truth so help you God?

14 MR. MILL: I do.

15 (Sean Mill is duly sworn according to law)

16 MS. ALLOTTA: I do.

17 (Roberta Allotta is duly sworn according to law)

18 COUNCILWOMAN PLASCENCIA: I do.

19 (Councilwoman Gaby Plascencia is duly sworn
20 according to law)

21 COUNCILMAN FIERRO: I do.

22 (Councilman Ronaldo Fierro is duly sworn according
23 to law)

24 MS. ARSEO: Thank you. I will address --

25 MR. STEINMULLER: I do.

1 (Robert Steinmuller is duly sworn according to
2 law)

3 MS. ARSEO: Thank you. I will address Rob on
4 the line.

5 CHAIR FOLEY: Okay.

6 MS. ARSEO: Rob, can you hear me?

7 MR. STEINMULLER: I do.

8 MS. ARSEO: Do you swear to tell the truth,
9 the whole truth --

10 MR. STEINMULLER: Yes, I do.

11 MS. ARSEO: -- and nothing but the truth?
12 Thank you.

13 CHAIR FOLEY: Brandon --

14 MR. STEINMULLER: I do.

15 CHAIR FOLEY: And, Brandon, can you swear in
16 Eva, please?

17 MR. MERCER: Yeah. Do you swear to tell the
18 truth, swear or affirm to tell the truth, the whole
19 truth, and nothing but the truth?

20 MS. ARSEO: I do.

21 (Eva Arseo is duly sworn according to law)

22 MR. MERCER: Okay. Thank you.

23 CHAIR FOLEY: So I believe at the --

24 Thank you, Eva.

25 I think at the prehearing we agreed that you

1 had 45 minutes for your case in chief; is that correct?

2 MS. ALLOTTA: Yes.

3 CHAIR FOLEY: Oh, okay. So, Councilwoman
4 Plascencia, you'll have 45 minutes for your case in
5 chief also, okay?

6 Can she hear me?

7 Did you hear me, councilwoman? I can't tell.
8 Okay. I -- I got it now.

9 COUNCILWOMAN PLASCENCIA: Yes.

10 CHAIR FOLEY: So okay. So I think -- so
11 you're going to do your opening statement first.

12 MS. ALLOTTA: Are you ready?

13 CHAIR FOLEY: Yeah. Just let us know -- Eva
14 has to do the timing of it. So just let us know when
15 you're going to begin so that she can start the timing.

16 MS. ALLOTTA: Okay.

17 CHAIR FOLEY: Start?

18 MS. ALLOTTA: I'm ready if you are.

19 CHAIR FOLEY: Okay.

20 MS. ARSEO: I'm ready. Go ahead.

21 CHAIR FOLEY: Okay.

22 MS. ALLOTTA: Thank you. Riverside is a great
23 multicultural city. We work, play, and go to school
24 with all ethnic groups and races. Where our
25 grandfather or great, great grandfather was born makes

1 us interesting, it might even make us unique, but it is
2 not the most important thing about us unless one wants
3 to make it the most important thing or if one wants to
4 use it to divide us. In Riverside, we don't need
5 anyone making it their personal agenda to divide us by
6 culture.

7 Councilman -- Councilwoman Plascencia seems
8 to have wanted to emphasize our differences and divide
9 us. Shortly after winning her election by 189 votes in
10 a hotly contested campaign, Councilwoman Plascencia
11 broke several municipal codes in her attempt to
12 sabotage and get revenge on her opponent, Sean Mill, by
13 getting him removed from both the Arlington Planning
14 Commission -- I -- I mean, the -- the city planning
15 commission and the Arlington Business Partnership.

16 Her text messages show how she is guilty of
17 violating the municipal code with a quid pro quo of --

18 CHAIR FOLEY: Can anyone else hear her? I'm
19 not hearing her.

20 MEMBER FORD: Yeah, it seems like --

21 CHAIR FOLEY: I think she's frozen or
22 something.

23 MEMBER FORD: I think it's her internet,
24 probably her connection. The -- I wonder -- you know
25 what the issue is, I think having too many -- too many

1 people on the -- might mess up our bandwidth because we
2 have too many cameras on.

3 CHAIR FOLEY: Well, no. It -- it's -- it's
4 not -- it's her bandwidth, not ours.

5 MEMBER FORD: But she's dealing with -- it has
6 nine different cameras. Do you know what I'm saying?
7 Like --

8 CHAIR FOLEY: No. It --

9 MEMBER FORD: -- there's nine different
10 cameras.

11 CHAIR FOLEY: It's her, it's just her. But
12 is there a way --

13 MS. ARSEO: Chair -- Chair Foley, I -- I
14 paused her time just because I don't know if she fell
15 off.

16 CHAIR FOLEY: Pause her time.

17 MEMBER FORD: Because I'm getting the error,
18 the (indiscernible) turn off video for better call
19 quality. So it slows your network. Like, that's
20 literally the error that I'm getting. So I think --

21 CHAIR FOLEY: She's gone.

22 MEMBER FORD: -- it's ambitious --

23 CHAIR FOLEY: She'll have to call back in.

24 MEMBER FORD: Yeah. It's ambitious --

25 CHAIR FOLEY: (Indiscernible) bandwidth.

1 MEMBER FORD: -- to have the camera, but I --

2 CHAIR FOLEY: Yeah, I don't know. I don't
3 know. It's your personal -- it would be her -- yeah,
4 it's -- Scott says it's her internet connection, not
5 ours.

6 MEMBER FORD: All right. That's not --

7 CHAIR FOLEY: Did she come back yet? No.

8 MS. ARSEO: I don't see her.

9 MEMBER FORD: Do we have an -- who is the IT
10 support person --

11 CHAIR FOLEY: He just said --

12 MEMBER FORD: -- for --

13 CHAIR FOLEY: Scott just said it would be her
14 internet connection that's the issue, not us.

15 MEMBER FORD: I don't think --

16 CHAIR FOLEY: I think that's true. It's the
17 -- the -- it's -- it's the -- it's her bandwidth. It's
18 her -- her issue. I don't know. So can --

19 MS. ARSEO: I'm going to call her.

20 CHAIR FOLEY: Dave, go ahead.

21 MEMBER STAHOVICH: Yeah. Question for
22 Brandon.

23 I know that the -- all the panel members need
24 to be on the camera the whole time. Is there any
25 reason that, if she's having internet trouble, she

1 can't just call in on the phone line?

2 MR. MERCER: No, there's no reason. I mean,
3 you're right, the panel members need to be visible
4 because we want to make sure that the panel members are
5 paying attention, but nobody else really needs to be
6 invisible -- visible.

7 MEMBER STAHOVICH: Thank you.

8 CHAIR FOLEY: Eva is trying to get in touch
9 with her.

10 Thank you, Dave, for your question. See, I'm
11 -- I'm getting better. I recognize your name more
12 frequent.

13 So, Champagne, you're really not an
14 alternate. You're a regular member.

15 MEMBER FORD: I know. When she said
16 alternate, I thought, okay, I guess I'll just standby.

17 CHAIR FOLEY: And I keep saying -- and I'm
18 looking and I'm thinking, I don't think we have enough.
19 I'm saying, I don't think we have enough people. I
20 don't think we have enough people. There we go.
21 That's it.

22 MEMBER FORD: But this is kind of a -- I
23 learned that, you know, when we have these team
24 meetings and panels that maybe we should have a backup
25 kind of protocol in place to deal with, like, do we

1 hang on for an hour, two hours? You know, do we give
2 the public access to a computer that they can use if
3 they don't have a good internet connection. So I don't
4 know, I think this is just kind of a lesson for future
5 discussions on how --

6 CHAIR FOLEY: Do you --

7 MEMBER FORD: -- how to move forward if this
8 is the new norms.

9 CHAIR FOLEY: Yeah, it is a learning
10 experience, because every time we do one of these, we
11 have a new experience that we haven't had before, you
12 know, so --

13 MEMBER FORD: Right.

14 CHAIR FOLEY: And it is, and it's very
15 different to do it by Zoom than it is, you know, to do
16 it in person.

17 MEMBER FORD: Yeah. And I only say that
18 because I know at work we do a lot of collaborative
19 exercises using Microsoft teams, and we are instructed
20 to turn off our webcams just because it slows down our
21 networks. And then if other people are trying to have
22 -- instead of just audio, there's nine different
23 cameras, sometimes if they don't have a good internet
24 speed, you have to kind of consider that; but yeah,
25 like I said, that's a discussion for another time. So

1 are we getting her on the line now, or is there a way
2 that we can reach out to her?

3 CHAIR FOLEY: Eva, have you --

4 MEMBER FORD: Freya, you're on mute.

5 CHAIR FOLEY: -- reached her?

6 Dave, did you ask to speak again or is that
7 the past?

8 MEMBER STAHOVICH: Yes. You know what, maybe
9 we should take a five-minute break while we're --

10 CHAIR FOLEY: Yeah.

11 MEMBER STAHOVICH: Give her an opportunity to
12 get back online.

13 CHAIR FOLEY: Yeah, let's take a five-minute
14 break.

15 MEMBER STAHOVICH: Thank you.

16 MEMBER FORD: All right. I'll mute --

17 CHAIR FOLEY: Thank you --

18 MEMBER FORD: -- myself and --

19 CHAIR FOLEY: -- Dave.

20 MEMBER FORD: -- (indiscernible).

21 (Break)

22 CHAIR FOLEY: How many minutes?

23 So, Mrs. Allotta, are you online?

24 MS. ALLOTTA: Yes, I am.

25 CHAIR FOLEY: Okay. How many minutes does she

1 have left?

2 MS. ALLOTTA: Twelve.

3 MS. ARSEO: It looks like 12 minutes.

4 CHAIR FOLEY: So you have 12 minutes. So do
5 you want to --

6 MS. ALLOTTA: Okay. Can I start?

7 CHAIR FOLEY: Go ahead.

8 MS. ALLOTTA: Can I continue? Okay. Council
9 -- Councilwoman Plascencia broke several municipal
10 codes in her attempt to sabotage or get revenge on her
11 opponent, Sean Mill, by getting him removed from both
12 the Riverside Planning Commission and the Arlington
13 Business Partnership. Her text messages show how she
14 is guilty of violating the municipal code with a quid
15 pro quo, a favor for a favor. These discussions of
16 city business in texts between the councilwoman and the
17 former executive director of a business improvement
18 district on his work phone are subject to the
19 California Public Records Act.

20 A quid pro quo is not a little thing. Our
21 President was impeached because a majority in the House
22 of Representatives felt he had committed a quid pro quo
23 against his political opponent. Government is not for
24 sale. This behind-the-scenes proposed deal done by
25 text message violates transparency. The public demands

1 fairness and transparency in our government and expect
2 things to be done in the light of day, hence the
3 Sunshine Ordinance.

4 The councilwoman has twice unjustly used the
5 excuse of Sunshine notice requirements to avoid the
6 12-day advanced notice and put an item on the city
7 council agenda. The authors of the excuse of Sunshine
8 notice requirements use the words, a need to take
9 immediate action. Immediate action is the same two
10 words the Webster dictionary uses to define emergency
11 as calling for immediate action -- action. Therefore,
12 the Sunshine notice is not ambiguous.

13 The councilwoman had seemingly gotten away
14 with this unjustified use in December 2019 when she
15 wanted to get a union bug on her business card. So she
16 used the excuse of Sunshine notice requirements again
17 to surprise her former opponent when it was not an
18 emergency and didn't call for immediate action.

19 Her Facebook posts and her own words from the
20 dais, which you will hear in a video, will show how
21 Councilwoman Plascencia is using her position of power
22 to advance her own personal agenda, her mission to
23 change the faces on the city boards and commissions to
24 the ones that she feels adequately -- adequately
25 represents the demographics of Riverside.

1 Her actions of demanding the resignation
2 and/or the removal of city commissioners, based on the
3 fact that they are white and male, are a clear
4 violation of the city's municipal code and core values,
5 which prohibit discrimination based on race and gender.

6 Thank you. That's the end of my opening
7 statement, but Mr. Rob Muller has to leave at 6:15, can
8 we bring him up now?

9 CHAIR FOLEY: Just one moment.

10 Eva, how much time did -- did she use?

11 MS. ARSEO: She has nine minutes remaining.

12 CHAIR FOLEY: Okay. You have nine minutes
13 remaining. So you're saying that your first witness,
14 is that what you're saying, is going to be Rob Muller?

15 MS. ALLOTTA: Yes, yes.

16 CHAIR FOLEY: Okay.

17 MS. ALLOTTA: Steinmuller.

18 CHAIR FOLEY: Okay. Can you --

19 And we have already administered the oath to
20 Mr. Muller, correct?

21 MS. ALLOTTA: Correct.

22 CHAIR FOLEY: So let's --

23 MEMBER KEEN: Correct.

24 CHAIR FOLEY: Okay.

25 MS. ALLOTTA: I just have one question for

1 him.

2 CHAIR FOLEY: Okay.

3 MS. ARSEO: Chair Foley --

4 CHAIR FOLEY: Yeah.

5 MS. ARSEO: -- she's going to have her
6 45 minutes to do her case. Is that starting now?

7 CHAIR FOLEY: Yeah.

8 MS. ARSEO: Thank you for that.

9 CHAIR FOLEY: Yeah. Her case in chief is
10 starting now, and she has 45 minutes. Dave has a
11 speak. I didn't --

12 Is that a new Dave speak, Dave.

13 MEMBER STAHOVICH: Yeah. So I know that the
14 councilwoman already said she didn't -- she was going
15 to defer her --

16 CHAIR FOLEY: Right.

17 MEMBER STAHOVICH: -- opening comments, but
18 after the opening comments were finished, I think we
19 need to extend her another opportunity whether she
20 would --

21 CHAIR FOLEY: Okay.

22 MEMBER STAHOVICH: -- like to ask -- do her
23 opening statements now or defer them.

24 CHAIR FOLEY: Okay, all right. Councilwoman
25 Plascencia, do you still want to defer your opening

1 statement until after the complainant's case in chief
2 is presented?

3 COUNCILWOMAN PLASCENCIA: Yes. Thank you.

4 CHAIR FOLEY: Okay, okay, all right.

5 Mrs. Allotta --

6 MS. ALLOTTA: Yes.

7 CHAIR FOLEY: -- you can bring your first
8 witness forward.

9 MS. ALLOTTA: Okay. My one question for Rob
10 Steinmuller is, when and where did you get text
11 messages between Andrew Guerra and -- and Councilwoman
12 Plascencia.

13 MR. STEINMULLER: You -- you asked when did we
14 -- when did I first see them, or when did I know
15 that --

16 MS. ALLOTTA: Yes.

17 MR. STEINMULLER: -- that happened?

18 MS. ALLOTTA: You can tell us both.

19 MR. STEINMULLER: Well, I -- I had first asked
20 for -- there was a gentleman, which is our vice chair,
21 which is Paul Akes, he had asked to see Andrew's phone.
22 And then from that, I was shown the -- the phone, and
23 it showed Andrew's, all of his texts that took place
24 that -- on -- on what was discussed between
25 Councilwoman Plascencia and Andrew.

1 MS. ALLOTTA: Okay. After you saw that, then
2 did you show them to anyone?

3 MR. STEINMULLER: With the -- with the
4 texting, the -- we -- we discussed them between the
5 executive board, the EC, those were discussed between
6 us, and we tried to come up with a decision. We wanted
7 to meet with the board, which consists of about 17
8 board members, and we discussed what should -- what --
9 what should be the course of action.

10 MS. ALLOTTA: Did you show them to -- to the
11 17 board members? Did you show the text messages?

12 MR. STEINMULLER: Yes.

13 MS. ALLOTTA: You did. So that would
14 include --

15 MR. STEINMULLER: But --

16 MS. ALLOTTA: That would include --

17 MR. STEINMULLER: -- they had -- what's that?

18 MS. ALLOTTA: So that would have included Sean
19 Mill and Councilman Jim Perry?

20 MR. STEINMULLER: Yes. Jim was -- yes, he was
21 privy to this information.

22 MS. ALLOTTA: Okay. Thank you very much.
23 That's all.

24 CHAIR FOLEY: Can -- all right.

25 MR. STEINMULLER: All right.

1 CHAIR FOLEY: All right. Can we back out a
2 little bit? Rob, can you give us your full name,
3 please, and spell it?

4 MR. STEINMULLER: Yes. And -- and legal name
5 is Robert, R-o-b-e-r-t, Steinmuller,
6 S-t-e-i-n-m-u-l-l-e-r.

7 CHAIR FOLEY: What is the board that you were
8 referring to?

9 MR. STEINMULLER: Arlington Business
10 Partnership.

11 CHAIR FOLEY: And again, could you say how you
12 saw those text messages?

13 MR. STEINMULLER: Those were on Andrew's cell
14 phone, that is property of ABP.

15 CHAIR FOLEY: What's ABP?

16 MR. STEINMULLER: Arlington Business
17 Partnership.

18 CHAIR FOLEY: So do you have -- does he have a
19 code to get on and off his phone, or you just were
20 reading his phone?

21 MR. STEINMULLER: You said did we delete his
22 phone?

23 CHAIR FOLEY: Were you reading his phone?

24 MR. STEINMULLER: Yes. On -- on his phone.
25 He handed it to Paul. Paul handed it to me and -- and

1 displayed everything.

2 CHAIR FOLEY: So his purpose of handing the
3 phone was for all of you to read the texts between him
4 and Councilwoman Plascencia?

5 MR. STEINMULLER: I'm sorry, could you repeat
6 that question?

7 CHAIR FOLEY: So was the purpose of him
8 sharing his phone with all of you so that you could
9 read the texts between himself and Councilwoman
10 Plascencia?

11 MR. STEINMULLER: You know, I -- I don't know
12 what his intentions were. I can't speak for Andrew --

13 CHAIR FOLEY: All right.

14 MR. STEINMULLER: -- on -- on what his
15 intentions were. I have no idea. I mean, if -- if
16 you're asking me to draw a conclusion, you know, I
17 would -- I would have to draw a conclusion, after I
18 read the text, you know, of -- of pretty much stirring
19 the pot.

20 CHAIR FOLEY: Okay. Do any other panel
21 members have questions for Mr. Steinmuller?

22 MEMBER STAHOVICH: Yes.

23 CHAIR FOLEY: Dave.

24 MEMBER STAHOVICH: Yes. I actually have a
25 couple questions. First of all, Mr., was it --

1 CHAIR FOLEY: Steinmuller.

2 MEMBER STAHOVICH: -- Steinmuller?

3 CHAIR FOLEY: Yeah.

4 MEMBER STAHOVICH: Steinmuller?

5 CHAIR FOLEY: Uh-huh.

6 MR. STEINMULLER: Yes, sir.

7 MEMBER STAHOVICH: Well, because I understand
8 you're leaving, I've got a couple of quick points of
9 order. First of all, we need to stop the timer on the
10 case in chief because we're doing cross-examination and
11 whatnot. And before you leave, we need to make sure
12 Councilwoman Plascencia has an opportunity --

13 CHAIR FOLEY: Right.

14 MEMBER STAHOVICH: -- to cross-examine --

15 CHAIR FOLEY: Right.

16 MEMBER STAHOVICH: -- you if she would like
17 to. That said --

18 MR. STEINMULLER: Okay.

19 MEMBER STAHOVICH: -- I do have a couple of
20 questions on -- on this matter. First of all, who --

21 MR. STEINMULLER: Okay.

22 MEMBER STAHOVICH: -- who did the phone belong
23 to?

24 MR. STEINMULLER: The -- the -- well, the
25 phone, you -- you had two phones. You had a phone that

1 belonged to Arlington -- Andrew -- Andrew always ran
2 with two phones. Pretty much he -- he would text them
3 back and forth. Not -- not a very good practice. But
4 with -- with the -- the phones that he was using, he
5 had an ABP phone and he had his personal cell phone.
6 To my knowledge, he shared both those cell phones with
7 -- with Paul. I believe I would have to concur with
8 Paul to -- to absolutely make sure.

9 MEMBER STAHOVICH: Okay. Well, that's -- that
10 answers the first part of the question. And the second
11 part of the question, how do you know that the person
12 on the -- the other end of those text messages was, in
13 fact, Councilwoman Plascencia?

14 MR. STEINMULLER: Well, the -- the phone
15 number is consistent with her phone number, and Andrew
16 told us.

17 MEMBER STAHOVICH: Okay. Thank you very much.

18 MR. STEINMULLER: No problem.

19 CHAIR FOLEY: Any other panel members have
20 questions?

21 Okay. Councilwoman Plascencia, do you have
22 any questions for Mr. Steinmuller?

23 Oh, I'm sorry --

24 COUNCILWOMAN PLASCENCIA: I do.

25 CHAIR FOLEY: All right.

1 MEMBER FORD: I don't necessarily maybe have a
2 question for him, but I'm thinking whether or not she
3 knew she was texting a personal line or a business
4 line, because that makes a very big difference. If
5 she's thinking she's --

6 CHAIR FOLEY: Yeah.

7 MEMBER FORD: -- having a one-on-one
8 interaction. So I'm just kind of in my head, that's my
9 main concern.

10 CHAIR FOLEY: Well, you can ask her that,
11 because it --

12 Okay. Councilwoman Plascencia, do you
13 have --

14 COUNCILWOMAN PLASCENCIA: Thank you. Yes.

15 MEMBER STAHOVICH: We're not a --

16 COUNCILWOMAN PLASCENCIA: Can you hear me?

17 CHAIR FOLEY: Dave? Wait a second. Dave.

18 COUNCILWOMAN PLASCENCIA: Can I --

19 MEMBER STAHOVICH: So are we --

20 COUNCILWOMAN PLASCENCIA: Is my --

21 MEMBER STAHOVICH: Are we -- is this
22 cross-examination right now? Because we are not to --
23 we're not asking any questions of the councilwoman at
24 this point.

25 CHAIR FOLEY: We're not. We're asking her if

1 she has questions.

2 MEMBER STAHOVICH: Correct, I just want to
3 make sure that that's what Champagne was asking.

4 CHAIR FOLEY: Oh.

5 MEMBER STAHOVICH: Okay. Thank you.

6 CHAIR FOLEY: Oh, okay, okay. I -- I
7 understand. Okay.

8 Councilwoman Plascencia, do you have any
9 questions for Mr. Steinmuller?

10 COUNCILWOMAN PLASCENCIA: Yes, thank you.

11 Mr. Steinmuller, did you say that the text
12 message -- the text messages that you saw were on
13 Andrew's personal cell or work cell phone that is paid
14 by your nonprofit?

15 MR. STEINMULLER: I believe the -- the -- the
16 text messages were from ABP's cell phone, but again,
17 Andrew used a lot of both. I could -- I could actually
18 confirm, but -- but to my knowledge, it was an ABP cell
19 phone.

20 COUNCILWOMAN PLASCENCIA: Thank you for
21 answering. That's it.

22 CHAIR FOLEY: So, Mr. Steinmuller, you -- you
23 actually don't know whether that was his personal or
24 business phone, correct?

25 MR. STEINMULLER: He had texts from both, but

1 if you're talking about exact text messages -- if
2 you're talking about exact text messages, which --
3 which alluded to or which -- which had -- you know,
4 it's pretty much evident that if you guys look right on
5 the -- on -- on -- on all of the texting that went on,
6 you know, it's visible, the phone number that was
7 there. I mean, it's not -- it's not -- you know, it's
8 not like it's not public knowledge.

9 CHAIR FOLEY: That wasn't my question. My
10 question was, what phone was being used.

11 MR. STEINMULLER: To my knowledge, ABP's cell
12 phone.

13 CHAIR FOLEY: Do you know that 100 percent
14 sure?

15 MEMBER STAHOVICH: It's been asked and
16 answered.

17 CHAIR FOLEY: Well, he didn't really answer.
18 Mr. Steinmuller.

19 MR. STEINMULLER: Yes.

20 CHAIR FOLEY: Do you -- do you know if that,
21 for 100 percent sure, that that was his nonpersonal
22 phone?

23 MR. STEINMULLER: I can tell you that the --
24 the texting that took place between him and Gaby was an
25 ABP phone -- phone number -- phone.

1 CHAIR FOLEY: Okay. Does anyone else have any
2 questions for --

3 MEMBER STAHOVICH: Yes.

4 CHAIR FOLEY: Go ahead.

5 MEMBER STAHOVICH: I'm maybe more interested
6 in, you know, rather than which phone it was, the --
7 the -- the individual worked for the Arlington Business
8 Partnership; is that correct?

9 MR. STEINMULLER: Yes. He was our executive
10 director.

11 MEMBER STAHOVICH: And were these
12 communications happening in regards -- directly --
13 directly involving his position as executive director?

14 MR. STEINMULLER: Well, when the -- the -- the
15 type of -- of -- of correspondence going back and
16 forth, if you want to call them correspondence, I mean,
17 let's just call them texting back and forth; when --
18 when you talk about those type of correspondence on
19 downgrading the ABP when you're supposed to be an
20 executive director is not a very good leadership
21 quality, that is for sure.

22 MEMBER STAHOVICH: No, you've answered my
23 question. I mean, I -- I -- regardless of what -- what
24 phone or what -- whether it's a personal phone,
25 business phone, the communications were between the

1 executive director and a councilwoman purportedly
2 containing business-related information; is that
3 correct -- is my assumption correct?

4 MR. STEINMULLER: Yes.

5 MEMBER STAHOVICH: Thank you.

6 CHAIR FOLEY: Are there any further questions?
7 Mrs. Allotta, do you have further questions
8 for your witness?

9 MS. ALLOTTA: No, I don't.

10 CHAIR FOLEY: Okay. And, Mrs. -- Councilwoman
11 Plascencia, you're -- you've completed your
12 cross-examination of this witness -- witness?

13 COUNCILWOMAN PLASCENCIA: I know that
14 Mr. Steinmuller answered the question, but to my
15 knowledge, the cell phone was a personal cell, my
16 personal cell, Andrew's personal cell, not an ABP cell.
17 And if ABP -- if you're the ABP board president, you
18 should be able to provide the number. And whoever
19 provided these text messages to prove that this is an
20 ABP-paid cell phone, because it does make a difference.
21 In terms of privacy, I've never given permission to --

22 MS. ALLOTTA: Wait a minute.

23 COUNCILWOMAN PLASCENCIA: -- release this. So
24 my --

25 MS. ALLOTTA: She's giving --

1 COUNCILWOMAN PLASCENCIA: -- question is --

2 MS. ALLOTTA: Oh, she's giving testimony.

3 COUNCILWOMAN PLASCENCIA: What was that?

4 MS. ALLOTTA: She's giving --

5 CHAIR FOLEY: Well --

6 COUNCILWOMAN PLASCENCIA: So my question is,
7 if -- if Mr. Steinmuller could provide some facts or
8 some evidence in terms of that this is, in fact, an ABP
9 cell phone. Because the -- the phone number in the
10 text messages is not provided.

11 MR. STEINMULLER: Okay. Well, I can get you
12 evidence, but also whether -- whether you're -- whether
13 Andrew was on a personal cell phone, which was not --
14 not -- which is not common practice for to be on your
15 cell phone during work hours, you know, he was doing it
16 on ABP time. If he was texting on a personal cell
17 phone, he was still on Arlington Business Partnership
18 time.

19 If you look at -- if you -- if you -- if
20 you're looking at the texts, you know, they -- they --
21 they were sporadic and -- and -- and, you know,
22 consistent that, you know, you were on hours and off
23 hours. It's, you know, it -- it kind of makes sense
24 when you're texting.

25 CHAIR FOLEY: So excuse me, Mr. Steinmuller,

1 but the time is 12:56 p.m., which would technically be
2 lunchtime.

3 MR. STEINMULLER: What -- what time are you
4 saying?

5 CHAIR FOLEY: Well, I have for 12:56, 12:57,
6 1:49, but they're all --

7 MEMBER STAHOVICH: How do you know what time
8 his lunch break is?

9 CHAIR FOLEY: I don't know. I'm saying it
10 could --

11 MEMBER STAHOVICH: Well, then let's not -- let
12 -- let's not enter in evidence that's not already
13 there.

14 CHAIR FOLEY: Excuse me.

15 MEMBER FORD: Yeah, I have --

16 MR. STEINMULLER: Exactly. And Andrew was a
17 salaried employee, so --

18 CHAIR FOLEY: Okay.

19 MR. STEINMULLER: -- Andrew's -- Andrew's
20 lunches varied.

21 CHAIR FOLEY: The reason I asked you the
22 question is that you said he was on business time. And
23 you said you could see that by the time on the texts,
24 but the time on the texts don't necessarily indicate
25 that he was at work at that time. That was my point.

1 Are there any other questions?

2 MS. ALLOTTA: I need -- I need to formally
3 object to the councilwoman giving testimony when she is
4 questioning the witness like she just did.

5 CHAIR FOLEY: Okay. Objection noted.
6 Jessica.

7 MEMBER NEWMAN: Yeah, thank you, Freya. I --
8 I actually was -- that -- part of the discussion we
9 were just having was going to be my question, if it was
10 -- if -- if there was a way to show that there was that
11 discussion during company time and that he was
12 representing himself as, you know, in his position.
13 And -- and it doesn't sound clear, especially with him
14 being salaried.

15 I -- so I guess now my question is for the
16 witness, how does he know that the -- the person's cell
17 phone, that Andrew's cell phone, that the messages were
18 happening during the time that he was representing
19 himself as, you know, be -- during -- not during his,
20 you know, lunchtime or that it was during official
21 company business time.

22 CHAIR FOLEY: Dave, was that a new Dave speak
23 or an old Dave speak?

24 MEMBER STAHOVICH: Okay. So, Mr. Steinmuller,
25 my last question -- again, I -- for -- for me, I'm --

1 I'm just trying to understand, again, there's multiple
2 phones, times are in question, you're not really the
3 one here on, you know, on trial, so to speak, you
4 indicated, I want to make sure that I understand it,
5 that Mr. Guerra actually provided people from the
6 Arlington Business Partnership with the opportunity to
7 review those messages during business hours.

8 CHAIR FOLEY: Is he gone?

9 MEMBER STAHOVICH: Did we lose
10 Mr. Steinmuller?

11 MR. STEINMULLER: No, I'm here. And yes, he
12 did provide those during business hours.

13 MEMBER STAHOVICH: Okay. Thank -- thank you.
14 And he -- he did it of his own free will?

15 MR. STEINMULLER: He did, certainly did, yes.

16 MEMBER STAHOVICH: Okay. So then that -- that
17 -- that covers, to me, whether -- it doesn't matter
18 what phone that people are sharing. Thank you for
19 that, and I don't have any further questions of you --

20 CHAIR FOLEY: Okay.

21 MEMBER STAHOVICH: -- at this time.

22 CHAIR FOLEY: But --

23 MEMBER STAHOVICH: Thank you very much.

24 CHAIR FOLEY: But he needs to answer Jessica's
25 question.

1 MEMBER STAHOVICH: Yep.

2 CHAIR FOLEY: So, Mr. Steinmuller, did you
3 understand Jessica's question when she asked it?

4 MR. STEINMULLER: Did I understand? Could you
5 repeat the question?

6 MEMBER NEWMAN: Sure.

7 MR. STEINMULLER: Could you repeat the
8 question, Jessica?

9 MEMBER NEWMAN: Yes, of course. So the
10 question that I had was, do you have a way to know if
11 -- or how do you know that Andrew was on company time
12 when the messages were shown.

13 MR. STEINMULLER: When -- well, I just got
14 done stating that Andrew was on company time when he
15 handed over the phone and was questioned by us.

16 MEMBER NEWMAN: Okay. So -- so it was not
17 during lunchtime, got it.

18 MR. STEINMULLER: No.

19 CHAIR FOLEY: Okay. Are there any further
20 questions for Mr. Steinmuller?

21 MS. ALLOTTA: Yes. Not -- not for
22 Mr. Steinmuller, but I have a question for our
23 attorney, Brandon. I would like to ask him if text --
24 text messages are subject to any California privacy
25 laws.

1 Are -- are the councilwoman's texts subject
2 to the Public Records Act if she discusses public
3 business? That's my --

4 MEMBER STAHOVICH: Point of order.

5 MS. ALLOTTA: -- question.

6 CHAIR FOLEY: Point -- wait a minute. Point,
7 Dave.

8 MEMBER STAHOVICH: At this point, the
9 complainant is providing their -- their case in chief,
10 and the city attorney is not a part of that case in
11 chief, so I -- I don't believe that it's appropriate to
12 ask the city attorney for opinions on issues at this
13 point.

14 MS. ALLOTTA: Okay.

15 MEMBER FORD: I --

16 MS. ALLOTTA: Thank you.

17 MEMBER FORD: You know, I -- I actually think
18 she makes a really good point, because if she makes the
19 cell phone texts -- if she sends the texts from a
20 government-issued phone, then theoretically -- now, I'm
21 looking at it on the federal government side of the
22 house. Any correspondence that you make on a work cell
23 phone is actually, you know, you can actually share
24 that information. So I think it's -- it's a really
25 good point. If it's actually made from a government

1 cell phone, there should be technically some kind of
2 record or we should be able to request that actual
3 record, whether or not it came from her.

4 So I think --

5 MEMBER STAHOVICH: Yeah.

6 MEMBER FORD: -- Roberta --

7 Sorry. I'm sorry for butchering your name.

8 But she actually makes a really good point
9 about --

10 MEMBER STAHOVICH: And I --

11 MEMBER FORD: -- whether or not it's a
12 government phone.

13 MEMBER STAHOVICH: Okay. And I don't disagree
14 with the point. I'm just -- my point is, is that
15 that's part of our deliberative process that we can ask
16 Brandon those questions rather than somebody making
17 their case and relying on somebody else to make it for
18 them.

19 CHAIR FOLEY: Exactly.

20 MEMBER FORD: Yeah, okay.

21 CHAIR FOLEY: And I --

22 MEMBER STAHOVICH: Thanks.

23 MEMBER FORD: Thanks.

24 CHAIR FOLEY: -- don't think that Arlington
25 Business Partnership is a government -- it's a

1 501(c)(3), to be honest with you. I don't think it's a
2 government entity.

3 MEMBER FORD: No, I was saying -- I was saying
4 that Gaby made the text message from a
5 government-issued cell phone. I thought they issued
6 government -- I don't know if the --

7 CHAIR FOLEY: I don't know if Gaby's phone was
8 -- I don't know whose phone it was, but -- can we --

9 Do you have do you have any more questions
10 for Mr. Steinmuller, Mrs. Allotta?

11 MS. ALLOTTA: No, I do not.

12 CHAIR FOLEY: Okay. I think -- any -- anyone
13 else have a question for Mr. Steinmuller?

14 MEMBER NEWMAN: Taylor asked to say something.

15 CHAIR FOLEY: Okay. Brandon and then Taylor.
16 Brandon.

17 MR. STEINMULLER: And I hate to intervene
18 here, but I had said I was only available until 6:15,
19 it's now 6:30. I -- I -- I -- you can -- I -- I -- I
20 do need to get off the phone. So if we can get that
21 remedied, I'd appreciate it, because I -- my children
22 are about to meet their aunt --

23 CHAIR FOLEY: Okay.

24 MR. STEINMULLER: -- for the first time.

25 CHAIR FOLEY: Okay. Taylor, did you have a

1 question for him?

2 MEMBER KEEN: No. I had -- I -- I don't need
3 to ask --

4 CHAIR FOLEY: Okay.

5 MEMBER KEEN: -- Rob anything. I did want to
6 say --

7 CHAIR FOLEY: All right.

8 MEMBER KEEN: -- something, but I don't need
9 to ask Rob anything.

10 CHAIR FOLEY: Okay, okay. Your -- your
11 witness is excused.

12 MR. STEINMULLER: Thank you.

13 CHAIR FOLEY: Okay.

14 MS. ALLOTTA: Thank you.

15 MR. STEINMULLER: Bye-bye.

16 MR. MERCER: I just wanted to make a
17 clarification. My position is to advise the board. So
18 if the complaining party -- I'm not supposed to give a
19 legal opinion to either Councilwoman Plascencia or the
20 complaining party. If the board, during deliberations,
21 has a legal question, you know, of course I'll respond
22 to the best of my ability. Please keep in mind though,
23 I do not know 100 percent every facet of the law in --
24 in my head, it might be something I need to -- to look
25 up.

1 MS. ALLOTTA: Okay.

2 MR. MERCER: But I just wanted --

3 MS. ALLOTTA: Thank you.

4 MR. MERCER: -- to be clear, like I am not
5 here to give advice to either party. That would not be
6 -- that's not my proper role.

7 CHAIR FOLEY: Thank you, Brandon.

8 So --

9 MS. ALLOTTA: Thank you.

10 CHAIR FOLEY: -- Taylor, did you have a
11 comment still?

12 MEMBER KEEN: Just after what Champagne had
13 said, during Rob's cross, Gaby had said that she --
14 Ms. Plascencia had said that she believed that her
15 correspondence with Andrew was on personal cell phones,
16 so she's saying that the correspondence happened and
17 that she believed it to be on personal phones. And the
18 way she spoke implies that she was using her personal
19 cell phone.

20 CHAIR FOLEY: Okay. Well, we -- we have to
21 talk about that at deliberation. Right now we have to
22 move on to the next witness, but thank you.

23 So, Mrs. Allotta, your next witness.

24 MS. ALLOTTA: Should we --

25 MS. ARSEO: Chair Foley -- Chair Foley, may I

1 interrupt?

2 MS. ALLOTTA: Should we go to the body of
3 the --

4 CHAIR FOLEY: (Indiscernible).

5 MS. ALLOTTA: -- case now?

6 CHAIR FOLEY: The -- Dave, do you want to
7 speak again?

8 MEMBER STAHOVICH: Yes. I was going to say,
9 we -- we jumped out of order because the witness had to
10 leave, so we probably should go back to the -- the case
11 in chief. And the only other point I would make is,
12 because there was testimony by Councilwoman Plascencia
13 during that cross-examination, I believe that would be
14 subject to cross-examination at a later point when
15 cross-examination occurs. Thank you.

16 CHAIR FOLEY: Okay. Thank you. Okay.

17 MS. ALLOTTA: Okay.

18 CHAIR FOLEY: Mrs. Allotta.

19 MS. ALLOTTA: Yes.

20 CHAIR FOLEY: Okay.

21 MS. ALLOTTA: Are we going back -- are we
22 going back to the body of the case?

23 CHAIR FOLEY: Yes.

24 MS. ALLOTTA: Okay. Now, are you ready for me
25 to begin?

1 CHAIR FOLEY: Yeah.

2 MS. ALLOTTA: Okay.

3 CHAIR FOLEY: Well, he --

4 MS. ALLOTTA: Thank you.

5 CHAIR FOLEY: -- was a part of your case;
6 wasn't he? I mean, he was part of the -- your --
7 your --

8 MS. ALLOTTA: He was --

9 CHAIR FOLEY: -- case?

10 MS. ALLOTTA: -- my witness, yes.

11 CHAIR FOLEY: Well, that makes him --

12 MS. ALLOTTA: Okay.

13 CHAIR FOLEY: -- part of the case.

14 MS. ALLOTTA: Thank you.

15 CHAIR FOLEY: Okay.

16 MS. ALLOTTA: So I'm going to start with --
17 I'm going to start from the beginning.

18 CHAIR FOLEY: Oh, okay.

19 MS. ALLOTTA: Thank you.

20 CHAIR FOLEY: Uh-huh.

21 MS. ALLOTTA: To explain how I'm going to
22 proceed, there are three separate violations. In order
23 to relate these in chronological order, I will actually
24 be starting with violation number two on page 10 from
25 your packet. After I present all three violations, we

1 have some short videos, and then I will interview
2 witnesses.

3 First, in order, as I said, to present this
4 chronologically, beginning on January 3rd, 2020, I am
5 starting with violation number two, the quid pro quo
6 violation on page 10 of your packet. Quid pro quo
7 means a favor for a favor. In the case at hand, it was
8 trading potential city resources for personal gain in
9 the form of harming a political rival. The municipal
10 code violated is highlighted on your page 10. It is
11 also found on your page 88.

12 Municipal Code Section 2.78.060A, subset A
13 plus B states, a public official shall refrain from A,
14 accepting favors that may compromise independent
15 judgment or give the appearance of compromised
16 judgment; B, public officials shall refrain from using
17 official title for matters other than the official
18 conduct of their office.

19 On Friday, January 3rd, 2020, Councilwoman
20 Plascencia and Riverside resident Andrew Guerra, in his
21 capacity as executive director of the Arlington
22 Business Partnership, known as ABP, exchanged several
23 text messages regarding Sean Mill's position as a board
24 member of the ABP. They start with a reference to Rob.
25 Rob Steinmuller is the president of the Arlington

1 Business Partnership. These messages start on page 33
2 in your packet.

3 These messages were given by Andrew Guerra to
4 the executive board of Arlington Business Partnership,
5 and they were shown to all the board members, including
6 Sean Mill and Councilman Jim Perry. These messages
7 discussed city business.

8 Councilwoman Plascencia texted, Happy New
9 Year. How are things at ABP? Rob emailed me and asked
10 me to call him to discuss difference -- difference in
11 opinion. I have no interest in talking to him. It was
12 super disrespectful for them to put him on the board.
13 Unless he calls me to tell me they removed him, we have
14 nothing to talk about.

15 In further texts on page 36 -- the him, the
16 councilman, wants to be removed in order for her to
17 talk to the president, President Rob Steinmuller, is
18 identified by name as Sean. Two days later, on Sunday,
19 January 5th, the councilwoman initiated another text.
20 It is on your page 38. As I read it, I apologize for
21 using a barnyard term the councilwoman used. She
22 texted, let's schedule something with the exec board
23 soon. I'm not going to help with shit if he is going
24 to be in their ear bashing me.

25 As the Ward 5 councilmember, Councilwoman

1 Plascencia is automatically an ex officio member of the
2 Arlington Business Partnership. Her predecessor Chris
3 MacArthur served in that capacity as does Ward 6
4 Councilmember Jim Perry. Since Mill's appointment to
5 the ABP board of directors in January, Councilwoman
6 Plascencia has refused to participate or assist ABP in
7 any fashion, nor has her staff participated in any
8 meetings.

9 As a member of the city council, particularly
10 given that the ABP BID is within Ward 5, Councilwoman
11 Plascencia has a say in any city funds or assistance
12 that may be given to the Arlington Business
13 Partnership. This partnership -- this partnership is a
14 partnership of members representing and promoting the
15 economy, community, and beautiful -- beautification of
16 the Arlington Business District, thus creating a sense
17 of pride for all who live and work and do business in
18 Arlington.

19 On page 65 of your packet, and I'll allow you
20 to look there, on page 65, we have included a copy of
21 the Arlington Business Partnership Annual Report. Then
22 if you go back to page 11, I'll give you a second, on
23 page 11 we give examples of the support given at the
24 city council's discretion -- discretion. I will read
25 these examples.

1 First, City of Riverside Arlington Business
2 Improvement District Funding Agreement, \$100,000.
3 Also, \$16,500 cash sponsorship towards the Annual Chili
4 Cook Off. Also, \$1,000 to \$2,500 cash sponsorship
5 towards the Annual Winter Wonderland event and police
6 fee waivers for the Annual Chili Cook Off. Parks and
7 Recs loans approximately 13 game booths for the Chili
8 Cook Off and Winter Wonderland, as well as their mobile
9 stage and waives all the fees.

10 All of the financial and other areas of
11 support given by the City of Riverside to the Arlington
12 Business Partnership could be in jeopardy or stripped
13 altogether should Councilwoman Plascencia lobby for
14 such to happen.

15 Okay. Another violation of city law concerns
16 the Sunshine Ordinance. We referred to this as
17 violation number one, as shown on your page 7.
18 Councilwoman Plascencia violated Municipal Code Section
19 2.78.060M, which states, no public official of the City
20 of Riverside shall intentionally or repeatedly violate
21 -- violate the Charter of Riverside, the Riverside
22 Municipal Code, or any established policies of the City
23 of Riverside affecting the operations of local
24 government.

25 When Councilwoman Plascencia put the removal

1 of Sean Mill on the revised agenda Friday, January 17,
2 she intentionally violated this section of the city
3 charter, and it was a repeat offense. The text
4 messages of January 5th on your page 38, I'll let you
5 turn there, the texts that councilwoman text; I'm
6 calling Sean today to tell him to resign from the
7 planning commission. At the bottom of that page 38,
8 she texts; I know he won't resign, but I will remove
9 him nonetheless.

10 If she so chose, she had that day,
11 January 5th and three more days, to put the removal of
12 Sean Mill on the agenda, which would be posted on
13 January 8th. This would have given the public or Sean
14 Mill 12 days to mount a defense, giving him due
15 process.

16 Instead, as shown on the revised agenda on
17 page 39, she waited 12 days until Friday, January 17th,
18 using the excuse of Sunshine notice requirements and
19 the required signature of Councilman Fierro. The
20 agenda was posted late Friday afternoon before the
21 Martin Luther King three-day weekend, when city workers
22 are finishing up their tasks and thinking about their
23 holiday weekend. Sean Mill might not have even found
24 out about his potential removal until he was at work on
25 Tuesday and would have had to plan a defense for later

1 that same day.

2 Turning to page 18 of your packet, I'll give
3 you a second, we see that the city code is not
4 ambiguous about when the excuse of Sunshine notice
5 requirements may be used. It states, when there is a
6 need to take immediate action on an item to avoid a
7 substantial impact that would occur if the matter is
8 deferred. It clearly tells us when an item is an
9 emergency. An emergency is when it will cause a
10 substantial impact if the matter is deferred. This
11 ordinance is also included on page 27, starting on line
12 15. So when any councilperson uses the excuse of
13 Sunshine notice requirements, they are asserting that
14 immediate action is necessary to avoid a substantial
15 impact.

16 At the January 21st council meeting,
17 Councilwoman Plascencia did not state any substantial
18 impact that would occur if her request for Sean Mill's
19 removal was deferred to a later meeting. This late
20 addition to the agenda of a clearly non-urgent issue
21 was a repeat of the same method she used on
22 December 17th to get a union bug logo on her business
23 cards, which was addressed in Jason Hunter's sustained
24 complaint September 30th. This information about that
25 complaint starts on page 45 in your packet.

1 The third violation violates Municipal Code
2 Section 2.78.060M, and I might add, it's the same one
3 that we already discussed; this one is concerning
4 racial discrimination. It's on page 13 of your packet.
5 I will present -- be presenting this evidence, and then
6 you will be able to hear the councilwoman's own words.
7 Municipal Code Section 2.78.060M states, no public
8 official of the City of Riverside shall intentionally
9 or repeatedly violate the Charter of the City of
10 Riverside, the Riverside Municipal Code, or any
11 established policies of the City of Riverside affecting
12 the operations of local government.

13 The preamble of our city states that, we, the
14 people of the City of Riverside, believe in promoting
15 an inclusive community; equal, civil, and political
16 rights. Also on page 13, we have included Municipal
17 Code 2.36.110 concerning discrimination. This code
18 states, no person in City employment shall be favored
19 or discriminated against because of race. Riverside
20 Core Values Section 2.78.050C, also on this same page
21 13, states that public officials of the City of
22 Riverside have a responsibility to make extraordinary
23 attempts to treat all people in a manner which would be
24 considered just and fair. These sections and others of
25 the preamble, the municipal code, and the core values

1 are included in your packet.

2 Sean Mill was not treated in a manner that
3 was just or fair, as promised in the Riverside Core
4 Values. Starting on page 39, on the revised agenda,
5 you will see on January 21, 2020, during the discussion
6 of item 3.2 on the City Council Revised Agenda,
7 Councilmember Plascencia suggested that the real reason
8 behind her desire to remove Commissioner Mill was based
9 on the fact that she felt the demographics of the
10 community were not being represented because Mr. Mill
11 was a white man.

12 She went on to state that she believes there
13 is a lack of equity and access at City Hall and that
14 there was a lack of people of color on city boards and
15 commissions. As such, she said she was committed to
16 changing the faces of the city boards and commissions
17 to the ones she feels adequately represent the
18 demographics of Riverside. She stated that Mill was
19 not the first commissioner she asked to resign, and he
20 would not be the last.

21 The other commissioner she referred to is
22 also a white male, Andrew Walker, who did, in fact,
23 resign from the Budget Engagement Commission at her
24 demand, as evidenced by the memorandum on page 79 of
25 your packet. That information goes from page 79 to 85.

1 Further evidence of the councilwoman's biased
2 attitude was evidenced in her Facebook post on
3 July 23rd. The Facebook post that she liked said, too
4 many Whites, especially white men, hold positions in
5 government. Another Facebook post of the -- of
6 councilwoman's concerns Labor Day, which was on
7 September 7th, 2020. I'll read the first part of it.
8 Everything that Labor Day stands for is what
9 Republicans and their white voter base hates.

10 Okay. If -- if the IT would cue up the
11 runoff form video, it's 1:17, it starts on 1:17 and it
12 goes to 1:29. This shows that Councilwoman Plascencia
13 was aware of Mr. Mill's activities in Santa Ana before
14 she was ever elected. So if they could do that.

15 (Video started)

16 COUNCILWOMAN PLASCENCIA: So let's be clear
17 about what's happening here. I did not move to
18 Riverside chasing this title like my opponent did. He
19 ran three times unsuccessfully in Santa Ana. And
20 Riverside is better than this.

21 (Video stopped)

22 MS. ALLOTTA: Are you stopping the clock?

23 MS. ARSEO: This is Eva. Yes, I did.

24 CHAIR FOLEY: On mute. Eva, are you stopping
25 the clock while we're doing this?

1 MS. ARSEO: I did, Chair Foley.

2 CHAIR FOLEY: Thank you.

3 MEMBER FORD: Is there a status maybe they can
4 provide?

5 CHAIR FOLEY: Yeah. They said one moment.
6 They're working on it.

7 MEMBER FORD: Thank you.

8 CHAIR FOLEY: You're welcome. This is like a
9 gremlin got into our technology tonight.

10 MEMBER FORD: Tonight, everything that can go
11 wrong will go wrong.

12 CHAIR FOLEY: Is going wrong.

13 Well, Brandon, while we're waiting I have a
14 question.

15 MR. MERCER: Yes.

16 CHAIR FOLEY: So, you know, so the way we're
17 proceeding is that --

18 Oh, you all disappeared altogether. Are you
19 all back? Okay.

20 -- that, you know, the person presents their
21 direct and -- I'll wait until this is over.

22 MEMBER FORD: There's no sound.

23 MEMBER KEEN: There's still no sound.

24 MEMBER FORD: Still no sounds on my end.

25 CHAIR FOLEY: No, no sound.

1 Okay. I'm going to go back to my question,
2 Brandon. So the way we're doing it is -- are you
3 there, Brandon? Okay. The way we're doing this is
4 that, you know, the complainant presents their witness
5 and then the respondent can cross-examine after the
6 witness. Does Eva need to subtract from the
7 complainant's time for cross-examination probably?

8 MR. MERCER: Yeah, or just stop the clock and
9 not -- not count that --

10 CHAIR FOLEY: Just --

11 MR. MERCER: -- time.

12 CHAIR FOLEY: -- stop the clock. Okay, all
13 right.

14 So, Eva, did you get that? Eva?

15 MS. ARSEO: Are you asking if I continued the
16 time when Mr. Steinmuller was being -- testifying as a
17 witness and cross-examined?

18 CHAIR FOLEY: Yeah.

19 MS. ARSEO: Yes, I stopped the clock when
20 Dave --

21 CHAIR FOLEY: Thank you.

22 MS. ARSEO: -- indicated to stop it.

23 CHAIR FOLEY: Thank you. Thank you. I just
24 wanted to make sure. So whenever the person is being
25 cross-examined during -- well, during the presentation

1 of their case in chief, can you please stop the clock?
2 How much time does she have left?

3 MS. ARSEO: Nineteen minutes.

4 CHAIR FOLEY: Okay. Mrs. Allotta, did you
5 hear that?

6 MS. ALLOTTA: Say it one more time.

7 CHAIR FOLEY: You have 19 --

8 MS. ALLOTTA: How many minutes?

9 CHAIR FOLEY: -- minutes left.

10 MS. ALLOTTA: Okay, okay. Are we going to
11 skip to the -- my other witnesses --

12 CHAIR FOLEY: Well, we're waiting --

13 MS. ALLOTTA: -- while we're waiting --

14 CHAIR FOLEY: Okay. We're waiting to see if
15 Scott and the technical people can bring up your video.

16 MS. ALLOTTA: Uh-huh.

17 CHAIR FOLEY: But in the meantime, Taylor has
18 a question.

19 Taylor.

20 MEMBER KEEN: I just wanted to say that
21 somebody, who is currently viewing the meeting as a
22 third party, let me know that he could hear the audio
23 on the video the first time it was being played, so we
24 just can't hear it.

25 CHAIR FOLEY: Oh, okay.

1 MEMBER KEEN: If that helps tech support at
2 all.

3 CHAIR FOLEY: Okay. I don't know if it helps
4 them.

5 So how about this, do you -- Mrs. Allotta, do
6 you want to proceed with a -- with a witness -- with a
7 witness, and then --

8 MS. ALLOTTA: Yes.

9 CHAIR FOLEY: -- the techs can --

10 MS. ALLOTTA: Could I?

11 CHAIR FOLEY: -- tell us when they've got --

12 (Video started)

13 COUNCILWOMAN PLASCENCIA: -- newly elected
14 official, my first request --

15 MS. ALLOTTA: Could I --

16 CHAIR FOLEY: -- (indiscernible).

17 COUNCILWOMAN PLASCENCIA: -- was --

18 (Video stopped)

19 MS. ALLOTTA: -- proceed --

20 CHAIR FOLEY: Okay.

21 MS. ALLOTTA: -- with -- could I proceed with
22 my next witness, Sean Mill?

23 CHAIR FOLEY: Well, wait a second, Dave has a
24 question.

25 Dave.

1 MEMBER STAHOVICH: Again, I want to verify the
2 amount of time left and we -- that we took off enough
3 time for the cross-examination and everything. I had
4 -- I had a different clock, but the official one is of
5 the clerk.

6 CHAIR FOLEY: Right.

7 MEMBER STAHOVICH: So I want to make sure that
8 we're -- that the -- that -- that the parties all know
9 how much time is left. And it looks like there's
10 another video up.

11 CHAIR FOLEY: Okay.

12 (Video started)

13 COUNCILWOMAN PLASCENCIA: So let's be clear
14 about what's happening here. I did not move to
15 Riverside chasing this title like my opponent did. He
16 ran three times unsuccessfully in Santa Ana. And
17 Riverside is better than this.

18 (Video stopped)

19 MS. ALLOTTA: Thank you.

20 CHAIR FOLEY: Is that it?

21 MS. ALLOTTA: That's it.

22 CHAIR FOLEY: Okay.

23 MS. ALLOTTA: Okay. Could they now go to the
24 city council meeting video, the first one is time start
25 4:34:14?

1 CHAIR FOLEY: And I guess I want to -- and,
2 Eva, you are counting this, correct, because this is
3 part of her case in chief?

4 MS. ARSEO: Yes.

5 CHAIR FOLEY: Okay. Thank you.

6 (Video started)

7 COUNCILWOMAN PLASCENCIA: -- newly elected
8 official, my first request to our city clerk was to get
9 a list of our commissioners and their terms. The
10 purpose of this was to figure out, who from Ward 5, I
11 could appoint to ensure that our boards and commissions
12 were truly what Riverside represents, a diverse and
13 inclusive group. Over the years, I have seen the lack
14 of representation on our boards and commissions and
15 chose to make equity and access a top priority.

16 My goal is to advocate for our city's core
17 values and serve with integrity. Unfortunately, my
18 predecessor did not serve with the same values in mind.
19 Sean was forced to resign from the planning commission
20 in Santa Ana in July of 2016 because he lived in
21 Riverside while serving on the commission in Santa Ana.
22 According to the Orange County Register, he resigned
23 one week before the next planning commission because a
24 private investigator exposed him.

25 On August 9th of 2016, one month later, Sean

1 gets appointed to the Riverside Airport Commission and
2 less than a year later was appointed to the Riverside
3 Planning Commission. My predecessor's way of governing
4 and actions are not how I choose to lead, but I do feel
5 it is my responsibility to act and correct what I
6 believe to be wrong.

7 Thank you, Sean, for being consistent. I
8 expected nothing less of you than slandering me and
9 inciting more divide in the ward and in our city. Your
10 bullying antics only make we want to continue to
11 advocate for a new commissioner that will serve with
12 integrity and put Riverside's values first.

13 Riversiders in the audience or at home
14 watching, please take out your phones and Google Sean
15 Mill's name before you come up here and leverage your
16 reputation on this individual. I would be doing our
17 city and fellow commissioners a disservice by allowing
18 Sean to continue as a commissioner.

19 I understand -- I understand that our city
20 adopted a Board of Ethics process; however, I do not
21 believe that this case applies, as he is not my
22 appointee. And as the city charter states, the members
23 of each such board or commission shall -- shall serve
24 at the pleasure of the mayor and city council. They
25 shall be subject to removal by the mayor and city

1 council by a motion adopted by five affirmative votes
2 with the mayor entitled to a vote. Nowhere in the city
3 charter does it say that I have to follow the path of
4 the Code of Ethics process.

5 Sean is not the first commissioner that I
6 have asked to resign, and I didn't intend on him being
7 the last, as I am committed to changing the faces of
8 our boards and commissions. At what point is it our
9 responsibility to change the status quo?

10 (Video stopped)

11 MS. ALLOTTA: Thank you. How much time do I
12 have left? Hello.

13 MS. ARSEO: I have 16 minutes.

14 MS. ALLOTTA: Oh, oh, oh, okay. They can --
15 they can stop right there. They can stop right there,
16 and I'll go to my witnesses now. I'm assuming you
17 heard me.

18 CHAIR FOLEY: Who was that? I didn't hear who
19 said that. Who was that?

20 MS. ALLOTTA: This is Roberta Allotta.

21 CHAIR FOLEY: Okay.

22 MS. ALLOTTA: IT can stop right now, and I'll
23 go to my next witness.

24 CHAIR FOLEY: Okay.

25 MS. ALLOTTA: I'd like -- I'd like -- the next

1 witness is Sean Mill, if you're ready for me to talk to
2 him.

3 CHAIR FOLEY: Yes, please go ahead.

4 MS. ALLOTTA: Okay. I'm assuming you have him
5 up.

6 Mr. Mill, were you Councilwoman Plascencia's
7 opponent for the Ward 5 city council seat?

8 MR. MILL: Yes.

9 MS. ALLOTTA: Was it a hotly contested
10 election?

11 MR. MILL: I would go with the term spirited.

12 MS. ALLOTTA: Spirited, okay. Did you speak
13 to her after she won?

14 MR. MILL: Yes. On the Friday following the
15 election after the county registrar counted all the
16 votes, I reached out and called Councilwoman-Elect
17 Plascencia and congratulated -- congratulated her on
18 her victory and offered her my assistance in any way
19 that I could. And, you know, I explained to her that
20 we're no longer opponents and we're both on the same
21 team and that I was rooting for her success.

22 MS. ALLOTTA: How did she respond?

23 MR. MILL: She said, thank you, and abruptly
24 hung up.

25 MS. ALLOTTA: What is your position with the

1 city?

2 MR. MILL: I'm the Ward 5 planning
3 commissioner, and I have been since 2017.

4 MS. ALLOTTA: Okay. What is your position
5 with the Arlington Business Partnership, the -- the --

6 MR. MILL: I --

7 MS. ALLOTTA: -- the --

8 MR. MILL: I -- I'm a member of the board of
9 directors.

10 MS. ALLOTTA: Okay. On January 13th, were you
11 made aware of text messages between Councilwoman
12 Plascencia and ABP executive director Andrew Guerra?

13 MR. MILL: Yes. As part of an HR
14 investigation, the executive board of the ABP shared
15 the text messages between Gaby and -- and Andrew with
16 the entire board, including myself and Councilmember
17 Perry. And at -- at no time did I -- I feel there was
18 any type of violation seeing them, because under the
19 California Public Records Act, a councilwoman's text
20 messages are public records because she's discussing
21 public business on -- on the -- on her phone.

22 It doesn't matter if it's her personal phone
23 or a city cell phone or if it's Andrew's personal cell
24 phone or Andrew's business cell phone, under the
25 California Public Records Act, her text messages are

1 public records. And it's been upheld by the California
2 Supreme Court in the case, San Jose versus Superior
3 Court. So I didn't feel that we were violating any
4 privacy because, as an elected official, she's not
5 entitled to the belief that she has privacy when she's
6 discussing public business.

7 MS. ALLOTTA: Okay. On Friday, January 17,
8 did you receive a phone call from Councilwoman
9 Plascencia?

10 MR. MILL: Yes.

11 MS. ALLOTTA: What was the conversation about?

12 MR. MILL: About -- about 11:30 on -- on
13 Friday that week, my phone rang, my cell phone rang,
14 and it was a City Hall number and I answered it and it
15 was Councilwoman Plascencia. And she said, you know,
16 Sean, this is Councilwoman Plascencia. I'm calling to
17 demand your -- or I'm calling to ask for your
18 resignation from the planning commission. I wasn't
19 surprised that she called, because I had seen the text
20 message in which she had been plotting this for some
21 time, so I was -- I wasn't, you know, surprised when I
22 got the call; but my response to her was, she asked for
23 my resignation, I said, well, Gaby, why would I resign?
24 And she -- her response was, well, you're
25 unethical. And again, I asked, I said, well, could you

1 please expand on that? And she says, I don't need to
2 explain myself. Listen to me, you either resign, or
3 I'm going to embarrass you and your family in public in
4 the media and hung up. Yeah, and that was it.

5 MS. ALLOTTA: Did you speak to anyone after
6 this phone call?

7 MR. MILL: Immediately upon hanging up my call
8 with Councilwoman Plascencia, I called the Riverside
9 City Attorney's Office. I asked for Mr. Geuss, the
10 city attorney. He was not available, so I -- the
11 person who I spoke with in his office, I said, please
12 leave him the following message, my name is Sean Mill,
13 I'm a planning commissioner for the City of Riverside,
14 and I want to let you know that Councilwoman Plascencia
15 just called and threatened me. And -- and then we hung
16 up.

17 MS. ALLOTTA: Okay. Did you know that you
18 would -- that -- did you know that she would be adding
19 your removal from the board to the agenda that very
20 day, Friday, January 17th?

21 MR. MILL: No, I had no idea. And -- and
22 again, I know that we have rules in place that would
23 normally prevent such a thing happening, so I -- I
24 didn't suspect that. And it was about 9:30 that
25 evening on that Friday night that I got a phone call

1 from a member of the community and said, hey, did you
2 know that you were on the agenda for -- for Tuesday's
3 meeting? And that was the first I had heard of it, you
4 know.

5 And if he hadn't called me, rather than
6 finding out four days ahead of time, I would have found
7 out probably four hours ahead of time. I would have
8 been in work -- at work in -- in Orange County and had
9 to try to put together a defense to come back, drive
10 back to Riverside and defend myself in front of the --
11 in front of the city council, because, you know, I --
12 no one told me about it.

13 MS. ALLOTTA: What bothered you the most about
14 this incident?

15 MR. MILL: The lack of due process.

16 MS. ALLOTTA: The lack of due process, okay.
17 Did you illegally serve in Santa Ana?

18 MR. MILL: No. And if -- in the clip that --
19 that you played, Ms. Plascencia referenced an Orange
20 County Register article, and she cherry-picked that
21 article, because if you go to the end of the article,
22 the City Attorney's Office, I believe it is, from the
23 City of Santa Ana, clear states that Mr. Mill did
24 nothing wrong. So I did not serve illegally on the
25 planning commission in Santa Ana.

1 MS. ALLOTTA: All right. Thank you. That's
2 all. Thank you, Mr. --

3 MR. MILL: Thank you.

4 MS. ALLOTTA: -- Mr. Mill.

5 Okay. That's all I have for him. Do I go to
6 my next witness, or are you going to have
7 cross-examination?

8 MEMBER FORD: Hey, Freya, you have to unmute
9 yourself.

10 CHAIR FOLEY: Why is nobody hearing me?

11 MEMBER FORD: Don't worry.

12 MS. ALLOTTA: Are you talking to me about
13 unmuting?

14 MEMBER KEEN: Freya, you re-muted --

15 MEMBER FORD: No.

16 MEMBER KEEN: -- yourself.

17 MEMBER FORD: You re-muted.

18 CHAIR FOLEY: I re-muted, okay.

19 MEMBER KEEN: Yes.

20 CHAIR FOLEY: All right.

21 MS. ALLOTTA: How much time do I have left?

22 CHAIR FOLEY: Can you stop the clock right now
23 until we go back?

24 But, Councilwoman Plascencia, do you have any
25 cross-examination for Mr. Mill?

1 COUNCILWOMAN PLASCENCIA: No questions. Thank
2 you.

3 CHAIR FOLEY: Okay, all right. Do you have
4 any --

5 Does anyone else have any questions for
6 Mr. Mill?

7 Okay, okay. So I -- I think then you're
8 excused, Mr. Mill.

9 MR. MILL: Thank you.

10 MEMBER FORD: Sorry, I have a question.

11 CHAIR FOLEY: Oh, wait.

12 MEMBER FORD: Okay. So you say that she
13 called you. Did you keep any copies of any, like,
14 phone logs or is there any correspondence between you
15 and the city, like a cell phone --

16 MR. MILL: Well, I --

17 MEMBER FORD: -- screenshot?

18 MR. MILL: I mean, she called me on -- on the
19 phone -- on the phone from -- on my personal cell
20 phone, so what I could do, I mean -- I mean, I didn't
21 think I was going to need to prove it because I don't
22 think that she disputes the fact that she called me,
23 but I could -- I mean, I can easily go and get my
24 records from AT&T showing that at about, I would say it
25 was between 11:30 and 11:45 on that Friday, that I

1 called her, and you will -- and those phone logs will
2 show that I then, in turn, called the -- the City
3 Attorney's Office.

4 So I mean, I -- I'm happy to provide them for
5 you if you'd like to see them.

6 MEMBER FORD: I was just --

7 CHAIR FOLEY: Okay.

8 MEMBER FORD: -- curious because when they
9 call from the city, it's not going to give you their
10 direct line anyway, but --

11 MR. MILL: No. It -- it --

12 MEMBER FORD: -- thank you for that.

13 MR. MILL: -- gives you a -- it gives you a
14 generic number. And -- and I've received enough calls
15 from -- from City Hall, that I -- I recognize the
16 number being City Hall. And, you know, I mean --

17 MEMBER FORD: Uh-huh.

18 MR. MILL: -- I get calls from other folks.
19 So when it was her though, I wasn't surprised that it
20 was her on the other line, given her text messages.

21 MEMBER FORD: And the circumstances. I got
22 ya.

23 MR. MILL: Yeah.

24 MEMBER FORD: Thank you very much.

25 CHAIR FOLEY: Okay. Dave.

1 MEMBER STAHOVICH: And actually, I think you
2 -- you pretty much answered my question. I just -- you
3 -- you are under oath. And so under oath, you -- your
4 testimony is that you did receive a call on or about
5 midday on Friday, January 17th, asking for your
6 resignation; is that correct?

7 MR. MILL: Yes, sir. Asking for my
8 resignation and then threatening me with a public
9 removal and embarrassment if I did not resign, so it
10 was twofold. It was --

11 MEMBER STAHOVICH: Thank you.

12 MR. MILL: -- twofold. She -- okay.

13 CHAIR FOLEY: So --

14 MEMBER STAHOVICH: Thank you.

15 CHAIR FOLEY: -- Mr. Mill, have you ever
16 posted anything online about Councilwoman Plascencia?

17 MR. MILL: Yes, ma'am.

18 CHAIR FOLEY: Was it positive? Was it
19 negative?

20 MR. MILL: It was --

21 MEMBER STAHOVICH: Point of order. Is that --
22 is there any evidence on --

23 CHAIR FOLEY: Yeah.

24 MEMBER STAHOVICH: -- this?

25 CHAIR FOLEY: It's a cross-examination.

1 Go ahead.

2 MR. MILL: It was -- it's -- it was factual.

3 CHAIR FOLEY: Uh-huh.

4 MR. MILL: And if, you know, so if -- your
5 question, is it positive or negative, it depends on
6 whether or not you approve of the councilwoman's agenda
7 in the city. If you do, then you would think that what
8 I said was negative. If you don't, you would think it
9 was positive. So again, it -- whether it's positive or
10 negative is -- basically it's a subjective question,
11 and it's in the eye of the person reading the -- the
12 comment.

13 CHAIR FOLEY: Yeah. I was asking you just
14 because I think in one of her statements, she felt that
15 you did some things that were undermining to her.
16 That's why I was asking you.

17 MR. MILL: Okay. Well, if you can point to
18 something that I have done to undermine her --

19 CHAIR FOLEY: Oh, no. I --

20 MR. MILL: -- feel free.

21 CHAIR FOLEY: -- can't. I --

22 MR. MILL: You seem to be making an argument
23 for her.

24 CHAIR FOLEY: I'm not making an argument for
25 her. I just had that question.

1 Are there any other questions?

2 Okay. Are you finished with your witness,
3 Mrs. Allotta?

4 MS. ALLOTTA: Yes, I am.

5 MR. MILL: Do -- do I need --

6 CHAIR FOLEY: Okay.

7 MR. MILL: Do I need to -- to -- to standby
8 for later, or can I -- can I disconnect?

9 CHAIR FOLEY: I think you can disconnect.

10 MR. MILL: Thank you.

11 CHAIR FOLEY: You're welcome. Okay.

12 MS. ALLOTTA: Okay. I have just three quick
13 questions for Eva Arseo.

14 CHAIR FOLEY: Okay.

15 MS. ARSEO: Yes.

16 MS. ALLOTTA: Okay. Was the original agenda
17 for January 21st, the January 21st council meeting,
18 published on January 8th as I stated?

19 MS. ARSEO: The -- the agenda for the
20 January 21st, 2020 meeting was --

21 MS. ALLOTTA: Yes, the original --

22 MS. ARSEO: -- was the --

23 MS. ALLOTTA: Yes.

24 MS. ARSEO: Yes.

25 MS. ALLOTTA: Okay. Was that the last date to

1 add an item to the agenda without having to use the
2 excuse of a Sunshine notice requirements?

3 MS. ARSEO: That is correct.

4 MS. ALLOTTA: Okay. Councilwoman Plascencia's
5 text message on January 5th stated she was going to
6 remove Sean Mill from the planning commission. Am I
7 correct that she had three more days to add this item
8 to the agenda without using the excuse of Sunshine
9 notice requirements from the --

10 MS. ARSEO: Well --

11 MS. ALLOTTA: -- from the 8th? Am I correct
12 about that?

13 MS. ARSEO: I would say, as the agenda
14 publishing on Thursday, if that was -- if that message,
15 as you stated, occurred on the 5th, I suppose she would
16 have, if she had wanted to do it, prior to. I don't
17 know what the circumstances were.

18 MS. ALLOTTA: Okay. Thank you. Was
19 Councilwoman Plascencia trained in Sunshine Ordinance
20 rules and the ethics code prior to this meeting on the
21 21st?

22 MS. ARSEO: Yes, I do believe that one of the
23 onboarding processes is to explain to them the --

24 MS. ALLOTTA: Thank you.

25 MS. ARSEO: -- rules. Okay.

1 MS. ALLOTTA: Thank you. That's it. Thank
2 you.

3 CHAIR FOLEY: Okay. Councilwoman Plascencia,
4 do you have any cross-examination for Eva?

5 COUNCILWOMAN PLASCENCIA: No, I do not.

6 CHAIR FOLEY: Okay.

7 COUNCILWOMAN PLASCENCIA: Thank you.

8 CHAIR FOLEY: All right. You're -- you're
9 excused.

10 MS. ALLOTTA: Okay. Thank you. I have a few
11 questions for Councilmember Ronaldo Fierro.

12 CHAIR FOLEY: Okay.

13 MS. ALLOTTA: If he's there, I'll --

14 CHAIR FOLEY: He's here.

15 MS. ALLOTTA: Did -- did Councilwoman
16 Plascencia --

17 COUNCILMAN FIERRO: I'm here.

18 MS. ALLOTTA: -- come to you late Friday
19 afternoon on January 17th asking you to sign a
20 memorandum adding an item to the agenda of the 21st
21 council meeting?

22 COUNCILMAN FIERRO: I can't speak to if it was
23 late in the day. I honestly can't remember, but
24 Councilwoman Plascencia did call me and ask if I would
25 sign that memorandum since she was trying to publish an

1 item after the 12-day window stipulated by the Sunshine
2 Ordinance.

3 MS. ALLOTTA: What reason did Councilwoman
4 Plascencia give you for using the excuse of the
5 Sunshine notice requirements?

6 COUNCILMAN FIERRO: That it was an item that
7 she believed to be urgent. And since, like I said, it
8 was, you know, earlier than the 12-day notice period,
9 that it required the signature of one other
10 councilperson. And at that point I agreed and, I
11 believe, spoke on the phone to Colleen Nicol approving
12 the use of my signature.

13 MS. ALLOTTA: Did -- did you feel Mill's
14 removal was urgent?

15 COUNCILMAN FIERRO: I don't believe that that
16 is relevant. The councilperson's opinion was it was
17 urgent. And the -- my understanding of the Sunshine
18 Ordinance and my continued understanding of how it was
19 written at the time was that if a councilperson thought
20 an item was urgent and got one more signature, that
21 that satisfied the requirement.

22 MS. ALLOTTA: So I'm thinking that you didn't
23 necessarily think it was urgent.

24 COUNCILMAN FIERRO: I -- if -- you're welcome
25 to believe that. I am -- I am -- I've answered the

1 question.

2 MS. ALLOTTA: Okay. If you had to do it over
3 again, would you sign that memorandum?

4 COUNCILMAN FIERRO: I won't speak to
5 hypotheticals.

6 MS. ALLOTTA: Okay. Thank you.

7 COUNCILMAN FIERRO: Thank you.

8 CHAIR FOLEY: Council -- Councilwoman
9 Plascencia, do you have any cross-examination for
10 Mr. Fierro -- or Councilman Fierro?

11 COUNCILWOMAN PLASCENCIA: I do not. Thank
12 you.

13 CHAIR FOLEY: Okay. Does any of the panel
14 have any questions for the councilman?

15 MEMBER FORD: Yeah, I have a -- just a quick
16 question. So it appears that there was an existing
17 relationship between Sean and the councilwoman. I'm
18 just curious, was Ronaldo aware of that, that there was
19 some sort of relationship, as far as --

20 CHAIR FOLEY: Okay.

21 MEMBER FORD: -- like, you know, the --

22 CHAIR FOLEY: Ask him.

23 MEMBER FORD: -- obviously on -- you were
24 going to ask the same question?

25 CHAIR FOLEY: No. You ask him.

1 MEMBER FORD: Oh, okay, sorry. I thought you
2 were saying you were going to ask him.

3 But I was just curious, were you -- were you
4 aware that obviously there was a relationship there, as
5 far as like, you know, opposing parties?

6 COUNCILMAN FIERRO: I was aware that they had
7 ran against each other for the Ward 5 city council seat
8 that the councilwoman was now sitting in at the time.

9 MEMBER FORD: Okay. Thank you.

10 COUNCILMAN FIERRO: Of course.

11 CHAIR FOLEY: Are there any other questions?

12 Okay. Councilman, you're excused.

13 COUNCILMAN FIERRO: All right.

14 MS. ALLOTTA: When --

15 COUNCILMAN FIERRO: Thank you.

16 CHAIR FOLEY: Wait, wait, wait.

17 MS. ALLOTTA: Because -- because we've done
18 some things out of order, when can I ask Councilwoman
19 Plascencia some questions?

20 CHAIR FOLEY: You don't get to ask -- she's
21 not your witness. You can only cross-examine -- cross
22 -- do a cross-examination of her after she gives direct
23 testimony.

24 MS. ALLOTTA: Okay. After she gives direct
25 testimony, okay. Because she already did give some

1 testimony, but I'll wait until she gives more.

2 CHAIR FOLEY: Okay. Because she --

3 MS. ALLOTTA: I --

4 CHAIR FOLEY: -- as we explained to you on
5 numerous occasions, that she is not your witness.

6 MS. ALLOTTA: Right, I understand that.

7 CHAIR FOLEY: Okay, all right. Do you have
8 anyone else, Mrs. Allotta?

9 MS. ALLOTTA: I don't.

10 CHAIR FOLEY: Okay.

11 MS. ALLOTTA: Thank you.

12 CHAIR FOLEY: So are you resting your case in
13 chief? Are you finished?

14 MS. ALLOTTA: Yes. Yes, I am.

15 CHAIR FOLEY: Okay.

16 MEMBER NEWMAN: Freya, sorry, Freya, I had a
17 question.

18 CHAIR FOLEY: Oh, okay. Go ahead.

19 MEMBER NEWMAN: I know the councilman already,
20 I think, closed out, but I -- I did have a question for
21 him if he happens to still be --

22 CHAIR FOLEY: I think he's gone because --

23 MEMBER NEWMAN: Oh, okay.

24 COUNCILMAN FIERRO: No, I'm still here.

25 MEMBER NEWMAN: I'm so sorry that I took --

1 COUNCILMAN FIERRO: No, it's fine.

2 MEMBER NEWMAN: -- long.

3 COUNCILMAN FIERRO: No.

4 MEMBER NEWMAN: Okay. So just so I
5 understand, you -- you signed -- you signed the request
6 to have the item added. Was your intention in signing
7 that just to help Councilwoman Plascencia? Or I'm just
8 -- I'm -- I'm not clear on your intention, I guess.

9 COUNCILMAN FIERRO: My intention was that the
10 councilperson felt the item was urgent. And like I
11 stated already, the Sunshine Ordinance stipulates than
12 in order to put something on the agenda after that
13 window, it requires a second signer, and I agreed to be
14 the second signer so that the item could be heard at
15 the next council meeting.

16 MEMBER NEWMAN: Thank you.

17 COUNCILMAN FIERRO: Of course. Thank you.

18 MEMBER FORD: I think, Jessica, what you're --
19 you're asking, I think you're asking whether it was a
20 procedural issue or did he sign based on his opinion.
21 So it seems like -- I -- I think I understand what you
22 were asking. So thank you for that clarification.

23 CHAIR FOLEY: Okay. I keep getting muted, but
24 Dave, I kept saying your name, and you didn't hear me.

25 Mr. -- Councilman Fierro, please don't go

1 yet.

2 Do you have a question for him, Dave?

3 MEMBER STAHOVICH: No. I actually wanted to
4 point out that Councilwoman Plascencia may wish to
5 cross-examine --

6 CHAIR FOLEY: Oh, we never asked that.

7 MEMBER STAHOVICH: -- the testimony of -- of
8 Ms. Allotta.

9 CHAIR FOLEY: Thank you. Yeah, we're just
10 getting to that. Thank you.

11 No, you're okay, councilman, we're done, I
12 think. Thank you.

13 Okay. Councilwoman Plascencia, do you want
14 to cross-examine -- cross-examine Mrs. Allotta?

15 COUNCILWOMAN PLASCENCIA: Yes.

16 CHAIR FOLEY: Okay.

17 MS. ALLOTTA: I did not testify. I gave
18 evidence.

19 CHAIR FOLEY: Oh, I don't know. This is --
20 you know, I -- I think I have to make a statement here.
21 This is not a formal judicial hearing. Things don't
22 always -- aren't always perfect, but --

23 COUNCILWOMAN PLASCENCIA: That's okay. We can
24 just go through the process. That's okay. I don't
25 have to ask her --

1 CHAIR FOLEY: Do you --

2 COUNCILWOMAN PLASCENCIA: -- anything. We can
3 just go --

4 CHAIR FOLEY: -- want to cross --

5 COUNCILWOMAN PLASCENCIA: Yeah, it's okay.

6 CHAIR FOLEY: Brandon wants to speak.

7 MR. MERCER: The complainant went through
8 many, many documents, explained the documents. That's
9 testimony. She's subject to cross-examination.

10 CHAIR FOLEY: Right.

11 MR. MERCER: So if Councilwoman Plascencia
12 wants to cross-examine her or on any of the documents
13 she admitted, any of the documents she talked about, I
14 mean, that's all fair game. You can't just say, I
15 didn't testify when you --

16 CHAIR FOLEY: No. She --

17 MR. MERCER: -- clear testified.

18 CHAIR FOLEY: She was responding to
19 Mrs. Allotta's statement that during cross-examination,
20 she felt that Councilwoman Plascencia testified and --
21 and Ms. -- and Councilwoman Plascencia was responding
22 to that, I believe. Am I right? Hold on.

23 COUNCILWOMAN PLASCENCIA: Me, I'm -- I'm --
24 I'm confused now.

25 MS. ALLOTTA: Me, too.

1 COUNCILWOMAN PLASCENCIA: Sorry.

2 CHAIR FOLEY: So here's the question, do you
3 want to cross-examine --

4 And, Dave, I know you have a question.

5 Do you want to cross-examine the complainant,
6 Mrs. Allotta?

7 COUNCILWOMAN PLASCENCIA: If it's based on
8 what Brandon mentioned, the things that she submitted,
9 the things that she has testified to, yes, I had some
10 questions.

11 CHAIR FOLEY: That's the only thing you can
12 question her on is that, her direct testimony.

13 COUNCILWOMAN PLASCENCIA: Right. I will try
14 to -- to keep my questions to that.

15 CHAIR FOLEY: Okay.

16 COUNCILWOMAN PLASCENCIA: Bear with me.

17 CHAIR FOLEY: Okay. One moment.

18 Dave, are you okay? I --

19 MEMBER STAHOVICH: Actually, the -- I was just
20 going to reenforce that point. All the -- all the
21 evidence that's been brought in by the complainant is
22 evidence and testimony, whether it's verbal, video, or
23 written; and, yes, councilwoman, you can -- you can
24 talk about any of that.

25 COUNCILWOMAN PLASCENCIA: Thank you for

1 clarifying. I -- I know this is a very confusing
2 process. I'm trying to stick to the rules. So I
3 appreciate -- I appreciate that.

4 CHAIR FOLEY: You can ask her --

5 COUNCILWOMAN PLASCENCIA: So --

6 CHAIR FOLEY: -- questions if you have
7 questions. Don't hesitate.

8 COUNCILWOMAN PLASCENCIA: Okay. So -- so I
9 can only ask questions right now, right, about what she
10 has submitted?

11 CHAIR FOLEY: Right. Either that she, as Dave
12 said, you know, that she testified to, that she has
13 documents to, that she had, you know, supplied
14 witnesses, that type of thing. So that is your -- but
15 you can't ask her about anything new, only things that
16 were part of her -- her presentation.

17 Brandon, do you want to add anything that
18 would be helpful? Yeah.

19 MR. MERCER: Yeah. I -- I -- basically
20 whenever she testified, when she introduced a document,
21 you -- you can question her about that. I'll give you
22 an example of what you shouldn't question her about,
23 anything Sean testified to.

24 CHAIR FOLEY: Right.

25 MR. MERCER: Anything Sean testified, those

1 were his own words. You can't cross-examine her as to
2 anything Sean testified or -- or Councilman Fierro
3 testified, but anything that she verbally said is fair
4 game for you to ask about.

5 COUNCILWOMAN PLASCENCIA: Perfect.

6 MR. MERCER: Is that --

7 COUNCILWOMAN PLASCENCIA: Okay.

8 MR. MERCER: -- good?

9 COUNCILWOMAN PLASCENCIA: Yeah, I was not
10 going to ask about the other individuals. Okay.

11 MR. MERCER: Okay.

12 COUNCILWOMAN PLASCENCIA: So my question to
13 Mrs. Allotta is, you stated some information about
14 referencing ABP and possibly me as a councilwoman not
15 supporting or -- or supporting funding for the
16 Arlington Business Partnership; do you have any proof
17 that I voted to take away funding from the ABP
18 organization?

19 MS. ALLOTTA: No.

20 COUNCILWOMAN PLASCENCIA: Thank you.

21 MS. ALLOTTA: I --

22 COUNCILWOMAN PLASCENCIA: Thank you.

23 MS. ALLOTTA: No.

24 COUNCILWOMAN PLASCENCIA: Do you -- you also
25 mentioned about their meetings. So you mentioned that

1 I don't attend their meetings. That is true. I don't
2 have any standing meetings with city staff, with any
3 nonprofit. Does that mean I continue to support all
4 constituents, including all the BIDs and all the
5 businesses? Yes. So do you have -- sorry, I didn't
6 mean to testify. Sorry.

7 CHAIR FOLEY: Yeah.

8 COUNCILWOMAN PLASCENCIA: Let me focus. Do
9 you have proof that I have not responded to any emails
10 or asked staff to followup with anyone from ABP,
11 whether it's their executive director or any BID
12 business member?

13 MS. ALLOTTA: I know nothing about your
14 emails. I just know that you have not participated in
15 any meetings.

16 COUNCILWOMAN PLASCENCIA: Thank you. So you
17 don't have any proof that I have not helped anyone tied
18 to the Arlington Business Partnership?

19 MS. ALLOTTA: Only that you do not participate
20 in their meetings, nor has anyone on your staff.

21 COUNCILWOMAN PLASCENCIA: Okay. So no proof
22 that I don't -- that I have not supported the
23 businesses or the constituents that are tied to ABP.
24 Thank you for answering those questions.

25 MS. ALLOTTA: Okay.

1 COUNCILWOMAN PLASCENCIA: I think that
2 concludes the questions --

3 MS. ALLOTTA: Well, maybe you could --

4 COUNCILWOMAN PLASCENCIA: -- I have for --

5 MS. ALLOTTA: -- tell me how you --

6 COUNCILWOMAN PLASCENCIA: -- Mrs. Allotta.

7 MS. ALLOTTA: -- helped, councilmember.

8 CHAIR FOLEY: It's not time for you --

9 COUNCILWOMAN PLASCENCIA: That's not part of
10 this, but I'll leave it to the chair. Sorry.

11 CHAIR FOLEY: Okay.

12 COUNCILWOMAN PLASCENCIA: Those are my
13 questions, chair. Thank you so much.

14 CHAIR FOLEY: Okay. Thank you.

15 It's not time for you to ask her any
16 question.

17 MS. ALLOTTA: Okay. Thank you.

18 CHAIR FOLEY: All right. So you -- so is that
19 -- so your case in chief, I think, is completed now and
20 the cross, unless any of the panel members have
21 questions they would like to ask at this point. Okay.
22 So now then we're concluded.

23 MEMBER FORD: I have. It was my
24 (indiscernible).

25 CHAIR FOLEY: (Indiscernible) for me to say

1 we're concluded and ask a question. I'm joking, I'm
2 joking. Go ahead.

3 MEMBER FORD: No, no. So what I'm trying to
4 -- to understand, historically, has the councilmember
5 been very active with ADP? Because she -- I mean,
6 she's kind of stating, well, she's not active; but
7 historically, has -- past councilmembers been very
8 active in that organization? I -- I think that's what
9 I would like to know, in her opinion.

10 CHAIR FOLEY: So who are you asking?

11 MEMBER FORD: I'm asking Roberta.

12 CHAIR FOLEY: Okay.

13 MEMBER FORD: Historically.

14 CHAIR FOLEY: Okay.

15 MS. ALLOTTA: Yes. So the previous --

16 MEMBER FORD: Okay.

17 MS. ALLOTTA: -- Ward 5 councilmember was very
18 active. Does that answer your question?

19 MEMBER FORD: Yes, it answers my question, but
20 I'm assuming that past councilmember was active based
21 on maybe that was a priority, and she has the right
22 maybe not to be as hands on. That's what I'm trying to
23 figure out. But that's fine. That answer is
24 sufficient. Thank you very much.

25 CHAIR FOLEY: Okay.

1 MEMBER FORD: So, Freya, I'm done. I'm done.

2 CHAIR FOLEY: Are you sure?

3 MEMBER FORD: I know. I'm done this time.

4 Thank you.

5 CHAIR FOLEY: Okay. Does anyone else have
6 questions? Feel free. And okay. So now we're done
7 with this. So we're really done now with the case in
8 chief. Okay. So okay.

9 MS. ALLOTTA: Thank you.

10 CHAIR FOLEY: You --

11 MEMBER STAHOVICH: Okay. I've had a request
12 to speak up.

13 CHAIR FOLEY: Just a second. Okay. Go ahead.

14 MEMBER STAHOVICH: Before we start, move on to
15 the opening comments from Councilwoman Plascencia and
16 her case in chief, I suggest we take about a ten-minute
17 break.

18 CHAIR FOLEY: You go. Yes, what a good idea.
19 Thank you, Dave.

20 Ten-minute break. So it's now 7:31. We
21 should be back at 7:41.

22 MEMBER FORD: Dave is brilliant.

23 (Break)

24 CHAIR FOLEY: Okay. We're back. I'm calling
25 the meeting back to order. And so, Councilwoman

1 Plascencia, do you want --

2 COUNCILWOMAN PLASCENCIA: Yes.

3 CHAIR FOLEY: -- to make an opening -- an
4 opening statement at this time?

5 COUNCILWOMAN PLASCENCIA: Can I just do it all
6 combined?

7 CHAIR FOLEY: Not really, because we have to
8 put some time limits on things. So you have 15 minutes
9 for both your opening and your closing.

10 COUNCILWOMAN PLASCENCIA: Okay, that's fine.
11 Okay.

12 CHAIR FOLEY: Oh, you know, I just thought --
13 do we have --

14 Ms. -- Ms. -- Mrs. Allotta, did you make your
15 closing statement?

16 MS. ALLOTTA: No, I did not.

17 CHAIR FOLEY: Okay. We'll make them -- was
18 she -- no, I think we make that after both of them,
19 right? Yeah. Okay, okay.

20 And how many minutes do you have left for
21 that closing statement, Eva?

22 MS. ARSEO: Nine.

23 CHAIR FOLEY: Nine, okay, all right.

24 All right. Councilwoman Plascencia.

25 COUNCILWOMAN PLASCENCIA: Thank you.

1 CHAIR FOLEY: Did I lose you again?

2 COUNCILWOMAN PLASCENCIA: No, I'm here. I'm
3 trying to turn my camera on.

4 CHAIR FOLEY: Okay.

5 COUNCILWOMAN PLASCENCIA: What's wrong with
6 these technical issues today?

7 CHAIR FOLEY: Today, they're -- we have these
8 technical issues. Okay. So okay. You have to make
9 your -- because, you know, there's only 15 minutes for
10 opening and closing statement combined. And then you
11 have 45 minutes for your -- your case -- case in chief.
12 So you have to determine, you know, what's your opening
13 statement, what's your primary case in chief, and then
14 what's your closing statement.

15 COUNCILWOMAN PLASCENCIA: Okay. After I make
16 -- I have a question, if that's okay.

17 CHAIR FOLEY: Sure.

18 COUNCILWOMAN PLASCENCIA: After my opening
19 statement, then what happens?

20 CHAIR FOLEY: Then you -- well, you don't have
21 any witnesses to call, right?

22 COUNCILWOMAN PLASCENCIA: No.

23 CHAIR FOLEY: And you don't have any evidence
24 to present?

25 COUNCILWOMAN PLASCENCIA: No.

1 MEMBER FORD: Uh-huh.

2 CHAIR FOLEY: So, Brandon, help us.

3 MR. MERCER: After the opening statement, and
4 it's really important that we know when it's the end of
5 your opening statement, because Eva is going to be
6 timing it, after the opening statement, it's the
7 presentation of your case, which I imagine will
8 basically be your testimony. You -- you can testify as
9 to everything -- all the facts, how you see them. You
10 have personal knowledge of what's going on obviously.
11 You can -- you can testify on your own behalf, and
12 that's okay. I mean, you just don't have any exhibits
13 or any other witnesses, but, you, yourself, will in
14 essence be testifying.

15 COUNCILWOMAN PLASCENCIA: Thank you.

16 MR. MERCER: Okay.

17 CHAIR FOLEY: Okay. Does that make sense,
18 councilwoman?

19 COUNCILWOMAN PLASCENCIA: Yes, yes.

20 CHAIR FOLEY: Okay.

21 COUNCILWOMAN PLASCENCIA: That makes sense.
22 Thank you for clarifying, both of you.

23 So this is my opening statement, it will be
24 brief, and then I'll let you know when I'm done.

25 CHAIR FOLEY: Okay. Eva, start timing.

1 Go ahead.

2 COUNCILWOMAN PLASCENCIA: Okay. I just wanted
3 to thank the commissioners and the panelists for being
4 here and all those that have called in or submitted
5 comments. I know that we do read them and -- and take
6 them into consideration. I also would like to
7 apologize for not submitting evidence or witnesses.
8 That was a clerical error by my office. And I just
9 wanted to apologize. I -- so, you know, I -- that's
10 why when I'm done with this statement, I will give my
11 -- my testimony, but I just wanted to let you know, I'm
12 human, I make mistakes.

13 I -- you know, I -- I have, you know, a
14 full-time job and -- and a family, and so sometimes
15 things get away from us. So I just wanted to apologize
16 and let you know that it was not intentional. It was a
17 clerical error on behalf of my office. And I just
18 wanted to apologize and let you know that it wasn't my
19 intention to not submit anything.

20 So thank you. I'm done with my closing -- my
21 opening statement.

22 CHAIR FOLEY: Okay. So how many -- how much
23 time does she have left for her closing, Eva?

24 MS. ARSEO: Thirteen minutes.

25 CHAIR FOLEY: Okay, all right. So now you can

1 testify on your own behalf, and you have 45 minutes to
2 do that.

3 COUNCILWOMAN PLASCENCIA: Wow. I don't know
4 if I can speak for 45 minutes, but --

5 CHAIR FOLEY: We'll find out.

6 COUNCILWOMAN PLASCENCIA: And I know some of
7 you are like, please don't. Okay. I -- I won't,
8 because I know you'll probably have a lot of questions,
9 so I'll just keep it pretty brief. Again, thank you
10 for the opportunity to -- to hear my -- my -- case and
11 my perspective on things. Lots of things were
12 presented by the applicant. And you know, I -- I -- as
13 I mentioned earlier, you know, I missed the deadline.
14 And when you get elected, there's a lot of information.
15 We had an onboarding process, which, you know, we get
16 hundreds and hundreds of documents, and it's very
17 challenging to read through all of it and know all
18 these deadlines.

19 And so when -- when you're new and you're
20 trying to figure out how to do things, you know, you
21 ask staff, it's the process. And so when it comes to
22 putting things on the agenda, especially this
23 particular agenda item, you know, I -- we missed the
24 deadline or I missed the deadline. I -- I guess I say
25 we, my assistant and I, right? We -- we missed the

1 deadline. And so, you know, we -- we go to staff.

2 We ask, how do we get this put on, and they
3 tell us, and so, you know, we meet the -- the letter of
4 what the charter says in the Sunshine Ordinance. And
5 so, you know, I -- we -- you know, I felt we did that
6 getting the second signature, you know, at the time.
7 And I know we've changed the Sunshine Ordinance since.
8 So I think that now we have to have a third signee in
9 order to meet the letter of Sunshine.

10 We've discussed this in council. We have
11 also discussed -- it's -- it's supposed to come to the
12 -- one of our committees to discuss urgency. I know
13 that phrase was used earlier a lot. And so, you know,
14 hindsight is 20/20. I have learned a lot. It's almost
15 a year now. I -- I keep saying, because of COVID, I
16 keep thinking, oh, it's been seven months or
17 eight months, but it's -- it's almost going to be a
18 year now. And so hindsight is 20/20.

19 Do I wish I would have done things
20 differently? Absolutely. Have I done things
21 differently since? Absolutely. When we discussed the
22 Sunshine Ordinance at council, it was a unanimous vote,
23 I supported to add a third signee. Obviously, I will
24 support the discussion of urgency, because it is -- it
25 is -- there was some discrepancies in what that meant

1 to people. And so do I wish I -- I did things
2 differently? Yes, of course.

3 I feel that since then I've gone through the
4 process. When there's something that needs to be
5 agendized or that I'm going to author, though some
6 things are still kind of confusing, even though it's
7 almost a year, in terms of the reports and who writes
8 them and what information we give to the clerk's
9 office, nonetheless, you know, I'm following a better
10 more transparent process. I realize the -- I realize
11 the -- the issues that arose from us going and using
12 the second signature to put something on an agenda
13 without giving it more time.

14 So all that to say is that I think we're
15 moving in the right direction. As I mentioned, we
16 will, myself especially obviously, now looking towards
17 any future agenda items, you know, sometimes we -- we
18 take it to committee for further discussion, depending
19 on what it is. And, you know, I think that this is a
20 lesson learned, right? You know, you -- you're new,
21 you make some mistakes, and you learn from them. And
22 so I am proud of the things that I've learned.

23 You know, obviously there's some bumps in the
24 road with anything. How do you learn if you don't make
25 mistakes, right? And so at this point I feel that the

1 -- the future agenda items that I've authored moving
2 from this agenda item forward, you know, I've tried to
3 make sure that it either goes to committee for further
4 discussion or that it's properly agendized, giving it
5 that time, making sure I'm meeting those deadlines, and
6 talk -- working with staff a little bit closer to make
7 sure I understand which deadline.

8 Especially because now we're meeting weekly
9 for city council, so it's hard. And then it's -- it's
10 kind of confusing, because if there's a holiday the
11 Monday before a Tuesday, we don't have a meeting. And
12 when -- when I was elected, it was biweekly. So it's
13 very hard -- to -- to keep track of all these dates.

14 And so all that to say is that it's, you
15 know, it's a -- it's a process to -- to figure this
16 out. And, you know, am I going to continue to make
17 mistakes? Yes. Have I made the same mistakes? No.
18 I'm, you know, trying to use that to learn and do
19 better and be more transparent.

20 So I just wanted to explain, you know, what
21 happened then and how I see things now. I will give
22 the committee an opportunity to ask me questions, but I
23 just wanted to -- to clarify those things. So that's
24 the end of my testimony. Thank you.

25 CHAIR FOLEY: Okay. Thank you, Councilwoman

1 Plascencia.

2 Okay. Now, Mrs. Allotta --

3 MS. ALLOTTA: Yes.

4 CHAIR FOLEY: -- you can cross.

5 MS. ALLOTTA: I have a --

6 CHAIR FOLEY: Yeah, but you can only --

7 MS. ALLOTTA: Okay.

8 CHAIR FOLEY: -- cross-examine her on things
9 that she testified to. You cannot bring up new topics.

10 MS. ALLOTTA: Okay, all right.

11 Thank you, councilwoman, for admitting your
12 mistakes. Were you given Sunshine notice and ethics
13 training and when?

14 COUNCILWOMAN PLASCENCIA: I don't recall when
15 it was, but as I stated, the city attorney gave us a
16 training, I don't remember if it was an eight-hour day
17 with hundreds of documents. It was a long training. I
18 don't remember when it was, and I don't remember -- I
19 -- I -- I believe the Sunshine Ordinance and the City
20 Charter and all those things were inclusive, but I
21 don't remember the details of the training or the date.

22 MS. ALLOTTA: Thank you. Yes or no, did you
23 send those texts?

24 COUNCILWOMAN PLASCENCIA: The -- the texts,
25 which ones, the ones that are in your packet?

1 MS. ALLOTTA: Yes.

2 COUNCILWOMAN PLASCENCIA: I didn't speak to
3 that in my testimony.

4 CHAIR FOLEY: Yeah, she's correct.

5 MEMBER STAHOVICH: No. Actually, Freya,
6 actually there was testimony during a cross-examination
7 about whether they were personal phones, private
8 phones, personal texts, private --

9 CHAIR FOLEY: That's true.

10 MEMBER STAHOVICH: -- texts. So that was
11 discussion, that was testimony.

12 CHAIR FOLEY: Okay. But it wasn't about the
13 texts, themselves. It was whose phone it was.

14 MEMBER STAHOVICH: No. It was --

15 MEMBER FORD: I know.

16 MEMBER STAHOVICH: -- both.

17 CHAIR FOLEY: Oh, okay, okay.

18 All right. Mrs. Allotta, go ahead.

19 MS. ALLOTTA: Yes or no, did you send those
20 texts?

21 COUNCILWOMAN PLASCENCIA: Can I ask a question
22 to the chair?

23 CHAIR FOLEY: Yeah.

24 COUNCILWOMAN PLASCENCIA: I don't recall
25 talking about the text messages. I recall asking about

1 if it's a personal cell or a work cell. And I said, if
2 -- I never said those were my text messages or getting
3 into a conversation about that, so I just wanted
4 clarification.

5 CHAIR FOLEY: Well, that's what I recall, but
6 Dave recalled something different.

7 What does other -- what do other -- other
8 people recall? We don't -- do we have the ability to
9 read it back? Probably not.

10 I -- I recalled you just talking about the
11 phones, not the messages, but texts --

12 MEMBER KEEN: What I -- oh, sorry. I didn't
13 raise my hand.

14 CHAIR FOLEY: That's okay.

15 MEMBER KEEN: What I wrote down -- this is
16 Taylor. What I wrote down is that during Rob's cross,
17 she, Gaby, Ms. Plascencia discussed whether or not she
18 believed it was a personal cell phone that the
19 correspondence happened on. She didn't specifically
20 state that she sent any text messages or that he did,
21 but she said she believed her correspondence with
22 Andrew was on personal cell phones, not business cell
23 phones.

24 CHAIR FOLEY: Okay.

25 MEMBER KEEN: So the exact words, my text

1 messages, weren't used. She just discussed the cell
2 phones and correspondence.

3 CHAIR FOLEY: That's what I thought.

4 MEMBER STAHOVICH: And correspondence -- and
5 correspondence, in this case, were texts.

6 CHAIR FOLEY: I don't know.

7 MS. ALLOTTA: So did you -- did you send that
8 -- those --

9 CHAIR FOLEY: Well, we -- wait, wait, wait.

10 MS. ALLOTTA: -- correspondence?

11 CHAIR FOLEY: Mrs. Allotta, we're not done
12 yet.

13 Jessica.

14 MEMBER NEWMAN: Oh, I -- sorry, I -- I didn't
15 ask to speak. I had -- I had originally thought she
16 didn't discuss whether they were -- texts were hers or
17 anything specific about the texts, themselves, just
18 that she was asking about the -- the phones being used.

19 MEMBER KEEN: What I wrote in quotes on my
20 notes while she -- they were talking was, I believe it
21 was a personal cell, is what I wrote down as being
22 quoted, but that's all I wrote. I didn't write down
23 everything else.

24 MEMBER FORD: Hey, Taylor, I have the same
25 thing.

1 MEMBER KEEN: Okay.

2 CHAIR FOLEY: Okay. So I think that -- I
3 didn't hear her really discuss -- although text
4 messages -- excuse me, my tongue is going -- text
5 messages specifically.

6 COUNCILWOMAN PLASCENCIA: Can you say that
7 again, Freya, madam -- Madam Chair?

8 CHAIR FOLEY: Whoever I am. I said, I didn't
9 hear you say, text messages specifically, but I --
10 that's why I was asking other people is because what if
11 I missed it. Dave thinks that --

12 What -- Dave, what did you think? No one
13 else heard what I don't think you heard. So say what
14 you --

15 MEMBER STAHOVICH: Now --

16 CHAIR FOLEY: -- heard.

17 MEMBER STAHOVICH: -- what I heard was the
18 discussion about the correspondence on the personal
19 cell phones. The correspondence in question were
20 texts. So the fact that a word was substituted, we
21 weren't talking about a phone, we were talking about
22 what was on the phone.

23 MEMBER KEEN: I wrote down what the quote, but
24 it wasn't -- the correspondence was implied in the
25 conversation, the specific quote was in regards to a

1 personal cell phone.

2 MEMBER STAHOVICH: Yeah. So --

3 MEMBER KEEN: So I mean --

4 MEMBER NEWMAN: I -- I --

5 MEMBER KEEN: -- both sides of that page.

6 MEMBER NEWMAN: Yeah, so I -- I remember the
7 -- the same as Freya. I -- but --

8 MEMBER STAHOVICH: Well, I -- I don't want to
9 get lost on this issue. I mean --

10 CHAIR FOLEY: I mean, but --

11 MEMBER STAHOVICH: -- if she doesn't want
12 to --

13 CHAIR FOLEY: So --

14 MEMBER STAHOVICH: -- answer the question and
15 won't answer, that's fine.

16 CHAIR FOLEY: -- but we have to take a
17 decision. You -- you know --

18 MEMBER FORD: I figure if she doesn't --

19 CHAIR FOLEY: Mr. --

20 MEMBER FORD: -- want to answer, that's fine,
21 but I kind of felt like the correspondence was an
22 umbrella for the texts, et cetera, but yeah, you're
23 right, she --

24 CHAIR FOLEY: Okay.

25 MEMBER FORD: -- has a --

1 CHAIR FOLEY: Okay.

2 MEMBER STAHOVICH: And I agree.

3 CHAIR FOLEY: Okay. Well, then that's okay.

4 So -- so I think then, did you -- you -- do you recall
5 using the term correspondence? Because everybody --

6 COUNCILWOMAN PLASCENCIA: I do not.

7 CHAIR FOLEY: -- everybody thinks you used the
8 term correspondence, and I think that that then does
9 have text messages subsumed under it.

10 COUNCILWOMAN PLASCENCIA: I do not.

11 CHAIR FOLEY: Oh, okay. Well, we're going to
12 let her ask the question because we think that it was
13 there.

14 Okay. Mrs. Allotta --

15 MS. ALLOTTA: All right. So --

16 CHAIR FOLEY: -- but --

17 MS. ALLOTTA: Okay. Yes or no, did you send
18 those texts or correspondence between you and Andrew?

19 COUNCILWOMAN PLASCENCIA: I -- no, I don't
20 know. There's no number there. I don't know. It
21 could be anybody's name there.

22 MS. ALLOTTA: Okay. Have you heard of the
23 California Public Records Act?

24 CHAIR FOLEY: Okay. Objection. You can't ask
25 her that. She didn't testify about that.

1 MS. ALLOTTA: Okay. Would you agree that Sean
2 Mill's position on the planning commission is a public
3 affair?

4 CHAIR FOLEY: She didn't testify -- testify
5 about Sean Mills either.

6 MS. ALLOTTA: Okay.

7 CHAIR FOLEY: I know, it's hard.

8 MS. ALLOTTA: Okay, okay. Are you -- are you
9 aware that the California Supreme Court unanimously
10 held that the public has a right to see text messages
11 pertaining to public affairs that are --

12 CHAIR FOLEY: She didn't --

13 MS. ALLOTTA: -- sent out?

14 CHAIR FOLEY: Excuse me, Mrs. Allotta. She
15 didn't testify about that either. You can only
16 question about her about things -- specific things that
17 she testified about.

18 MEMBER STAHOVICH: She was talking about text
19 messages, and that falls under that umbrella.

20 CHAIR FOLEY: But not under the Supreme Court
21 decision. No.

22 MEMBER STAHOVICH: The question is about text
23 messages.

24 CHAIR FOLEY: Okay. Go ahead, Mrs. Allotta.

25 MS. ALLOTTA: Okay. Let me -- are -- are you

1 aware that the California Supreme Court unanimously
2 held that the public has the right to see text messages
3 pertaining to public affairs that are sent from or
4 received on a public official's personal cell phone?

5 COUNCILWOMAN PLASCENCIA: Madam Chair, are
6 you --

7 MS. ALLOTTA: That's why --

8 COUNCILWOMAN PLASCENCIA: -- going -- I
9 thought Madam Chair said you couldn't. I didn't
10 testify to that, so I don't understand that question.

11 CHAIR FOLEY: Well, the question --

12 COUNCILWOMAN PLASCENCIA: I --

13 CHAIR FOLEY: But other people have said that
14 you -- you talked to the point of text messages, so you
15 can just answer.

16 COUNCILWOMAN PLASCENCIA: I don't know what
17 you're --

18 MEMBER FORD: And to be --

19 COUNCILWOMAN PLASCENCIA: I don't --

20 MEMBER FORD: And to be quite honest with
21 you, for me, her response to that, it -- it's like a
22 moot point.

23 CHAIR FOLEY: Yeah.

24 MEMBER FORD: Whether she knows, well, you
25 know, it really isn't important.

1 CHAIR FOLEY: Well, okay. You're not
2 testifying now. She's testifying. Remember?
3 Cross-examination. You can talk about that later.

4 MEMBER FORD: Okay. Got ya, Freya. Let me --

5 MEMBER STAHOVICH: That would be --

6 MEMBER FORD: -- shut my mouth. And I'll
7 just --

8 MEMBER STAHOVICH: -- good advice for all of
9 us.

10 MS. ALLOTTA: Okay. I --

11 MEMBER FORD: Right.

12 MS. ALLOTTA: I will go onto the next
13 question. Would you --

14 CHAIR FOLEY: Okay.

15 MS. ALLOTTA: Would you agree Sean Mill's
16 position on the planning commission is a public affair?

17 COUNCILWOMAN PLASCENCIA: I didn't testify to
18 that.

19 CHAIR FOLEY: No, she didn't.

20 MS. ALLOTTA: Oh, that's right. I -- I'm
21 sorry. And you already told me not to ask that
22 question. I'm -- I apologize.

23 CHAIR FOLEY: It's quite all right. It's
24 quite all right. You know what, everybody is new at
25 this. And, you know, when people are new, they make

1 mistakes. It's all -- we understand all that.

2 MS. ALLOTTA: Okay, all right. My next
3 question for Councilwoman Plascencia is, how have you
4 helped the Arlington Business Partnership.

5 COUNCILWOMAN PLASCENCIA: Was that a part of
6 my testimony?

7 CHAIR FOLEY: You -- you did --

8 MEMBER STAHOVICH: Yes.

9 CHAIR FOLEY: You did mention the Arlington --

10 COUNCILWOMAN PLASCENCIA: Okay.

11 CHAIR FOLEY: -- Business Partnership.

12 COUNCILWOMAN PLASCENCIA: Just checking that
13 we're following the process. Thank you, Madam Chair,
14 for clarifying.

15 So let me start from -- and I -- I don't know
16 why I always go back to COVID, because I felt like
17 there wasn't a whole lot of time between when COVID
18 hit, but when -- when COVID hit specifically, we had
19 several businesses who were being reported on who were
20 BID businesses, the -- the BID, right, from the area;
21 and they were being reported for -- for being open, and
22 they weren't considered essential businesses. We were
23 being told that they were going to start receiving
24 fines if they didn't close.

25 So my assistant and I went and walked the BID

1 to let businesses know that they were being reported on
2 by constituents. At that point some of the emails were
3 coming to my office. And then I think, like, a few
4 weeks later, they were going to start being reported
5 directly to 311. The businesses were already --
6 already severely burdened, as you all know, and we
7 didn't want them to receive a fine; so we went out to
8 make sure that the businesses were being protected and
9 that, you know, that the businesses knew that there
10 were people reporting on them, because I didn't want
11 them to be added to, like, that watch list.

12 So I would say it started way back then, and
13 it -- there was probably other things, but our emails
14 are -- you know, I get emails all the time from
15 businesses in the BID and that are not in the BID, but
16 a lot of businesses are in the BID; and so my job is to
17 answer and make sure that I'm advocating for them.

18 You know, the last one that reached out was
19 trying to get ahold of the executive director, he had
20 sent several emails; so I stepped in just to make sure
21 that they contacted him. I also contacted our city
22 staff. And all of this is in emails. You can see how
23 often I respond. You can see how quickly I respond to
24 all of them.

25 Anybody associated -- I mean, you'll see all

1 my constituents and how quickly I respond to them, but
2 in particular to ABP, you'll see, you know, how I
3 respond to them. I do newsletters that go out,
4 especially during COVID, we try to send them out pretty
5 frequently because things were changing so quickly.
6 And so I know ABP, it signs up for them, and they send
7 them to their businesses. When things go on in the
8 area, I send information. So all of that is -- is --
9 can be seen via email.

10 I've always been very responsive to the
11 Arlington Business Partnership BID members and anyone
12 who has reached out to me and asked me for questions.
13 You know, we had a burned building that happened in the
14 area, and we had sent out information. So for me, the
15 support comes from calling them back when they ask me
16 questions, sending out the newsletters with relevant
17 information for the -- for the area. And a lot of it
18 has to do with the businesses, right, in that area.

19 And I've done that very effectively, I
20 believe. I haven't had anyone ever complain that I
21 don't respond to them or that I don't answer their
22 emails, especially anybody related to the BID at all.
23 Sorry, I know that --

24 MS. ALLOTTA: Thank you.

25 COUNCILWOMAN PLASCENCIA: -- was a long

1 response.

2 MS. ALLOTTA: Thank you. My last question,
3 are you aware that you are an ex officio board member
4 of the ABP?

5 COUNCILWOMAN PLASCENCIA: I am now. And you
6 know when I realized that, I think a few months ago,
7 the -- the BIDs came to city council for renewal, I
8 think, I can't remember the exact agenda item; and the
9 report showed my name on there as an ex officio. And I
10 didn't realize that we were ex officios. I mean, I've
11 sat on nonprofit boards, so I know how that works, but
12 no, I didn't realize that. And I know they're a
13 nonprofit. But I honest -- I didn't realize that until
14 I saw my name on their -- I think it was like a budget
15 report or something like that, uh-huh.

16 MS. ALLOTTA: Okay. You weren't aware when
17 you attended a meeting in December that you were an ex
18 officio board member?

19 COUNCILWOMAN PLASCENCIA: No. I thought it's
20 like -- it's like other nonprofits where councilmembers
21 attend meetings. And I know it's more relevant for
22 Councilmember Perry and I because we -- the BIDs go
23 between our wards. And I know other nonprofits invite
24 councilmembers to their meetings. I was a former
25 president of one, and I don't attend those meetings,

1 you know, if -- if -- it -- it's just, I -- I didn't
2 realize that.

3 MS. ALLOTTA: Thank you.

4 COUNCILWOMAN PLASCENCIA: You're welcome.

5 MS. ALLOTTA: I'm finished. Thank you.

6 CHAIR FOLEY: Okay. Thank you, Councilwoman
7 Plascencia.

8 COUNCILWOMAN PLASCENCIA: Thank you.

9 CHAIR FOLEY: Okay. So next we have closing
10 statements. And -- and after the closing statements,
11 we agreed earlier that we were going to then open up to
12 -- for public comment. I believe it was after that.

13 So, Brandon, Brandon.

14 MR. MERCER: Yeah.

15 CHAIR FOLEY: So we were going to open up the
16 public comment after the closing statement and before
17 discussions or after --

18 MR. MERCER: Yes.

19 CHAIR FOLEY: -- discussions?

20 MR. MERCER: After closing, before --

21 CHAIR FOLEY: Okay.

22 MR. MERCER: -- discussions.

23 CHAIR FOLEY: Okay.

24 MR. MERCER: And -- and --

25 CHAIR FOLEY: Okay.

1 MR. MERCER: -- I'm -- I'm losing a little
2 track of time. Did the -- did the panel have
3 cross-examination, any questions for --

4 CHAIR FOLEY: I -- I just have -- I haven't
5 asked that question yet.

6 So does -- does the panel have any questions
7 for Councilwoman Plascencia?

8 MEMBER STAHOVICH: Yes.

9 CHAIR FOLEY: Go ahead, Dave.

10 MEMBER STAHOVICH: Councilwoman Plascencia --

11 COUNCILWOMAN PLASCENCIA: Yes.

12 MEMBER STAHOVICH: -- how many committees or
13 commissions, you know, like -- like the Arlington
14 Business Partnership, do you participate in?

15 COUNCILWOMAN PLASCENCIA: Participate, like
16 attend their meetings?

17 MEMBER STAHOVICH: Or your staff.

18 COUNCILWOMAN PLASCENCIA: None.

19 MEMBER STAHOVICH: Okay. I -- well, actually
20 where I was going with that, I -- I assumed you have a
21 lot of them to go to and you can't be at all of them is
22 -- is what I'm getting --

23 COUNCILWOMAN PLASCENCIA: Oh, thank you.

24 MEMBER STAHOVICH: But -- that -- that answers
25 my question though. So thank you.

1 COUNCILWOMAN PLASCENCIA: Yeah.

2 CHAIR FOLEY: Okay. Does anyone else have a
3 question?

4 MEMBER KEEN: Yes, I do. This is Taylor.

5 Ms. Plascencia, in your testimony just now,
6 you talked a lot about the support you gave ABP during
7 COVID. I guess my question is, that was all post
8 mid-March, and these text messages and the situation
9 that we're here for is back in January. So were you
10 providing support to Arlington Business Partnership
11 prior to March? Because based on the text messages,
12 it's hard to say, and you specifically discuss not
13 being support, like physically out there supporting the
14 ABP until after March 14th, essentially is when COVID
15 became serious and things started closing down was
16 mid-March-ish.

17 COUNCILWOMAN PLASCENCIA: Yeah, that was one
18 example. Yes, I had been out introducing myself and my
19 assistant to -- to the businesses, especially --
20 because -- especially on the Magnolia corridor, it's
21 such an important part for Riverside, especially Ward
22 5. So yes. And emails, I mean, I don't have the dates
23 in front of me, but I started my newsletters, I would
24 say -- oh, I don't even remember my first newsletter.
25 But I'm saying the communication, emails, anyone

1 contacting me, I mean, it started immediately. As soon
2 as we --

3 MEMBER KEEN: Okay.

4 COUNCILWOMAN PLASCENCIA: -- were able to
5 communicate. And the city gives us a list of emails
6 from the businesses and other contacts that we have and
7 that my predecessor had, and that's how we contact them
8 to give them our contact information and let us know --
9 let them know how to get ahold of us. So that started
10 immediately. I was just giving you one example --

11 MEMBER KEEN: Okay.

12 COUNCILWOMAN PLASCENCIA: -- of -- because I
13 don't remember the other dates going and talking to the
14 businesses --

15 MEMBER KEEN: Yeah.

16 COUNCILWOMAN PLASCENCIA: -- and just
17 introducing ourselves, passing around our cards and
18 that kind of thing.

19 MEMBER KEEN: And then my only -- thank you,
20 thank you for your answer. I appreciate that.

21 COUNCILWOMAN PLASCENCIA: Thank you.

22 MEMBER KEEN: I know you probably are doing a
23 lot, and your ward does not solely consist of the
24 Arlington Business District, so I know you've got a lot
25 of places to be at once. And I know you did not

1 specifically say that you sent these text messages, but
2 in one of them Andrew talks about asking if Sean is
3 going to be a barrier to serving on our board at any
4 time, which implies that he's discussing your ex
5 officio role on the board. And I say imply, it doesn't
6 specifically say that, but he's talking about, in one
7 of these text messages to you, about serving on the
8 board.

9 Is -- so you didn't know at that time that
10 you would be serving on the board in the ex officio
11 role? Because he has that in this text message.

12 COUNCILWOMAN PLASCENCIA: My role as a
13 councilwoman, no one has ever told me that I am
14 obligated to sit on any boards or commissions at -- in
15 any capacity, you know, so no. I -- I -- that was --

16 MEMBER KEEN: Thank you.

17 COUNCILWOMAN PLASCENCIA: -- not a part --

18 MEMBER KEEN: Thank you.

19 COUNCILWOMAN PLASCENCIA: -- of our -- of our
20 training.

21 MEMBER KEEN: I appreciate your answer. Thank
22 you.

23 COUNCILWOMAN PLASCENCIA: Thank you.

24 CHAIR FOLEY: Well, I -- I have a question
25 related to what you just said. So, in fact, you were

1 not required to serve as an ex officio on any 5013(c),
2 it's a choice that you make that you would like to do
3 it?

4 COUNCILWOMAN PLASCENCIA: Honestly, I don't
5 know. I'm assuming it's a choice. And as part -- part
6 of our training, I don't remember that being a
7 requirement. I know that we are required, as
8 councilmembers, to sit on the city committees, you
9 know, like the Finance Committee and then regional
10 committees. Those they told us about. Other
11 nonprofits, I thought -- we never were told it was an
12 obligation or mandatory or anything like that. We were
13 just told about the city committees that the member --
14 the councilmembers sit on and then regional ones that
15 we -- we all chose from my colleagues and I.

16 CHAIR FOLEY: So I have questions, but they're
17 not related to a cross-examination, so I think I'll --
18 I'll have to wait to ask them later, I think.

19 Hey, Brandon --

20 MR. MERCER: Yeah.

21 CHAIR FOLEY: -- so I have some questions I'd
22 like to ask her, but they're not related to
23 cross-examination, because she didn't testify to some
24 of the things I wanted to ask her about. So do I wait
25 until after closing arguments to ask the question?

1 MR. MERCER: I believe at the last hearing we
2 have, questions came up during discussion and -- and
3 you all were asking --

4 CHAIR FOLEY: Okay.

5 MR. MERCER: -- the parties questions during
6 discussion.

7 CHAIR FOLEY: Okay.

8 MR. MERCER: And I --

9 CHAIR FOLEY: Okay.

10 MR. MERCER: -- think that would be fine --

11 CHAIR FOLEY: Okay.

12 MR. MERCER: -- to follow that course as well.

13 CHAIR FOLEY: Okay, all right. So then are
14 there any other questions related to cross-examination
15 for Councilwoman Plascencia?

16 MEMBER FORD: Yeah. You know, I was just
17 curious whether or not, have you initiated the removal
18 of any other board or commissioner? Board --

19 CHAIR FOLEY: She didn't --

20 MEMBER FORD: -- members or commissioners?

21 CHAIR FOLEY: She didn't testify to that. You
22 have to wait.

23 MEMBER FORD: Okay. That is one of my --

24 CHAIR FOLEY: When we're -- and during --

25 MEMBER FORD: -- notes.

1 CHAIR FOLEY: -- discussion, you can ask her
2 that question, because right now, it -- we're doing
3 cross-examination, and we can only ask questions about
4 what she testified about, but during discussion, you
5 can ask that question.

6 MEMBER FORD: Okay. Thanks, Freya. I'll
7 reserve --

8 CHAIR FOLEY: Don't forget.

9 MEMBER FORD: -- that one for later.

10 CHAIR FOLEY: Write it down. Well, I'm
11 saying --

12 MEMBER FORD: Oh, I already --

13 CHAIR FOLEY: -- I would forget it by the time
14 I got around to it.

15 Okay. So I think we're done with
16 cross-examination. Is there any rebuttal testimony?
17 Do you -- does anybody have any evidence that would
18 directly contradict the evidence of something that was
19 presented by either party? Okay. I'm going to assume
20 that means no. So now we're going to go on to closing
21 statements.

22 And, Eva, can you tell us the --

23 COUNCILWOMAN PLASCENCIA: Bless you, Jessica.

24 CHAIR FOLEY: I'm sorry, what?

25 COUNCILWOMAN PLASCENCIA: Oh, Jessica sneezed.

1 I just said bless you.

2 CHAIR FOLEY: Oh.

3 COUNCILWOMAN PLASCENCIA: Sorry, I'm going to
4 mute myself.

5 CHAIR FOLEY: Oh, oh, don't worry.

6 So, Eva, how many -- how much time does --
7 does the complainant and the respondent have for their
8 closing statement?

9 MS. ARSEO: Mrs. Allotta has nine minutes and
10 Councilwoman Plascencia has 13.

11 CHAIR FOLEY: Okay, okay, all right. So,
12 Mrs. Allotta --

13 MS. ALLOTTA: Yes.

14 CHAIR FOLEY: -- are you ready to make your
15 closing statement?

16 MS. ALLOTTA: Yes, yes.

17 CHAIR FOLEY: Okay.

18 MS. ALLOTTA: And I only -- I only need a few
19 minutes.

20 CHAIR FOLEY: Okay.

21 MS. ALLOTTA: All right. I will begin. I
22 have lived in the same house in Ward 5 for 44 years.
23 My husband and I and our small children moved here when
24 his Air Force unit was transferred to March Air Force
25 Base. I retired from Riverside Unified School

1 District, teaching at Hawthorne Elementary. Hawthorne,
2 the students and their families are all in Ward 5. My
3 son bought his home in Ward 5. My church is in Ward 5.
4 I am physically and emotionally tied to Ward 5.

5 I was appalled, when I read in the paper,
6 about the councilwoman's attempt to remove Sean Mill
7 from representing Ward 5 on the planning commission. I
8 was not a friend of his. I had met him only once when
9 he was campaigning. Why was the councilwoman trying to
10 divide us by cultures and skin color?

11 Then I learned she had used the excuse of the
12 Sunshine notice requirements, claiming it was an
13 emergency to put Mill's removal on the agenda at the
14 eleventh hour, so to speak, the last working day before
15 a three-day weekend with the Tuesday council meeting to
16 follow. This so-called emergency addition to the
17 agenda denied due process to Commissioner Mill.

18 But there was more. Councilwoman Plascencia
19 had not been satisfied to just try to remove Mill from
20 the planning commission, she had vindictive --
21 vindictively intervened to hurt him in his private life
22 by demanding the Arlington Business Partnership remove
23 him from their board of directors. That is if they
24 wanted any help from her. Actually, they didn't remove
25 him, and now neither she nor her assistant have

1 attended any Arlington Business Partnership meetings.

2 This Arlington neighborhood in Ward 5 is my
3 home. I care what happens here.

4 The prejudicial mindset of the councilman was
5 further evident this summer, when on July 23rd, on
6 Facebook, she liked the comment, too many Whites,
7 especially white men, hold positions in government.
8 Apparently, it is Councilwoman Plascencia's mission to
9 fix this problem of too many white men in government.
10 We don't have to guess what her agenda is. She told us
11 what she is going to do.

12 She stated to the city council that Mill was
13 not the first commissioner she asked to resign, and he
14 would not be the last. Who will be the next white male
15 she pressures to resign simply because of his skin
16 color and gender?

17 If you, as an ethics panel, let this stand,
18 you are approving her behavior. Her unethical, unfair,
19 vindictive, malicious behavior is against everything
20 Riverside is about. We are better than this. Thank
21 you.

22 CHAIR FOLEY: Thank you.

23 Okay. Councilwoman Plascencia, it's your
24 turn to make your closing argument.

25 COUNCILWOMAN PLASCENCIA: Thank you. Again, I

1 just want to apologize for not submitting things within
2 the deadline and remind you that I am human, I make
3 mistakes, and I'm trying to learn from them. When
4 you're new, you go through training and, you know, you
5 try your best to absorb as much information as you can,
6 you know, and you still make mistakes. You miss
7 deadlines. You -- you know, and you try to do better.

8 And so I -- I think that since then, I've
9 been governing different. You know, I -- I think that
10 -- you know, I want to apologize to Ms. Allotta. As a
11 resident, my family is here, too. My mom lives in Ward
12 5. And, you know, we -- you know, my daughter goes to
13 school here and all those things, right? And so I
14 think -- I don't want anybody in Ward 5 or Riverside,
15 as a whole, to be offended by anything I've said or
16 done or the perception of anything, so I wanted to
17 apologize to Mrs. Allotta for that and to any
18 constituent that has felt that my -- my governing
19 hasn't been transparent or, I think she said earlier
20 due process, given anyone the opportunity for due
21 process.

22 So again, I think that meeting the letter of
23 the requirement for Sunshine shows that we met the
24 requirement. Was it poor judgment? Yes. I apologize
25 for that, and I have learned from that. And that's why

1 I supported the new requirements. And that's why, I
2 don't know which committee, I'm not sure if I'm on that
3 committee, where the discussion will be further
4 dissected on urgency, but I think it does need to
5 happen because there are -- there are some
6 discrepancies in the way it is written.

7 So we are working on that. We are working
8 towards making it better so that we don't have these
9 issues. And -- and I know I contributed to that, and
10 that's why I'm contributing to fixing them. And so I
11 hope those that are listening and watching, you know,
12 hear that.

13 And the -- one of the complaints about the
14 alleged violations of personal gain, you know, I -- I
15 -- I think I've shown there has been no personal gain.
16 I am continuing to be committed to all constituents in
17 Riverside. I have not personally gained anything, but
18 a learning experience, right, of how to do things
19 differently.

20 And so I hope that this ethics panel really
21 sees that we're -- that I'm moving in the right
22 direction, I'm learning from my mistakes. And my -- my
23 intent is never to be divisive. We need to be united.
24 And I'm hoping that we can put this behind us and we
25 can move on to really do good things for all of

1 Riverside.

2 And -- and, you know, like I said in my -- in
3 my testimony, I have -- you know, I get emails all the
4 time. People call my office and ask my immigration
5 status. People call me, email me at, you know, every
6 name, but my own, but my given name, and I always
7 respond professionally. And you can all request that.
8 But I do my job, and I will continue to do so, but
9 thank you for hearing me. But thank you for taking the
10 time. I know this is very time consuming.

11 And thank you, Madam Chair, for, you know,
12 explaining the process. You know, this is new to all
13 of us, but I just wanted to -- to thank you for the
14 opportunity to talk a little bit about my perspective.
15 Thank you. You're muted, Madam Chair. I'm going to
16 mute myself.

17 CHAIR FOLEY: I keep forgetting to unmute
18 myself. Okay. So with that, okay, we're -- at this
19 point we're finished with the closing statements and
20 both parties are finished with their case in chief, and
21 now we're going to go to public comment. And we do
22 have five calls, so we'll be waiting for them to come
23 onboard.

24 Champagne, you're in the wrong direction
25 there. You're sideways. There you go. No, you're

1 sideways again. There you go. You're muted.

2 MEMBER FORD: Thank you.

3 CHAIR FOLEY: You're welcome.

4 MEMBER FORD: Now you're the -- now I'm muting
5 mine.

6 CHAIR FOLEY: (Indiscernible).

7 MEMBER FORD: (Indiscernible).

8 FEMALE SPEAKER: Hello. Okay. Yes, I do
9 want to talk about the hearing that we just had, well,
10 that you guys just had. And I did have -- I did have a
11 few words for Councilwoman Gaby Plascencia.

12 Yeah, you better damn well learn from your
13 mistakes, and you better not disrespect our city again,
14 calling us a bunch of racists. I'm Hispanic. I've
15 lived here for a long time. And you know what they say
16 about people that assume, they make asses out of
17 themselves; and that's what I think you've done. But
18 we all do that. And I'm sorry about the harsh words
19 against you, but, you know, I think you are very
20 racist, out of line.

21 And, you know, if -- if you worked for me,
22 which you do, I feel like you do, you're fired. You're
23 definitely fired. And of course I hope you learn from
24 your mistakes, but you're fired. How dare you? You're
25 supposed to represent us. You're supposed to make us

1 look good. You're a disappointment. You've
2 disappointed us. You've really disappointed us.

3 And those harsh words were out of anger. How
4 dare you? How dare you disrespect us like that? And
5 how dare you use this divisive? It was divisive. You
6 need to check yourself before you wreck yourself,
7 honey. Check yourself. And also, you're fired.

8 Again, I can't emphasize that enough, you're
9 -- you're definitely out of here. You better learn
10 from your mistakes, and I don't think you're fit for
11 the -- for the position. I don't trust you anymore. I
12 really don't trust you. And I -- I don't think -- I
13 don't think the city trusts you either. So have a good
14 day. And that's all.

15 CHAIR FOLEY: Just a second. Dave, you had a
16 -- you wanted to say something?

17 MEMBER STAHOVICH: Yes. Could we have the
18 callers identified before they speak, please, for --

19 CHAIR FOLEY: I think they --

20 MEMBER STAHOVICH: -- staff?

21 CHAIR FOLEY: -- define themselves to the
22 technical people.

23 MEMBER STAHOVICH: Yes. Thank you. Thank
24 you, Freya.

25 CHAIR FOLEY: Okay.

1 MEMBER FORD: Are we waiting for the next
2 caller? Is that --

3 CHAIR FOLEY: Yeah. It takes some time to
4 bring them up.

5 MEMBER FORD: Okay.

6 CHAIR FOLEY: Don't be impatient.

7 MEMBER FORD: All right.

8 MEMBER STAHOVICH: And, Freya --

9 CHAIR FOLEY: Yeah.

10 MEMBER STAHOVICH: -- just when we have a
11 second.

12 FEMALE SPEAKER: Thank you very much.

13 MEMBER STAHOVICH: Yeah, it's probably --

14 FEMALE SPEAKER: My name is
15 (indiscernible) --

16 MEMBER STAHOVICH: -- some --

17 FEMALE SPEAKER: -- Ward 5, previously Ward 6
18 for 37 years. And I find the sincerity of Councilwoman
19 Plascencia is hard to believe. The councilwoman that I
20 met with, when she was running for Ward 5 city council,
21 I asked her if she understood what her role would be in
22 the Arlington Business Partnership, which I was a
23 creator of, and she told me, yes, she understood that
24 she would be a supporter of ABP. She had a position on
25 ABP as an ex officio. Those were not the words that we

1 used when we were sitting having coffee together, but
2 she did tell me she understood that she was going to be
3 a strong supporter of them if elected.

4 I find it hard to believe tonight, as I'm
5 watching this and she is trying to say she didn't
6 understand because there's so many things, as an
7 elected city council person, that she did not
8 understand. This is not true. She told me, when we
9 met, she understands her position, she understood that
10 she would be on that board and she would support the
11 Arlington Business Partnership.

12 As an Arlington member for the last 45 years,
13 I believed that she would support what we were
14 believing in and how to build our economy in that area.
15 She has not done one thing since elected to make Ward 5
16 and possibly Ward 6, which is the ABP, it is a
17 participant of, she has not worked with the businesses
18 in one iota. I still have a lot of ties there. I
19 still have a lot of people I understand and talk to
20 there. She has not talked to one business, maybe
21 Olivia's, because, you know, Olivia's is a great
22 restaurant and Olivia's is Hispanic.

23 So if we want to talk about ethics, this is
24 something that you guys need to understand, this woman
25 is probably one of the unethical women that we know,

1 and she should not be sitting on our council doing the
2 things that she's doing today. Thank you.

3 MEMBER NEWMAN: Freya, you're on mute again.

4 MEMBER KEEN: Freya, can you unmute?

5 CHAIR FOLEY: I know that. Dave, I said, do
6 you want to get what you were trying to say in real
7 quick?

8 MEMBER STAHOVICH: Yeah. I -- she actually
9 identified herself. We can't force anybody to identify
10 themselves, but we can ask who they are when they start
11 speaking.

12 CHAIR FOLEY: Right. I -- yeah, but they
13 can't hear us. We can't ask them anything, so that's
14 why they have the conversation with our technical
15 staff.

16 MEMBER STAHOVICH: So --

17 CHAIR FOLEY: They can't hear us.

18 MS. JONES: Hi. My name is Lisa Jones. I'm
19 with District 5. I haven't been very involved in
20 politics until recently. And I'm disturbed. I get
21 that we all learn along the way, and I'm learning a
22 lot. It's -- it's very disturbing what I'm learning
23 though, especially from Gaby.

24 I see that you blame your inexperience and
25 your being overwhelmed on the reasons that you're doing

1 these unethical things, but that's not an excuse.
2 What's in evidence is your racism, your hypocrisy, and
3 your prejudiced. And I say that with your threats to
4 Sean Mills, with getting other people to resign, with
5 your Labor Day remark. I may be white, I may be not;
6 does that matter? What we want are leaders who are
7 honest and capable and have integrity. And I'm sorry,
8 but you do not.

9 You have not shown that whatsoever. Your
10 quid-pro-quo remark, it -- we could see that you're
11 playing semantics with your excuses, and it's
12 disgusting. You're trying to call Conder out on his
13 meme that you called racist, and you came and viciously
14 attacked him. It's such a hypocrisy of what you're
15 doing right now and what you did with your Labor Day
16 remark.

17 So I'm not buying it. I hope this ethics
18 committee doesn't buy it. I think of the other callers
19 who have called in, they're not buying it. We're not
20 buying it. We don't trust you. You made it -- have
21 made it obvious through various ways that you are not
22 for Riverside, you're for your agenda; and we do not
23 need that here. We do not want that here.

24 If anything, I hope that the committee will
25 find her in violations of this ethics issue as well and

1 that the ward will be able to recall you as soon as
2 possible. That, I think, would fix a lot of the
3 problems that have arisen from your time in City Hall.
4 Thank you.

5 CHAIR FOLEY: We still have five callers.

6 MEMBER FORD: You guys, in between, I'm going
7 to just un-webcam myself, just --

8 CHAIR FOLEY: You have to stay -- you have to
9 stay webcamed for the meeting.

10 MS. MILLER: I am Nicole --

11 MEMBER FORD: Oh, okay.

12 MS. MILLER: -- Miller, and I am a Ward 5
13 resident. I would just like to state that I am highly
14 disappointed with the way this panel has been
15 facilitating this meeting, with the exception of
16 Taylor, Champagne, and Dave. I understand ethics
17 hearings are rare in Riverside, but I hope you all take
18 this opportunity to educate yourselves on the hearing
19 process so you don't come off as looking like you don't
20 know what you're doing.

21 And to Gaby, I would just like to say to you,
22 I am disgusted with your leadership or lack thereof.
23 And your comment regarding responding to Ward 5
24 residents, I don't believe that to be true at all. And
25 in your words, I do believe we do deserve better. So I

1 hope that can be taken into account. That is all.

2 MR. JOHNSON: Thank you. Hi. Can you guys
3 hear me? Wonderful. They can hear me. My name is
4 Steve Johnson, and I am resident of Riverside. I
5 currently live in Ward 1. I grew up in Ward 3. I own
6 a business that serves all six wards, actually two
7 businesses that own all six -- or that serve all six
8 wards, excuse me. And I also run a Facebook page on
9 Facebook, which is called -- a Facebook group called,
10 What Is Going On In Riverside County and also Riverside
11 County Media. And we have been following this -- this
12 story as it developed since I -- I posted, you know,
13 Gaby's racist comments for Labor Day weekend.

14 And we also did a poll on that. I think
15 probably I'll just give her some grace, I think 85
16 percent of the people said that she should step down
17 for her racist comments. I think 15 percent actually
18 stood behind her and backed her up. Anyway, so going
19 back to what she stated earlier in this hearing, she
20 was arguing or a few people arguing whether the calls
21 made were on a personal or a business cell phone.
22 Nobody was actually denying that she said anything,
23 okay?

24 So then fast-forward to about 20 minutes ago
25 when she was asked directly the question, did you make

1 those texts, did you send those texts; and she
2 blatantly lied on -- on the -- the -- the Zoom meeting.
3 I'm going to have a field day with it tomorrow when we
4 actually get to extract those comments from -- from
5 this meeting and put it on Facebook Live where this
6 meeting should have gone.

7 One thing I'm noticing about Gaby is that she
8 tends to put the blame on other people. Like, she said
9 she was not prepared for this meeting, she missed the
10 deadlines; and it was because of her office's fault,
11 her secretary. So she's actually putting the weight of
12 -- of -- of the conclusion of this on her secretary.
13 She continued to play -- blame COVID for her actions in
14 January. I'm sorry, I thought the COVID thing in
15 Riverside started to happen around March.

16 She continues to blame other people for her
17 -- her direct actions. Nothing has changed. It's a
18 constant pattern of her starting from when she started.
19 Oh, I don't know how this whole council thing works.
20 I'm sorry, when you make racist comments, that has
21 nothing to do with being a councilwoman, how you were
22 trained, ethics, all that good stuff; it has to do with
23 what's inside of your heart.

24 And nothing is going to change. She'll be a
25 one-term councilmember. She should resign. If she

1 doesn't, it's just going to be the crappiest three and
2 a half -- three more years of -- of her councilmember
3 life, and she'll be walking on eggshells. And
4 hopefully the City of Riverside, just continue to keep
5 and hold her accountable. Because what's happened over
6 the last year has simply just been a debacle, including
7 specifically her.

8 And I think my time should be about up, so
9 thank you and have a good night and see you tomorrow.

10 MR. ERROL: Hi, ethics committee. My name is
11 Errol, and I do live in Ward 5, Gaby's district. I
12 wanted to bring a question to the committee. What
13 would happen if the -- she was white, a white
14 councilmember that did this? Can you imagine what kind
15 of problem we would have here if she was white and did
16 this? That's all I want to say today.

17 I mean, we -- we -- we have a lot of issues
18 in Riverside, but the committee, you need to think
19 about that. If the councilmember was white and did
20 this, she would have already been out the door, okay?
21 I just want to say that. I watched the whole committee
22 meeting right now for the last two hours or whatever it
23 was, I watched it all, and just my question to the
24 committee, what is if the councilmember did this and
25 she was white; would it be the same thing pertaining to

1 if she's Mexican or white or black?

2 That's my question right now. And I think we
3 have to look at this a bigger picture right here. We,
4 as everybody, has got to be treated equally right now.
5 If she was white, she would have already been off the
6 dais, okay? And it -- it would have been a mess here
7 in Riverside. I'm just saying, I -- I think we cannot
8 have it both ways any more, okay?

9 So that's just my comment for the committee,
10 what if she was white, a white councilperson that did
11 this to a Mexican or a Black, what do you think would
12 happen here? I mean, it's to the point where we have
13 to fix things as a city, and we have to stop it in the
14 bud so we don't have this much divisiveness. And you
15 can't put one race ahead of another one because the
16 feelings get hurt, you know, or whatever it might be.

17 I -- I mean, I could just imagine if this was
18 a white councilwoman that did this. Really? Really
19 here in California? Are you kidding me? You know, I
20 think we can't have it both ways anymore. I think
21 we've got to look at the bigger picture here right now.
22 We have to understand what she did. We have to -- to
23 understand why she's pushing her agenda, okay?

24 So that's just my comment. What if she was
25 white and did this, what would you guys say about that?

1 That's just my comment. I'd like to ask everyone --
2 everyone on the committee, if she was white, what would
3 you guys do. You know, that's just me. I -- I -- I --
4 I think, especially here, we -- we can't have it both
5 ways no more. We have to have a rule of law there for
6 everybody. It doesn't matter what color you are. It
7 doesn't matter anything.

8 Can you imagine if she was white and did
9 this? Oh, my God, I think we would have already -- you
10 have a good day. Sure, you have a good day, sir. Can
11 you imagine if she --

12 MEMBER FORD: So are we waiting for the next
13 caller or what? I think his three minutes are up.
14 Sorry, you're on mute, Freya.

15 CHAIR FOLEY: That -- I prefer to mute. I --
16 yeah, we have three more callers.

17 MEMBER FORD: Okay. Thank you.

18 CHAIR FOLEY: You're welcome.

19 MR. DEMSON: Hello. My name is Philip Demson
20 (phonetic). I'm a 46-year resident of Ward 5,
21 Riverside. I'm a resident, a voter, and a taxpayer in
22 this city. I would like to say that what I've heard
23 tonight on this ethics board really is unprecedented in
24 my time with the city. I think this is disgusting. I
25 think this is disgusting behavior. This -- this cannot

1 go unanswered.

2 And the -- the charges that I've heard
3 tonight -- now, the -- the simplest of those or the --
4 the least of those was this violation of the sunset
5 clause. I can almost believe her defense, Gaby's
6 defense, oh, I'm new, oh, I didn't understand; except
7 now we know she received training, so she knew.

8 I also bring Councilman Fierro to task. I
9 hope somebody will bring him to task. He should -- he
10 should have enough brains to know that the requirement
11 for a second signature isn't just, oh, I'm going to
12 close my eyes and sign whatever is thrust in front of
13 me. The city expects him to look at that request and
14 say, yeah, I agree, this is urgent; but he didn't, and
15 he needs to be brought to task for that.

16 But I'd also like to point out to the ethics
17 board, Gaby did not put a defense together at all for
18 the most serious of her, the accusations against her,
19 her -- which is racism, for her racist remarks,
20 multiple racist remarks. She made no defense. She
21 made no apology. She only apologized because I'm new,
22 I didn't understand, oh, it's my clerical office's
23 fault I wasn't prepared. I'm so sorry.

24 That's not excusable. That is not excusable
25 for those racist remarks, for bragging that she's going

1 to get white male board members replaced, for her
2 calling Sean Mill and threatening him and his family.
3 There's no -- she put on no defense. Ethics board, you
4 cannot let that go unanswered. No defense. Those are
5 serious, serious accusations, ones that we in Riverside
6 do not approve of, we will not put up with.

7 You need to find her guilty of these
8 accusations. The city council needs to censure her.
9 She needs to put everybody else out of their misery and
10 just resign.

11 It's time for you to go, Gaby. You have no
12 business representing us in Ward 5. Thank you.

13 MS. DURHAM: Okay. Thank you so much. First
14 off, I would like to thank the board for taking my
15 phone call. Hello. My name is Linda Durham. I've
16 lived in Riverside, Ward 5, for 32 years. I am
17 disgusted at Gaby Plascencia and feel she failed
18 miserably at honoring her oath that she took when she
19 won the election to Ward 5 councilmember. She claimed
20 during her speech she was ethical. Well, that has
21 proven to be the farthest thing from the truth.

22 She, not only, has the ethic violations that
23 she's facing now, but she's also racist against,
24 specifically against Whites. I would like to point out
25 that in Gaby's closing statement, her apology does not

1 exonerate or excuse her from any wrongdoing. It is her
2 responsibility, when she took on the job as
3 councilmember, to find out the proper procedures before
4 making decisions or taking actions.

5 It is not a learning experience for anyone.
6 She should have found out the proper procedures before
7 taking any steps. Ward 5 doesn't need a councilmember
8 like this. If the ethics board doesn't find her
9 guilty, then this speaks volumes to the public
10 regarding how the politicians keep getting away with
11 all this bad behavior. And that is it. I'm done.
12 Thank you so much.

13 MS. CATALINA: Hi. Good -- good
14 evening. My name is Catalina, and I am a resident of
15 Ward 5. And I was listening to this meeting. And I
16 really wasn't planning on calling in, but after
17 listening to other constituents call in to shame
18 Councilwoman Plascencia, I really felt the need to call
19 and state that as a constituent of Ward 5, I am very
20 happy with the job that Councilwoman Plascencia has
21 done so far.

22 As a Latina woman, I am extremely happy to
23 have someone of Latina descent representing me in
24 government office. Because although many want to say
25 that only competence matters, for the person that --

1 that is in that seat, because they don't understand or
2 (indiscernible) what my personal struggles may be, then
3 how are they competently serving me?

4 As to the accusations that she is racist, if
5 she did -- if she made those statements, that it wasn't
6 anything but factual. It would take no more than a
7 Google search to learn that white men do hold the most
8 -- the most positions of power in government. So then
9 there's -- that's nothing but factual. And if she's
10 trying to put more individuals in government who
11 represent the diversity of the City of Riverside, then
12 I applaud her for that. And thank you for taking my
13 call.

14 FEMALE SPEAKER: Okay. First of all, I want
15 to say that I am outraged, outraged that we -- that
16 this is a -- this is even up for discussion. She has
17 definitely violated ethics codes. And if she's not
18 held accountable, then we are going to expose you to
19 the entire city, and we are going to take this further.
20 She needs to be held accountable for her actions and
21 for her words, which are in direct violation of her
22 oath.

23 There have been more people, I think
24 everybody -- almost everybody agrees that she has broke
25 the Code of Ethics and her sworn oath. She had no

1 defense. Her apology was weak. It was not genuine.
2 And the constituents see beyond her lies.

3 I want to say that what she's been doing has
4 been divisive. And I don't care, as -- as a -- as a
5 woman of color, I don't care that she's a woman of
6 color and a councilwoman. I don't care. I don't judge
7 people based on the color of their skin, but on the
8 content of the -- of their character. And she has
9 displayed disgusting, disgusting traits that we
10 wouldn't want from a councilmember. We're -- we're
11 disgusted. We really are.

12 I shouldn't have to take time out of my day
13 to -- to explain how disgusted we are in general. Like
14 -- like the group -- like the group Facebook leader
15 said that runs the group, 85 percent agree that she is
16 guilty. And if you rule in favor of the minority --
17 minority, which is one person that, maybe I think, one
18 or a couple people, that think that she's doing a great
19 job, then you're definitely showing us that this is
20 about an agenda and this isn't about ethics at all,
21 because she did violate. And we see it. We see it
22 plain and clear. She violated it.

23 So do your job and take care of it. That's
24 -- that's what we have you here for, to take care of
25 it.

1 MEMBER FORD: Freya, how many callers do we
2 have left?

3 CHAIR FOLEY: Well, at 8:53 we had three more
4 callers, so I don't know.

5 Scott, how many more callers do we have?

6 MS. STERLING: Good evening. This is
7 Rochelle Sterling. I -- I understand Ms. Plascencia,
8 that she wants diversity on some of our commissions and
9 committees. I -- I don't think that it's appropriate
10 ever to say that somebody shouldn't serve on a
11 commission purely because of the color of their skin.
12 I am of Danish descent. I am about as white as you can
13 get.

14 However, I am a strong advocate for minority
15 rights. I'm a member of the NAACP. I represent
16 minorities every day in pro bono litigation. So there
17 are people, who are white, who are strong advocates for
18 minorities.

19 In her defense, I'm probably the only one
20 defending her, I do believe that Mr. Mills should be
21 removed from the planning commission. I have appeared
22 in front of him. He is -- conducts himself in a
23 completely unprofessional manner. He was inept,
24 unintelligent. I was treated, in my opinion, in a
25 sexist way. I was treated entirely different from male

1 consultants that were making presentations, and it was
2 a complete embarrassment to the entire city of
3 Riverside the way that hearing was conducted.

4 So Mr. Mills should be removed. He should
5 not be removed because of the color of his skin. He
6 should be removed because he is completely inept and
7 has no business being on a quasi-judicial body when he
8 has no understanding whatsoever of the process, so and
9 conducts himself like a three-year-old toddler.

10 So I -- I do believe we need diversity, but
11 people that are white, much like myself, still are
12 strong advocates for minorities, and we shouldn't be
13 excluded. And Ms. Plascencia should know that. So
14 thank you for your time.

15 CHAIR FOLEY: We have no more callers. So can
16 we take a break, and then we can start with discussion,
17 a five-minute break? So we -- we'll be back at 9:05?
18 Okay.

19 (Break)

20 CHAIR FOLEY: And we have two prohibited
21 conduct code, Section A and Section M. The first one
22 is use of official title or position for personal gain
23 prohibited. So let's begin the discussion on that one.

24 MEMBER KEEN: Dave wants to speak.

25 CHAIR FOLEY: Okay. Dave, go ahead.

1 MEMBER STAHOVICH: And actually even though --
2 I just want to remind the -- the chair that even though
3 there's only two boxes checked, there are three alleged
4 violations.

5 CHAIR FOLEY: Okay. And she said -- well, two
6 of them go under M, she said --

7 MEMBER STAHOVICH: Correct.

8 CHAIR FOLEY: So, yeah --

9 MEMBER STAHOVICH: Two -- two --

10 CHAIR FOLEY: -- one --

11 MEMBER STAHOVICH: But they are two separate
12 violations.

13 CHAIR FOLEY: Right, yeah. Two separate
14 violations going under M, right.

15 Okay. Should we start the discussion?

16 MEMBER FORD: Everybody is quiet, so I guess
17 I'm going to kick start things.

18 CHAIR FOLEY: Go ahead.

19 MEMBER FORD: Unless Dave --

20 I've cut Dave off many times, so if I am now,
21 let me know.

22 MEMBER STAHOVICH: No, I -- you know what, I'm
23 -- I'm happy just to start. You know, on -- on the
24 first issue of use of official title or position for
25 personal gain prohibited, I -- I did not see any

1 evidence of personal gain on any issue that we
2 discussed, myself.

3 CHAIR FOLEY: I agree. I didn't -- I didn't
4 see anything either.

5 MEMBER KEEN: So I -- I disagree. I do see
6 it. So reading through A, it specifically states,
7 public officials shall -- shall refrain from the
8 following, accepting gifts or favors that may
9 compromise independent judgment or give the appearance
10 -- appearance of compromised judgment. And in this
11 case, based on the text messages that were not refuted,
12 the favor would be having Sean removed from the panel.

13 And also, whether or not those text messages
14 aren't refuted with the video evidence, the compromised
15 judgment is that we -- we specifically saw in the texts
16 and in the videos that were shown that she's stating
17 that people need to be removed from the board solely
18 based on their appearance.

19 I did read through the agenda items -- or the
20 memorandums that did list other reasons for Sean Mill
21 to be removed, but there's still an appearance of
22 compromised judgment, and that's specifically stated in
23 A. And the favor is clearly laid out as having Sean
24 removed in those text messages.

25 MEMBER FORD: Hey, Taylor, I have to -- I have

1 to concur with you on that one. I think that the issue
2 -- I personally feel like I don't think she is a
3 racist. I don't think she has negative intentions.
4 And the -- and the notion of having diversity is very
5 important, so I applaud her for that. I think that's
6 an excellent idea. But with that being said, the
7 optics --

8 CHAIR FOLEY: (Indiscernible).

9 MEMBER FORD: -- and the --

10 CHAIR FOLEY: Go ahead.

11 MEMBER FORD: Oh, I'm sorry.

12 CHAIR FOLEY: No, go right ahead.

13 MEMBER FORD: You know, so -- okay. So and I
14 really applaud that. I think it's always great to have
15 diversity in our city. You know, if I -- if I look at
16 myself, I served in the Human Relations Committee, I
17 was appointed by a white male, so it's kind of funny;
18 but the optics are very important. I was very
19 uncomfortable with the text message. It appears that
20 she's refuting the text message, but it's very unclear.
21 And I think coming today with no additional testimony,
22 no additional evidence makes me concerned.

23 So although there is a learning curve, and I
24 really do believe that, and she's -- you know, and --
25 and she stated that, you know, she's very sorry for

1 what has occurred, and I think she's, you know,
2 remedying a lot of things that went wrong; I do agree
3 that there is a violation there. The intent, we don't
4 know; but I think there is a significant violation. So
5 yeah, I do agree with you.

6 CHAIR FOLEY: Well, I'm reading what it says
7 for A, and it says, will not use official title or
8 position for personal gain. Personal gain includes,
9 but is not limited to situations where public official
10 solicits or accepts items of value in consideration of
11 their official title or position. She didn't accept
12 any items of value. I mean, I -- I don't see that. I
13 honestly don't see that. I don't want --

14 MEMBER KEEN: If you continue to read down
15 though --

16 CHAIR FOLEY: -- (indiscernible).

17 MEMBER KEEN: -- it specifically states a --

18 CHAIR FOLEY: (Indiscernible).

19 MEMBER STAHOVICH: -- gift and a favor.

20 CHAIR FOLEY: I'd -- I'd -- I'd like to
21 finish.

22 So and I -- I see the -- what you're
23 referring to, Champagne, is something separate from
24 that. I -- I -- I think that her behavior, it's, I
25 think it went under M, actually the other one, in terms

1 of the things that she said about, you know, having too
2 many white people or whatever. I think that goes under
3 the other one, in my personal opinion. I don't -- this
4 one is more about using your position for personal
5 gain.

6 I just don't see she -- it's the acceptance
7 of gifts, it's -- it's all those kinds of things; and I
8 -- I just don't see that. I don't see what gain she
9 got from it. And by the way, it -- it never -- it --
10 it did -- that's really not personal gain.

11 MEMBER FORD: I don't want to cut off Jessica.
12 I don't know if she has any comments. I don't want to
13 take over the discussion. So --

14 CHAIR FOLEY: Jessica -- well, it's Dave and
15 then Jessica.

16 MEMBER FORD: Okay.

17 MEMBER STAHOVICH: Okay. You know, again
18 Jessica, you make a very good argument. I understand
19 the argument that you're making, that those issues are
20 serious.

21 MEMBER KEEN: You're muted, Dave.

22 MEMBER STAHOVICH: I'll hit the other button
23 then. I'm sorry. So I do -- I -- I do understand your
24 argument. I think you make some very good points, and
25 I think those are very serious issues; but kind of like

1 what Freya was saying, I think those are the violations
2 of M, that I didn't see -- even though there -- there
3 was arguments and -- and evidence of potential quid pro
4 quo, things like that, I don't know if that's
5 considered a personal gain or not.

6 It was definitely, you know, it -- it -- it
7 was argued as a quid pro quo that either you get rid of
8 Mr. Mills or I don't participate in, you know, in -- in
9 the Arlington Business Partnership. Now, and I'm going
10 to digress just for a second. The -- the fact that the
11 councilwoman said she did not know she was an ex
12 officio member of that group, that's really, I would
13 say, secondary. Because as a councilwoman she also
14 knew she -- she did cover the purse strings for that
15 group, whether she knew she was a member or not.

16 And so there is definitely the arguments
17 there, and I understand yours, but I -- I thought it
18 falls more under the M than the personal gain.

19 CHAIR FOLEY: Yeah. And I -- I think, you
20 know, there's nothing -- there's nothing here that
21 shows she withheld any funding from them for -- because
22 they didn't do what she wanted. There's no --

23 MEMBER STAHOVICH: Except for the text
24 messages that she's -- that said --

25 CHAIR FOLEY: Yeah.

1 MEMBER STAHOVICH: -- exactly that, that were
2 unrefuted.

3 CHAIR FOLEY: But she didn't do it. I mean,
4 there's no evidence that she withheld funding.

5 MEMBER STAHOVICH: And there was no
6 testimony --

7 MEMBER KEEN: There's no evidence that she
8 didn't.

9 MEMBER STAHOVICH: Yeah. There was no -- you
10 can't prove a negative.

11 CHAIR FOLEY: Exactly. And so, Champagne, I
12 can see your lips moving, but I can't hear you.

13 MEMBER FORD: No, I don't -- oh, now you know
14 how it feels, huh? No, you know what, it's different
15 when it's -- no. You know I'm not going to just repeat
16 what I stated, but I'm just very uncomfortable with
17 some of the actions. And, you know, I -- I just think
18 that there is a learning curve, but I'm just very
19 uncomfortable. So with that being said, I -- I -- I
20 said what I said.

21 CHAIR FOLEY: You know, I kind of think if, so
22 for example, if you say to someone, well, we have to
23 have more diversity on this commission, right,
24 everybody knows what you're saying is, we need to have,
25 you know, some nonwhite people on here, but they're not

1 saying, we don't want white people. Do you know what I
2 mean? And I think that to say that there are too many
3 white people or whatever it is, I -- I just -- that I
4 think is a separate issue. I think that goes under M,
5 but I don't think it's appropriate to talk about, you
6 know, we don't like white people or something or we
7 don't want people, you know.

8 I think that's the part -- that's the one I'm
9 very uncomfortable with that, but I don't find a
10 violation -- to be honest with you, I don't find a
11 violation of A.

12 MEMBER FORD: And so I think -- like, I think
13 the notion of diversity, that's not the issue for me.
14 It's the other trail of events and the other issues
15 that kind of when you put it all the together, I'm very
16 uncomfortable with it.

17 CHAIR FOLEY: Yeah. But I think we have to
18 look what goes under A and what goes under M. Because
19 some of the things that I think that we're discussing
20 with that go under M. I think. I could be wrong. I
21 think. Because A seems to be dealing with quid pro
22 quo, personal gain. You know, if you -- people don't
23 do what you want, you don't give them any money or, you
24 know, whatever, or if they do a favor for you, they
25 give you some sort of financial gain. You know, I

1 don't see -- I don't see that. I could be -- I don't
2 know.

3 MEMBER KEEN: I see -- I -- I definitely agree
4 with what Dave has said, but I -- I see it falling
5 under both A and M, because it does -- it specifically
6 talks about favors, and the favor here is asking for
7 Sean to be removed. It gives the appearance of the
8 compromised judgment. And then when you move on to B
9 of that portion, it says, using official title for
10 matters other than official conduct of their office.
11 And I feel like we're riding the line, of texting with
12 a board member to have someone removed or I'm not going
13 to participate falls under that official conduct of
14 their office.

15 That -- that's not conduct becoming of a
16 councilmember in any capacity. So I do -- I do see, I
17 100 percent agree that this does fall under the purview
18 of M, but I definitely see it falling within, like
19 within the confines of A as well.

20 MEMBER FORD: And, Taylor, I'll take it
21 further.

22 As far as personal gains, from how I view it,
23 personal gain doesn't necessarily have to be tangible.
24 Do you know --

25 MEMBER KEEN: Yeah.

1 MEMBER FORD: -- what I'm saying? Like --

2 MEMBER KEEN: Yeah.

3 MEMBER FORD: -- that -- so that's my
4 perspective with personal gains. It doesn't have to
5 necessarily be something we can hold like money, cash,
6 et cetera. So personal gains to me is a very broad
7 definition.

8 MEMBER KEEN: I -- I agree.

9 MEMBER FORD: So that's my position. So I
10 don't know if you're -- I think we're on the same page.

11 MEMBER KEEN: We are. We are on the same page
12 there. Because the gain, I mean, based on Sean Mill's
13 testimony and whether or not it's facts that Ms.
14 Plascencia -- Councilmember Plascencia made threats and
15 things like that, there was clearly gain in her mind to
16 have him out of her capacity as a councilmember, having
17 to deal with him on the commission and with the board
18 with Arlington Business Partnership. If she really did
19 make that threat that he says he called the attorney
20 about, that was the gain for her, to have him out of
21 her business.

22 MEMBER FORD: To be honest, I felt like his
23 removal didn't warrant that sense of urgency. And so
24 because of that, it seems very retaliational in manner,
25 and so that's where I'm uncomfortable with it.

1 CHAIR FOLEY: I think for me that's a separate
2 issue. I -- I think that's part -- that goes under, I
3 think, the M -- the M (indiscernible).

4 MEMBER FORD: Yeah.

5 CHAIR FOLEY: But I think that's a very --
6 that's a different issue. It's complicated. I think
7 it's very complicated.

8 MEMBER FORD: Yeah. (Indiscernible).

9 MEMBER STAHOVICH: Are we --

10 MEMBER FORD: (Indiscernible) -- overall.

11 MEMBER STAHOVICH: -- just talking, or are we
12 reading the requests still?

13 CHAIR FOLEY: Well, I'm looking at A, and the
14 more I read it --

15 MEMBER KEEN: Dave wants to speak --

16 CHAIR FOLEY: -- it looks like --

17 MEMBER STAHOVICH: -- is what he's asking.

18 CHAIR FOLEY: Well --

19 MEMBER STAHOVICH: Thank you.

20 CHAIR FOLEY: -- excuse me.

21 MEMBER KEEN: Dave wants to speak. That's
22 what he's asking.

23 CHAIR FOLEY: Oh, oh, Dave, I'm sorry. Dave,
24 speak, speak, speak. I got it. Okay. Dave.

25 MEMBER KEEN: I apologize, Dave. I

1 interrupted you.

2 CHAIR FOLEY: Go ahead, Dave, speak.

3 MEMBER STAHOVICH: Oh, no, not at all. In
4 fact, okay, I went back and reread the section.

5 CHAIR FOLEY: Uh-huh.

6 MEMBER STAHOVICH: And again, my -- my idea of
7 personal gain, after rereading that section, and use --
8 using -- going back, like I said, those -- those emails
9 coming from the sitting city councilwoman, who does
10 control purse strings, saying, you get rid of him or
11 I'm not doing business -- business with you; that is a
12 quid pro quo. I -- I paraphrased the -- the text
13 messages, but I could see where, you know, you made a
14 very convincing argument; and I understand it and I get
15 it and I agree with it now that, yes, there was
16 personal gain.

17 It was not financial gain. I'm -- I was kind
18 of tending to always follow the dollar and looking for
19 the financial gain. There wasn't personal financial
20 gain, but there was arguably personal political gain by
21 eliminating one's political enemies.

22 CHAIR FOLEY: I still see it more in the
23 financial. I -- I really think that -- I think it's
24 pushing it to say that she had a personal gain. By the
25 way, he was never removed. She got nothing for the --

1 I mean, she did write a text, but nothing happened with
2 it.

3 MEMBER STAHOVICH: The --

4 CHAIR FOLEY: He's still on the -- he's still
5 on the committee and she got nothing for it and they
6 got nothing for it.

7 MEMBER STAHOVICH: Okay. The alleged
8 allegation wasn't about whether he got removed or not.
9 It's whether or not the attempt was made and for what
10 purposes.

11 CHAIR FOLEY: Right, that's true.

12 MEMBER STAHOVICH: So I -- I guess are we
13 going to take these, all three issues separately?
14 Because if we are --

15 CHAIR FOLEY: Okay.

16 MEMBER STAHOVICH: -- unless Taylor wants to
17 make -- make a motion on it, I'd be happy to.

18 MEMBER KEEN: I'll make a motion.

19 Jessica, did you -- it looks like you have
20 your hand up. I don't know if that was missed or not.

21 CHAIR FOLEY: She didn't put -- she didn't put
22 her name up here.

23 Jessica, say speak.

24 MEMBER STAHOVICH: It doesn't work.

25 CHAIR FOLEY: It kind of does.

1 (Indiscernible).

2 MEMBER NEWMAN: Oh, my gosh. Yeah. So at the
3 start of our discussion, I -- I was, you know, agreeing
4 with -- with Freya and Dave about the personal gain;
5 but yeah, I -- I think that I am leaning more towards
6 that there was a question in -- in the judgment. And
7 -- and like Dave was saying, too, that there is a
8 political gain. So it -- it -- it makes more sense to
9 me that it -- it -- it could fall under the purview of
10 -- of A.

11 CHAIR FOLEY: I want to go back and read what
12 (indiscernible).

13 MEMBER NEWMAN: And, Dave, your hand is still
14 up.

15 CHAIR FOLEY: Go ahead, Dave.

16 MEMBER STAHOVICH: I -- yes. I -- going back
17 to Taylor, did you want to make the motion?

18 MEMBER KEEN: I can. I can make the motion.
19 I move that there was a violation of 2.78.060,
20 prohibitive conduct, item A, use of official title or
21 position for personal gain prohibited, and that the
22 gain that she would have received was political gain
23 based off of favors, and there was an appearance of
24 compromised judgment in the request for those favors.

25 MEMBER STAHOVICH: I'll second that motion.

1 CHAIR FOLEY: Okay. Eva, can you call a vote,
2 please?

3 MEMBER STAHOVICH: Any further discussion?

4 CHAIR FOLEY: Oh, I'm sorry. Any further
5 discussion?

6 MS. ARSEO: Chair Foley --

7 CHAIR FOLEY: Uh-huh.

8 MS. ARSEO: -- may I ask a clarification? Was
9 -- was this motion to -- for the statement of facts and
10 stating the violation, or were we going to do them
11 separate as they were done last time?

12 CHAIR FOLEY: We're doing them separate. So
13 this is A.

14 MS. ARSEO: So is this just the statement of
15 facts of the evidence?

16 CHAIR FOLEY: For A.

17 MS. ARSEO: Okay. Thank you.

18 CHAIR FOLEY: Because I'm not sure, am -- what
19 -- what you're asking. Ask again, Eva.

20 MS. ARSEO: Oh, pardon me. So I was just
21 confirming if this was the statement of facts --

22 CHAIR FOLEY: Yeah.

23 MS. ARSEO: -- to support.

24 CHAIR FOLEY: A.

25 MS. ARSEO: A, okay.

1 MEMBER KEEN: For prohibitive conduct A.

2 MS. ARSEO: Oh.

3 MEMBER KEEN: The first check on the
4 complaint.

5 MEMBER STAHOVICH: So actually, I'd like a
6 clarification from the maker of the motion. It did
7 appear to me, too, that you did combine -- you did a
8 great job combining both the -- the statement of facts
9 and the -- the action all in one motion.

10 MEMBER KEEN: Right.

11 MEMBER STAHOVICH: So did you intend that to
12 be the statement of facts or the motion to --

13 MEMBER KEEN: I guess I rolled them -- you're
14 right, I rolled them into one. I move -- I made the
15 motion that prohibitive conduct A was violated, and I
16 included the statement of facts in the motion.

17 MEMBER STAHOVICH: And I would still second
18 that. I think you did a good job on both of them.

19 CHAIR FOLEY: Okay. And so -- so, Eva, that's
20 for both, that's both the motion and the statement of
21 fact.

22 MEMBER KEEN: I apologize, Eva, for rolling it
23 into one.

24 CHAIR FOLEY: It's okay.

25 MS. ARSEO: Well, I appreciate the

1 clarification. Okay, okay. So let me get my -- okay.
2 I'll do the vote. So, Member Newman.

3 MEMBER NEWMAN: Yes.

4 MS. ARSEO: Thank you.

5 And, Member Ford.

6 MEMBER FORD: Yes.

7 MS. ARSEO: Chair Foley.

8 CHAIR FOLEY: Yes.

9 MS. ARSEO: Member Stahovich.

10 MEMBER STAHOVICH: Yes.

11 MS. ARSEO: And, Member Keen.

12 MEMBER KEEN: Yes.

13 MS. ARSEO: The motion passes unanimously.

14 CHAIR FOLEY: Okay. So next we have M, and
15 there's two violations that Mrs. Allotta has under M.
16 I believe that's the -- well, I'm trying to think. So
17 under M, we have the -- we have several things. Under
18 M we have the Sunshine clause; we have the statements,
19 the divisive statements.

20 MEMBER KEEN: So are the two specifically the
21 violation of the Sunshine Ordinance and the quid pro
22 quo? But I don't remember which --

23 CHAIR FOLEY: Quid -- quid pro quo was in A.

24 MEMBER KEEN: Oh, that's right, that's right.
25 So the second one was --

1 CHAIR FOLEY: It's the Sunshine clause and the
2 statements about white people, I think she called it --
3 what did she call it here?

4 MEMBER STAHOVICH: Discrimination.

5 CHAIR FOLEY: Yeah, discrimination. Thank
6 you.

7 Right. She start -- she had it as a value,
8 but she changed it and put it under M. So both the
9 discrimination and the Sunshine clause go under M. So
10 who would like to start the discussion?

11 MEMBER STAHOVICH: My name is up.

12 CHAIR FOLEY: Dave.

13 MEMBER STAHOVICH: Okay. In -- in regards to
14 the -- the first issue on the Sunshine clause, there
15 was significant testimony that the -- that the decision
16 to put this on the agenda happened the Friday before a
17 three-day weekend before the meeting. And not only do
18 I believe that there was sufficient evidence that it
19 was a violation of the Sunshine clause, and I do
20 understand -- I -- I do appreciate and understand the
21 fact that Councilwoman Plascencia has clearly stated
22 she understands, you know, things a little differently
23 now and has made significant efforts to -- to -- to
24 change the way things were happening. And I'm happy to
25 see the council actually moving towards better -- you

1 know, they're -- they're making policy decisions on how
2 to handle it better in the future. Let's leave it at
3 that.

4 But, you know, whether it was intentional or
5 not, there was sufficient evidence that the Sunshine
6 Ordinance was violated, and I would -- would make a
7 motion of -- of that.

8 CHAIR FOLEY: I think her argument is that
9 there's a pattern, if I'm correct, and she's still on
10 the line.

11 MEMBER STAHOVICH: We're not having discussion
12 with anybody right now. This is deliberations.

13 CHAIR FOLEY: Okay. So she -- but I think
14 that she said -- she suggested, because there was
15 another instance, that there was a pattern of this
16 behavior.

17 MEMBER KEEN: It -- she does have that in --

18 MEMBER STAHOVICH: Well, that's --

19 MEMBER KEEN: -- there. I don't remember what
20 page --

21 MEMBER STAHOVICH: Yeah.

22 MEMBER KEEN: -- though.

23 CHAIR FOLEY: Yeah, she does.

24 MEMBER STAHOVICH: It -- it's all of the
25 above. It -- it -- it does say, that's part of the

1 claim, it says it's multiple times a violation of the
2 -- of the ordinance, you know, repeated as part the
3 complaint. But my, you know, straight up, I think
4 there was adequate evidence -- evidence and testimony
5 that, in fact, the Sunshine Ordinance was violated.

6 CHAIR FOLEY: But I think we have to have two
7 separate violations of M. One is for the Sunshine
8 clause, and the other one is for discrimination. So I
9 think we'll be visiting M twice.

10 MEMBER STAHOVICH: Yes.

11 CHAIR FOLEY: Okay.

12 MEMBER STAHOVICH: I'm -- that's what I said,
13 I'm specifically talking about the Sunshine
14 Ordinance --

15 CHAIR FOLEY: Okay.

16 MEMBER STAHOVICH: -- only.

17 CHAIR FOLEY: Okay. Well, you know, I -- I --
18 I really think that there was the practice of the
19 definition of urgent was, if you can get another
20 councilperson to sign and say it's urgent, it's urgent.
21 I -- so I -- I think there wasn't -- I don't -- I don't
22 really think there was a violation though.

23 MEMBER STAHOVICH: Well, considering the
24 municipal code calls out what an urgent matter is, and
25 that was also in evidence, the -- the fact that --

1 whether there was a belief or not, the issue clearly
2 circumvented the -- the public's right to know about
3 this. The fact -- it's -- it's -- again, it's -- this
4 one -- and this time -- in this case it is not
5 necessarily a Brown Act violation. It was out more
6 than 72 hours ahead of time. I don't know what the
7 actual agenda looked like because there was no evidence
8 on it.

9 I just know that the issues that were
10 discussed, that he needed to be removed, that
11 Commissioner Mills needed to be removed for -- for some
12 reason, the fact that there was discussion on
13 January 5th to have him removed, there was adequate
14 time to properly agendize it. The agenda came out on
15 January 8th, yet the -- this matter was not added to
16 the -- the agenda until Friday, January 17th, for a
17 meeting the following Tuesday.

18 So again, I didn't want to have to go through
19 all -- all the -- the testimony, I was going to do that
20 in the findings, but yes, there was -- there was
21 adequate time. The issue was raised prior to the
22 agenda being finalized, and yet -- and -- and there was
23 an ability to act on that within the Sunshine
24 Ordinance; it was chosen not to. And it -- it -- it
25 would -- you know, and again, it -- it just took away

1 the public's right to know what was happening, and it
2 also was argued and unrefuted, that this -- this
3 violated Commissioner Mill's due process.

4 So it was -- unintentional or not, there was
5 real consequences, and it happened.

6 CHAIR FOLEY: Okay. I think that we have to
7 look at the pattern, because I think her issue is that
8 there's a pattern, that she did it once before and she
9 did it again.

10 MEMBER STAHOVICH: That would make a pattern.

11 CHAIR FOLEY: Right. And that's what I think
12 Mrs. Allotta was alleging, is that she has a pattern of
13 doing this. So I think the issue is the pattern. And
14 she -- and I -- you -- the thing that does give me
15 concern with this one, as you just said Dave, is that
16 she did have an opportunity to put the item on the
17 agenda in a timely fashion without having to do it
18 through the urgent excuse of Sunshine. And I think the
19 evidence did show that.

20 Are there any other discussions?

21 MEMBER NEWMAN: Taylor -- Taylor is waiting.

22 CHAIR FOLEY: Taylor, okay.

23 MEMBER KEEN: Sorry, Freya. The only --
24 everything you guys said, but the only other thing that
25 kind of stood out to me with the testimony on this was

1 that Councilmember Fierro was questioned about it, and
2 he would not say that he thought this was an urgent
3 matter, he just said he signed it, which I think that
4 that's a little alarming to me. Because reading
5 through on page 26 in our packet, it says that the
6 councilmember signing the memorandum need to believe
7 the item is urgent; and Councilmember Fierro wouldn't
8 say he thought it was urgent. He just said he was
9 signing it because she asked him to.

10 CHAIR FOLEY: Well, he -- he said something
11 slightly different. He said --

12 MEMBER KEEN: Okay.

13 CHAIR FOLEY: He said that because she said it
14 was urgent, he accepted her word that it was --

15 MEMBER KEEN: Okay.

16 CHAIR FOLEY: -- urgent. That's what he said.

17 MEMBER STAHOVICH: Do I need to withdraw my
18 motion, or is there --

19 MS. ARSEO: I --

20 MEMBER KEEN: No.

21 CHAIR FOLEY: No.

22 MEMBER KEEN: I -- I think -- I think that's
23 part of the problem, and I think it speaks volumes that
24 the council is moving to have this fixed, is just
25 because --

1 CHAIR FOLEY: Yeah.

2 MEMBER KEEN: -- one councilmember believes
3 it's urgent doesn't mean that another one should sign
4 it. They need to be reviewing the document and making
5 an educated decision for themselves on whether or not
6 they believe it's urgent. So I think it's -- I think
7 it's really great that the council is making the
8 changes to improve this process.

9 CHAIR FOLEY: They really do need to improve
10 the process.

11 What was your motion, Dave?

12 MEMBER STAHOVICH: My motion -- my motion was
13 that there is evidence that a violation of -- of
14 Section M of the Code of Ethics, based on the evidence
15 on the Sunshine Ordinance specifically, a violation of
16 Sunshine -- Sunshine Ordinance.

17 CHAIR FOLEY: A pattern of violating the
18 Sunshine Ordinance, is that in your statement?

19 MEMBER STAHOVICH: If you want, I'm happy to
20 add pattern, but it's a violation. What other
21 adjectives you want to put on it, are fine, there's a
22 violation. I believe the evidence, there's a
23 violation.

24 CHAIR FOLEY: All right.

25 MEMBER NEWMAN: I second.

1 CHAIR FOLEY: Okay. Jessica, I'm sorry. What
2 did you say, Champagne?

3 MEMBER NEWMAN: I --

4 MEMBER FORD: Oh, sorry. I know. You know,
5 this whole raise hand thing, I need to get it together,
6 because I haven't raised my hand all day, so I
7 apologize.

8 CHAIR FOLEY: The comment, I want to talk.
9 You're supposed to put speak in the speak in the -- in
10 the conversation, and then I see your name. And now
11 you're sideways on me.

12 MEMBER FORD: Exactly. Yeah, it messes it up
13 if I try to comment. Maybe that's just my excuse to go
14 rogue. Yeah, it's my excuse to go rogue. I -- I -- I
15 can't --

16 CHAIR FOLEY: You're -- you're gone completely
17 now. Are you coming back?

18 MEMBER FORD: Right.

19 CHAIR FOLEY: Okay.

20 MEMBER FORD: No, I just want to say that --

21 CHAIR FOLEY: (Indiscernible) comment, because
22 also Ms. Newman wants to make a comment.

23 MEMBER FORD: Yeah, I would -- I have nothing
24 new to add, so I'll let Jessica do her thing.

25 CHAIR FOLEY: Okay.

1 MEMBER NEWMAN: No, I -- I -- thank you,
2 Champagne.

3 I -- I was just going to go ahead and second
4 for Dave.

5 CHAIR FOLEY: Oh, good. Okay. The motion has
6 been seconded. Is there any further discussion? No.

7 Okay. Eva, could you call the vote, please?

8 MS. ARSEO: Yes. Member Ford.

9 MEMBER FORD: Yes.

10 MS. ARSEO: Member Keen.

11 MEMBER KEEN: Yes.

12 MS. ARSEO: Member -- Chair Foley.

13 CHAIR FOLEY: Yes.

14 MS. ARSEO: Member Newman.

15 MEMBER NEWMAN: Yes.

16 MS. ARSEO: Member Stahovich.

17 MEMBER STAHOVICH: Yes.

18 MS. ARSEO: Motion passes unanimously.

19 CHAIR FOLEY: Okay. So now we're looking at M
20 and --

21 MEMBER STAHOVICH: No. Actually we didn't --
22 I -- I did not include the findings on that one --

23 CHAIR FOLEY: Okay.

24 MEMBER STAHOVICH: -- on purpose.

25 CHAIR FOLEY: Okay. So what is -- so the

1 findings of fact are that there was a, what a pattern,
2 a violation of the Sunshine clause?

3 MEMBER STAHOVICH: This is the -- the second
4 -- the second complaint that came over, that shows a
5 pattern. That's part of the findings. Additionally,
6 there was -- the violation of Sunshine clause, itself,
7 was that there was adequate time to put this matter on
8 the agenda, that it was discussed on January 5th, the
9 evidence showed it was discussed on January 5th. The
10 agenda -- there was evidence that the agenda was
11 published on or about January 8th. There was evidence
12 that this matter was not given to city staff to add to
13 the agenda until Friday, January -- January 17th, for a
14 meeting on Tuesday, January, what, 20 -- 21st.

15 And in addition to that, the -- the fact that
16 there was a phone call made by Councilwoman Plascencia
17 to Planning Commissioner Mills demanding his
18 resignation so she wouldn't have to publicly embarrass
19 him. That is all -- that is all part of the findings.

20 CHAIR FOLEY: Okay, all right. Does anybody
21 else have anything they want to add to the findings of
22 fact? No.

23 Taylor, is that an old you or a new you?
24 That's an old you.

25 MEMBER KEEN: That's old.

1 CHAIR FOLEY: That's an old one.

2 MEMBER KEEN: Thank you for --

3 CHAIR FOLEY: Okay.

4 MEMBER KEEN: -- checking.

5 CHAIR FOLEY: Okay, all right. Eva, do you
6 need anything more from us?

7 MS. ARSEO: So we're -- are you going to vote
8 on the findings of fact because you only voted on the
9 evidence of the violation?

10 CHAIR FOLEY: I don't know, do you vote on the
11 findings of fact? We haven't done that before.

12 MEMBER STAHOVICH: Ask Brandon if they're
13 sufficient.

14 CHAIR FOLEY: Brandon --

15 MR. MERCER: Yes.

16 CHAIR FOLEY: -- do we have to vote on the
17 findings of fact?

18 MR. MERCER: Yes.

19 CHAIR FOLEY: Okay, all right.

20 MR. MERCER: There is a motion and a second
21 and then a vote just like -- just like everything else.

22 CHAIR FOLEY: Okay.

23 MEMBER STAHOVICH: And I would make the motion
24 to incorporate the previous stated findings and leave
25 it at that.

1 MEMBER KEEN: I second.

2 CHAIR FOLEY: Okay. Discussion.

3 Okay. Eva, can you call out the vote?

4 MS. ARSEO: Yes. So this is for the findings
5 of fact. Okay. Chair Foley.

6 CHAIR FOLEY: Yes.

7 MS. ARSEO: Member Ford.

8 MEMBER FORD: Yes.

9 MS. ARSEO: Member Newman.

10 MEMBER NEWMAN: Yes.

11 MS. ARSEO: Member Stahovich.

12 MEMBER STAHOVICH: Yes.

13 MS. ARSEO: Member Keen.

14 MEMBER KEEN: Yes.

15 MS. ARSEO: Motion passes unanimously. Thank
16 you.

17 CHAIR FOLEY: Okay, okay. Now we have M and
18 this is the discrimination portion of the complaint.
19 Okay. Is there any comments?

20 MEMBER KEEN: Dave raised his hand.

21 CHAIR FOLEY: Dave.

22 MEMBER STAHOVICH: Thank you. You know, this
23 is -- this is always a, you know, a very touchy subject
24 for all parties concerned and I understand that and I
25 appreciate that. I will limit my comments to say that

1 there was an allegation made, and there was no -- no
2 defense made against it. There was no denial of it.
3 There was nothing refuting the claim and the evidence
4 brought forward. And -- and I'll leave it at that.

5 MEMBER FORD: She did mention that she is not
6 divisive, so she kind of touched on the issue of
7 discrimination in that whole issue of race. Like I
8 said before, I think now race is such a hot-button
9 issue, right? And I -- I never want to put a jacket on
10 somebody that they are acting in a way which is racist
11 or prejudice.

12 I think the conversation of diversity is very
13 important. It's a healthy topic to have. Would I have
14 liked for her to have maybe discussed, you know, who
15 she has maybe encouraged to be a part of a board or
16 commission that was a non-minority? I think that would
17 have been a very good discussion to have. But right
18 now, and I'm open ears, I -- I don't know if I want to
19 put that jacket on her that she's necessarily
20 discriminating against a particular group, but I'm open
21 ears though.

22 CHAIR FOLEY: You know, I don't think she's
23 the first one. I mean, as a matter of fact, I've heard
24 many people say the boards and commissions, they're not
25 diverse enough. They don't say they have too many --

1 MEMBER STAHOVICH: I don't believe there was
2 any brought in on that issue.

3 CHAIR FOLEY: No, but -- but -- well, that's
4 what she's saying though when she says --

5 MEMBER STAHOVICH: We're deliberating -- we're
6 deliberating on a specific issue right here.

7 CHAIR FOLEY: I am. And I'm -- if you would
8 let me finish. She said that -- she said the -- the
9 white people, because she felt that, and she -- this
10 was her testimony, that there needed to be more
11 diversity on the boards and commission, that's why she
12 had said that. So she's not the only person that has
13 said that, but no one has said it in the way she's said
14 it. Like, there's too many white people. That's kind
15 of --

16 MEMBER STAHOVICH: No.

17 CHAIR FOLEY: -- you know, an offensive way to
18 say something.

19 MEMBER FORD: And -- and --

20 MEMBER STAHOVICH: Right.

21 MEMBER FORD: And I have to -- and I think
22 some things. So I served on the Human Relations
23 Commission. So we looked at population demographics,
24 especially in the city of Riverside. And we
25 acknowledged that those population changes have, you

1 know, occurred over the last decade or so. So the fact
2 that we have, in the past, maybe had a larger white
3 majority of commission members, I don't think that's --
4 that was necessarily racism, that was just
5 reflecting what --

6 CHAIR FOLEY: Exactly.

7 MEMBER FORD: -- the actual city looked like.
8 So I think she should do her homework as far as --

9 CHAIR FOLEY: Uh-huh.

10 MEMBER FORD: -- maybe the changes that have
11 occurred, but I don't think that the city in the past
12 has operated in a way that was negative towards
13 minorities. That I don't believe.

14 CHAIR FOLEY: Right.

15 MEMBER FORD: I just think the commissions
16 reflected who lived here. If you have a hundred white
17 people in a city and there's no black people, I
18 wouldn't expect black people to be on boards and
19 commissions. There's none that live in Riverside. Do
20 you understand what I'm saying?

21 So I don't think the city is racist. I don't
22 think we've acted in ways to put other races down, but
23 I think she should do her -- her homework more on the
24 city demographic changes. That's what I would
25 encourage.

1 But like I said, I'm all ears if I'm wrong or
2 if I'm on the wrong, but I think just the blatant
3 statement of there's too many white people here, I
4 don't think that's appropriate.

5 CHAIR FOLEY: Yeah.

6 MEMBER FORD: Do your homework.

7 CHAIR FOLEY: Well, I think there were two
8 different statements, but I think the one statement
9 that she -- at first she liked a statement on Facebook
10 about white people, and then she posted a statement
11 about the Republicans and white people. So I mean, I
12 don't -- it's inappropriate in my mind to disparage any
13 race, I don't care what the race is or, you know, it's
14 just not --

15 MEMBER FORD: It's --

16 CHAIR FOLEY: -- appropriate. I don't care.
17 When you have a governmental position --

18 MEMBER FORD: Yeah.

19 CHAIR FOLEY: -- and you represent all
20 different kinds of people, I think you have to be very
21 careful about how you say things. And you have to say
22 things in a way that you don't alienate people. And,
23 you know, you -- you represent all different kinds of
24 people, not just, you know, blacks, browns, or yellows,
25 whites, yellow, black, browns, whatever.

1 MEMBER FORD: Uh-huh.

2 CHAIR FOLEY: And so I think, with being a
3 government official, you have a responsibility that
4 goes a little bit above and beyond the general public
5 in terms of how you say things.

6 MEMBER FORD: Uh-huh.

7 MEMBER STAHOVICH: I think Taylor is waiting.

8 MEMBER FORD: Oh.

9 CHAIR FOLEY: Go ahead -- no. Brandon is.
10 It's Brandon.

11 Brandon. Where is Brandon? Brandon.

12 MR. MERCER: Hi. I'm -- I'm following your
13 discussion, and I just want to kind of direct you in a
14 certain way. The complaint is really -- on -- on this
15 issue, is really focused on what happened on
16 January 21st. I know you heard testimony about text
17 messages and I know you heard testimony about some sort
18 of Facebook posting or like.

19 CHAIR FOLEY: Uh-huh.

20 MR. MERCER: Those second two situations are
21 not actually a part of the complaint. It was just
22 evidence to show whatever the complaining party wanted
23 to show. So when you're talking about the specific
24 conduct, you really should be focused on what happened
25 January 21st, as far as violations are concerned. You

1 know, I just kind of want to steer you back to what the
2 actual complaint is. And -- and that's -- that's all.

3 MEMBER STAHOVICH: And that's --

4 CHAIR FOLEY: And --

5 MEMBER STAHOVICH: -- where I was going to go.

6 MEMBER FORD: Yeah. And I totally agree with
7 you on that. Maybe we've kind of, like, strayed off
8 the path. I just think it's -- I think that -- that a
9 jacket of someone acting in a discriminatory manner,
10 it's something we should really be careful of what we
11 say, right, you know. And so if you look at it in its
12 totality, I do feel a little uncomfortable with the
13 Facebook like, just because it was my understanding
14 that our councilmember, these are nonpartisan
15 positions.

16 So that whole, you know, because of the
17 Republicans, you know, I feel like the city of
18 Riverside, we're not here for that.

19 CHAIR FOLEY: The Labor Day -- she added the
20 Labor Day comment.

21 MEMBER STAHOVICH: I've got my hand up.

22 CHAIR FOLEY: Oh, I'm sorry, Dave. Go ahead.

23 MEMBER STAHOVICH: Okay. Yeah, and I'm glad
24 Brandon refocused us. I mean, my -- my issue is the --
25 the Facebook like may have been in poor taste. I

1 didn't put any weight in that piece of evidence, if you
2 will. Some of the -- the text messages may have gone
3 towards something, but again, I'm focusing specifically
4 on the city council meeting, the statements that were
5 said by Councilwoman Plascencia during the city council
6 meeting are what I'm focusing on.

7 And, you know, as the -- the only white male
8 sitting on this panel, you know, I'm feeling awkward.
9 And it's -- you know, I -- I get the fact that, you
10 know, I ask myself, okay, I run the statement through
11 my mind, we don't want this person to fill this
12 position because they're blank, what words are okay to
13 put in there. It better not be color. It better not
14 be religion. It better not be gender. It better not
15 be a sexual orientation.

16 I don't understand how any word can fit in
17 there, we don't want this volunteer to be involved
18 because they don't fit my demographic, to me is very,
19 very disturbing. And I would hope that that wasn't the
20 intent. I would hope that Councilwoman Plascencia, as
21 -- as stated understands and is learning as she goes.

22 But the statement at the time on that -- on
23 the 21st is the issue, and that's what I have a problem
24 with. And I -- I think it was absolutely
25 inappropriate, and I -- I think that -- I -- I think

1 that's what we need to discuss.

2 CHAIR FOLEY: I think -- are you referring to
3 the statement where she says there's a lack of equity
4 and access at City Hall and a lack of people of color
5 on city boards and commissions?

6 MEMBER STAHOVICH: That whole -- the -- the
7 whole -- I watched the -- the -- the whole city council
8 meeting, that whole portion of it. We saw a clip of it
9 on this meeting, but we were given the discs, we were
10 given the evidence ahead of time. I went through, and
11 I actually had to watch it a couple of times to make
12 sure I understood it and that's specifically the -- the
13 information I'm looking at. I'm not looking at a
14 Facebook like. I'm not looking at these text messages
15 that -- that have any -- anything to do with it.

16 But to, not only, make that statement that we
17 need to change -- change the face of these boards and
18 commissions, but the way it was gone after, the way the
19 evidence showed that a phone call was made that said
20 that you are either going to resign or I'm going to
21 embarrass you and your family, that was said under --
22 under oath, and it was unrefuted, so I believe it.

23 That -- that evidence reenforces the claim in
24 my mind.

25 MEMBER FORD: Okay. Dave, thanks for that,

1 because you -- you brought me back. I started swimming
2 over here, but you got me back to the pond. And I
3 think you made a really good point. Had she said, you
4 know, I don't want more black people or I don't want
5 more gay people, et cetera, I think just because
6 someone is considered a white male, and that might be
7 in our society a position of power, that still does not
8 make what she said right. So word means -- words mean
9 things. And that statement, in its -- in its totality
10 is actually highly inappropriate.

11 So I think you're right. I'm sorry if I cut
12 somebody off.

13 MEMBER STAHOVICH: Thank you.

14 CHAIR FOLEY: I don't think you cut anybody.
15 Taylor Keen though, I think, wants to speak.

16 MEMBER KEEN: I do. Just along the lines,
17 too, like what Dave said, I think we talked about
18 patterns before, I think the texts and things that were
19 included show a pattern of speaking in poor taste,
20 maybe not necessarily how her actual views are, but
21 definitely in poor taste. I think with what Brandon
22 said, we need to make sure we're focusing on the fact
23 that this complaint is in regards to discrimination and
24 not the flash word racism. And that's what people are
25 trying to bring in with the calls and the texts -- I

1 mean, the Facebook posts and things like that.

2 And in looking at, like refocusing on
3 January 21st, looking back at the memorandum that we
4 have in our packet on pages 42 and 43, she specifically
5 puts in this -- in this memorandum that she's calling
6 out Charter Section 805, missing three consecutive
7 regular meetings, that the volunteers, because the
8 boards are all staffed by volunteers, serve at the
9 mayor's pleasure. None of that was discussed in the
10 city council meeting.

11 It -- the -- I re-watched that disc that we
12 received in the evidence packet, and those points
13 weren't what the push was for. It was based on him
14 being a white male, which again we're talking
15 discrimination, not racism. And looking at this, if
16 that's why she wanted him out, that's what she should
17 have discussed, and that should have been brought up
18 here at this hearing is that that's what she was
19 putting in the Charter Section 805.

20 And I didn't see any of that. And I didn't
21 see anything that Mrs. Allotta made her complaint about
22 refuted.

23 CHAIR FOLEY: Well, no, because it's in the
24 city council meeting evidence. It's there. It can't
25 be refuted. Well, I guess it could be.

1 I think to me, I -- I -- when I'm reading
2 this and what happened on the 21st, I -- I still go
3 back to my point that it does concern me from the
4 standpoint, I don't want -- I wouldn't want anybody --
5 like Dave is saying, you know, he feels uncomfortable,
6 he's a white male, you know, he feels uncomfortable.
7 But our city council represents all of us, it doesn't
8 matter what we are, whether we're, you know, old,
9 young, black, white, brown.

10 And so I think that there has to be -- and
11 there has to be a respect and a concern for all of the
12 people that they represent, not just a few. And yes, I
13 mean, I -- I -- I do -- I do think sometimes we do say
14 things like, well, we need more diversity, but we don't
15 talk about, we want less people. You know -- you know
16 what I mean? We don't talk about white -- not wanting
17 white people.

18 MEMBER KEEN: I think it's just --

19 CHAIR FOLEY: I --

20 MEMBER KEEN: -- reiterating what Champagne
21 had said, I looked up, prior to this hearing tonight, I
22 looked up what the census demographics were for the
23 city of Riverside off the last census, and based -- it
24 goes back to what Champagne said, based on the seats
25 and boards of commissions, they're in line with the

1 percentages of the demographic for the city of
2 Riverside based on the last census.

3 So I think that does fall under, like, doing
4 your homework before making a statement. If you want
5 him off the board, stick with the facts that you put in
6 your memorandum and not speak to --

7 CHAIR FOLEY: Well, look at behavior versus --

8 MEMBER KEEN: -- color.

9 CHAIR FOLEY: -- color of --

10 MEMBER KEEN: Yeah.

11 CHAIR FOLEY: -- skin.

12 MEMBER KEEN: Exactly.

13 CHAIR FOLEY: What the --

14 MEMBER KEEN: Performance vantage --

15 CHAIR FOLEY: Just performance --

16 MEMBER KEEN: -- versus --

17 CHAIR FOLEY: -- you know, versus color of
18 your skin.

19 MEMBER FORD: And, you know, overall --

20 MEMBER NEWMAN: But, Champagne, I -- I've had
21 my hand up for like five minutes.

22 MEMBER FORD: Oh.

23 MEMBER NEWMAN: Sorry, thanks. No, I was just
24 going to go back to, you know, what -- what Dave was
25 saying and about, you know, her -- those statements

1 making him feel uncomfortable and the lack of refuting
2 some of these charges here. And I think one of the
3 things that sticks out to me, too, is something Dave
4 said that when she made that statement about removing,
5 like it better not be something that's race, religion,
6 color, you know, demographic-wise or disability.

7 So it -- the fact that it was, and also to
8 what Taylor is saying, that when speaking on the -- the
9 reasons during the meeting, that's what she focused on,
10 and it wasn't anything in the memo; it -- it's all
11 really concerning to me. You know, it's -- it's not --
12 I don't -- I'm having a little bit of a hard time
13 believing the non-intent to be divisive. I -- I just
14 feel like if you -- if you're saying those things, what
15 is the point? What is the point of saying that during
16 a meeting if you're not being divisive? Like, what --
17 what's the purpose of it? And -- and I'm -- I'm
18 struggling to find a purpose.

19 CHAIR FOLEY: Well, I kind of understand the
20 purpose. I think -- I don't know -- I don't know if I
21 understand the purpose or not, but it seems to me
22 like --

23 MEMBER NEWMAN: Well, I mean, the --

24 CHAIR FOLEY: -- saying --

25 MEMBER NEWMAN: -- diversity I get, but I --

1 CHAIR FOLEY: -- I'm -- I'm a -- I'm a woman
2 -- I'm a woman and I'm brown skinned, and -- and all of
3 you white men that have power, you're out. You know,
4 but that's not what we're about. That's not how we
5 function. That's not how we live.

6 MEMBER STAHOVICH: I'd like to make a motion.

7 CHAIR FOLEY: Yeah.

8 MEMBER STAHOVICH: I -- I would like to make a
9 motion that there's sufficient grounds to find a
10 violation under section M for the third part of this
11 complaint.

12 CHAIR FOLEY: Okay. Anybody second?

13 MEMBER KEEN: I'll second.

14 CHAIR FOLEY: Any discussion?

15 MEMBER STAHOVICH: Yeah, I -- I would like to
16 add something. And again, I think the real key here,
17 there's a difference between racist and discrimination.

18 CHAIR FOLEY: Uh-huh.

19 MEMBER STAHOVICH: And the claim -- and -- and
20 the allegation is discrimination. And let's --

21 CHAIR FOLEY: Right.

22 MEMBER STAHOVICH: Let's --

23 MEMBER FORD: Uh-huh.

24 MEMBER STAHOVICH: -- leave it at that.

25 CHAIR FOLEY: Well, I think that's an

1 important distinction, and I think Champagne made that
2 distinction --

3 MEMBER STAHOVICH: Yes.

4 CHAIR FOLEY: -- earlier --

5 MEMBER STAHOVICH: Yes.

6 CHAIR FOLEY: -- because it was very
7 concerning to her. And so I think this thing --

8 MEMBER FORD: Uh-huh.

9 CHAIR FOLEY: -- that, with what we're saying,
10 we are not saying she's a racist. We're saying that
11 under certain circumstances she discriminated, which is
12 different.

13 MEMBER FORD: Uh-huh.

14 MEMBER STAHOVICH: Yeah. Call for the
15 question?

16 CHAIR FOLEY: Okay. Do we have a vote?

17 MS. ARSEO: Chair Foley, may I ask for a
18 clarification? Is this going to include the findings,
19 or is this just a motion at this point that it's the
20 violation?

21 CHAIR FOLEY: I thought it was just the --

22 MEMBER STAHOVICH: My -- my motion was just
23 for the violation and come back with the findings --

24 CHAIR FOLEY: Right.

25 MEMBER STAHOVICH: -- of fact next.

1 MS. ARSEO: Okay. Thank you.

2 Okay. Chair Foley, how do you vote?

3 CHAIR FOLEY: Yes.

4 MS. ARSEO: Member Ford.

5 MEMBER FORD: Yes.

6 MS. ARSEO: Member Newman.

7 MEMBER NEWMAN: Yes.

8 MS. ARSEO: Member Stahovich.

9 MEMBER STAHOVICH: Yes.

10 MS. ARSEO: Member Keen.

11 MEMBER KEEN: Yes.

12 MS. ARSEO: Thank you. Motion passes
13 unanimately.

14 CHAIR FOLEY: Okay. Now we need a statement
15 of fact.

16 MEMBER STAHOVICH: I think -- I think this is
17 going to take a collective effort here. I -- my first
18 stab at -- at it is that the council meeting, itself,
19 the statements that were made in open public session
20 were the basis for confirming the complaint. So I
21 don't know, and maybe I could get -- I -- I could ask a
22 question of counsel.

23 Brandon, what I'm trying to get at is I don't
24 -- is -- is just that the -- the council meeting,
25 itself, the words that were said and the actions that

1 took -- took part at that council meeting on the date
2 in question are the -- are the facts. How do I
3 incorporate that into a finding of fact?

4 MR. MERCER: So I think you just go piece by
5 piece. You probably should be a little -- a little bit
6 more specific on the actual words. I guess maybe you
7 could start off generally and maybe other -- other
8 members of the panel can help you out by adding. Does
9 that help?

10 MEMBER STAHOVICH: Well, it does. I was
11 actually -- I mean, do I -- I want to go back and
12 actually pull -- I -- I was -- what I'm asking, is the
13 actual words that were said in that portion of the --
14 the meeting to be included, and I don't -- unless you
15 want me to go back and play those words right now.

16 CHAIR FOLEY: Well, I'm looking for -- because
17 I think some of it was in writing, but I'm not seeing
18 it as I'm looking for it.

19 MR. MERCER: I -- I -- I think using specific
20 words would be better, but if you said that you're
21 relying on the comments that were made during the
22 council meeting and that you would like the record to
23 reflect the council meeting as part of the finding, I
24 -- I -- I -- I'm sure that would suffice.

25 MEMBER STAHOVICH: And that's what I'm looking

1 at. And I -- you know, and also a second part of my
2 question to you, we've got to come back and adopt
3 findings in the near future. We can amend our findings
4 at that meeting; is that correct?

5 MR. MERCER: It doesn't say you can. It's in
6 the --

7 MEMBER STAHOVICH: Does it -- does it say you
8 can't?

9 MR. MERCER: You can't -- it doesn't say you
10 can't either. We -- we were struggling with that
11 before our last meeting yesterday. It -- it really,
12 the rules just say, and it's in the rules, it's not in
13 the RMC, that the findings come to the full panel --
14 full board and then you vote on it, the panel votes on
15 it, it's a yes or no, on whether or not the clerk
16 captured your findings correctly.

17 MEMBER STAHOVICH: Well, if -- if you come
18 back with -- if they come back with the words that I
19 didn't want, we'll say they did not come back with what
20 I intended. I mean, it's -- I don't know how to -- how
21 to articulate --

22 MR. MERCER: Well, then you --

23 MEMBER STAHOVICH: -- that.

24 MR. MERCER: -- would vote to say, hey, they
25 don't accurately reflect our findings, and you --

1 MEMBER STAHOVICH: Yeah.

2 MR. MERCER: -- and you just ask the clerk to
3 do it again basically.

4 MEMBER STAHOVICH: Because I can if -- if -- I
5 -- if we want to take a quick break, I can go back
6 through. I've got it already cued up on my other set
7 over here, and I could, you know, probably find the
8 exact portion. I think it was around 4:34-ish of the
9 -- of the council meeting. It was -- it was beyond
10 4:30, I know that. I think it was around 4:34.

11 MR. MERCER: Yeah, I think I (indiscernible).

12 MEMBER KEEN: I have some of it, Dave, but I
13 don't know if it's enough of it for the statement of
14 findings.

15 MEMBER STAHOVICH: Okay.

16 CHAIR FOLEY: What do you have?

17 MEMBER KEEN: So she had -- part of the quote
18 was that she said, I am committed to changing the faces
19 of the city boards and commissions. And then the other
20 portion of the quote that I did write down was, lack of
21 people of color on city boards and commissions, but I
22 don't have the full clip. Because I know what you're
23 talking about. I just have those --

24 MR. MERCER: Yeah.

25 MEMBER KEEN: -- two statements.

1 CHAIR FOLEY: And --

2 MEMBER STAHOVICH: And there was also the
3 discussion -- the statement that this is not the first
4 board member she's asked to be removed, and it won't be
5 the last.

6 MEMBER KEEN: Yeah, that was the other -- I
7 didn't write that piece down, but that is in there in
8 some capacity.

9 CHAIR FOLEY: But that is --

10 MEMBER STAHOVICH: And I would also in the
11 facts like to include the evidence provided by
12 Commissioner Mills of the -- of the statements that
13 were made to him. And if -- if I -- if I need to, and
14 I don't -- I don't know if I need to.

15 CHAIR FOLEY: I don't think you need to. I
16 think we need to -- I think Mrs. Allotta has some of
17 the information in her statement.

18 MEMBER STAHOVICH: Yes, she did.

19 MEMBER KEEN: Page 13 has a little bit of it.

20 CHAIR FOLEY: Okay.

21 MEMBER KEEN: And it has the portions that I
22 had prewritten down before the --

23 CHAIR FOLEY: Right.

24 MEMBER KEEN: -- hearing.

25 CHAIR FOLEY: So it has a little bit of it.

1 So -- so let's take -- do you want to take a
2 five-minute break and let --

3 Dave, do you think we need to look at that,
4 or do you have enough information?

5 MEMBER STAHOVICH: Brandon, I think we have
6 enough information. Let's put that specific quote that
7 Taylor mentioned in addition to that section of the
8 council meeting.

9 CHAIR FOLEY: Right.

10 MR. MERCER: Yeah, I think there were three
11 quotes that you guys both combined together discussed.

12 MEMBER STAHOVICH: Yes.

13 MR. MERCER: Okay.

14 MEMBER STAHOVICH: Yes, three, at least
15 three --

16 CHAIR FOLEY: Yeah.

17 MEMBER STAHOVICH: -- quotes.

18 CHAIR FOLEY: There's committed to changing
19 faces, people of color, and what's the other one?

20 MEMBER STAHOVICH: The -- the issue about not
21 -- not the --

22 MEMBER NEWMAN: Not the first person that she
23 removed and won't be the last.

24 MEMBER STAHOVICH: Won't be the last.

25 CHAIR FOLEY: Right.

1 MEMBER STAHOVICH: And again, in the -- in the
2 context with the testimony provided, that she
3 specifically targeted white males for removal from the
4 committee -- from committees, commissions, and boards.

5 CHAIR FOLEY: Right. And she said she was
6 doing that. There was no --

7 MEMBER STAHOVICH: Yes, yes.

8 CHAIR FOLEY: There was no -- that's a fact.

9 MEMBER STAHOVICH: Yeah. It -- it -- you --
10 okay. I don't want to -- I don't want to -- I'm -- I'm
11 trying not to mushroom this out. I want -- I'd like to
12 keep it as precise as -- as -- as we --

13 CHAIR FOLEY: I think --

14 MEMBER STAHOVICH: -- if possible, but I want
15 the accurate findings, you know, made, you know, that
16 the counsel, you know, says are -- says are acceptable.

17 So, Brandon -- Brandon, does that give us
18 enough?

19 MR. MERCER: So I just want to get it
20 straight. You're going to have the three quotes plus
21 the -- the council meeting, itself, to be included plus
22 Mill's testimony, correct?

23 CHAIR FOLEY: Right.

24 MEMBER STAHOVICH: Yes.

25 CHAIR FOLEY: Yeah.

1 MR. MERCER: Yeah.

2 CHAIR FOLEY: That's three.

3 MR. MERCER: I think that's sufficient. I
4 mean, otherwise you're going to do what, just reiterate
5 everything the council meeting said?

6 MEMBER STAHOVICH: Yeah. I -- I don't want to
7 take an hour -- well --

8 MR. MERCER: Right.

9 MEMBER STAHOVICH: -- 27 minutes doing it.

10 CHAIR FOLEY: Okay.

11 MR. MERCER: I -- I -- I got ya. I think
12 it's -- that's fine.

13 MEMBER FORD: I have all the time in the world
14 here.

15 CHAIR FOLEY: Taylor, are -- do you still have
16 a question? Because your hand is up even though you
17 talked.

18 MEMBER KEEN: No. Sorry, I forgot to take it
19 back down.

20 CHAIR FOLEY: Okay. Dave, did you want to
21 talk again?

22 MEMBER STAHOVICH: No.

23 CHAIR FOLEY: Your hand is up.

24 MEMBER NEWMAN: I -- I was going to say -- I
25 was going to say, Champagne, yeah, I don't. I get up

1 at 4:00 a.m. So --

2 MEMBER FORD: Okay.

3 CHAIR FOLEY: Okay.

4 MEMBER FORD: I work from home now, so that's
5 why I'm like, hey, let's stay up all night, guys.

6 MEMBER STAHOVICH: So I -- I would --

7 CHAIR FOLEY: No.

8 MEMBER STAHOVICH: So I would make the -- I
9 would make the motion to incorporate those findings as
10 previously stated.

11 CHAIR FOLEY: Okay. So, Eva, do you have
12 those findings as they were stated?

13 MS. ARSEO: Okay. So I've got -- I have the
14 quotes by Member Keen, I'm committed to changing the
15 faces of the board and commissions. And I got
16 something regarding lack of people of color. Did
17 somebody say that?

18 CHAIR FOLEY: Right, right, that there was a
19 lack of people of color on city boards and commissions.

20 MS. ARSEO: Okay. And --

21 CHAIR FOLEY: The city council meeting.
22 What's the date of the meeting? Is that the 21st
23 meeting?

24 MS. ARSEO: That's the one, yes.

25 MEMBER KEEN: Yes.

1 CHAIR FOLEY: Yeah, okay, the 21st, the
2 January 21st city council meeting, the things that were
3 said there.

4 MS. ARSEO: Okay. And the evidence provided
5 by Commissioner Mill and the statements made to him?

6 CHAIR FOLEY: Yeah, right. And that's it.

7 MS. ARSEO: Okay. So did we get a second?

8 CHAIR FOLEY: Well, do we have a motion? Dave
9 made the motion.

10 Dave -- Dave, we can't hear you.

11 MEMBER FORD: I think he's up there.

12 CHAIR FOLEY: Dave, we couldn't hear what you
13 were saying.

14 MEMBER STAHOVICH: I said, I have a motion,
15 but I'd be happy to withdraw it for a five-minute break
16 so we can double check if you -- if -- if we need to.

17 CHAIR FOLEY: I think we're cool with that. I
18 -- I think we're fine.

19 MEMBER STAHOVICH: Okay.

20 CHAIR FOLEY: That's enough. I think that it
21 says the city council meeting, the two statements, and
22 the testimony.

23 MEMBER STAHOVICH: The three statements, yes.

24 CHAIR FOLEY: The three.

25 MEMBER STAHOVICH: The three statements that

1 Brandon had. And that would be my motion.

2 CHAIR FOLEY: Okay. And the statement of Sean
3 Mill, his --

4 MEMBER KEEN: Yes.

5 CHAIR FOLEY: -- testimony. Okay. So that --

6 MEMBER KEEN: I'll second that motion.

7 CHAIR FOLEY: Okay. So is there any
8 discussion?

9 Okay. So can we have a vote, please, Eva?

10 MS. ARSEO: Yes. I'm just going to copy this.

11 Okay. So this is the vote for the findings. Member
12 Foley.

13 CHAIR FOLEY: Yes.

14 MS. ARSEO: Member Ford.

15 MEMBER FORD: Yes.

16 MS. ARSEO: I didn't hear you. I'm sorry.
17 Member Ford.

18 MEMBER FORD: Oh, I'm sorry, yes. Oh, am I on
19 mute?

20 MS. ARSEO: No.

21 CHAIR FOLEY: It was just very low.

22 MS. ARSEO: Member Newman.

23 MEMBER FORD: Okay.

24 MEMBER NEWMAN: Yes.

25 MS. ARSEO: Member Stahovich.

1 MEMBER STAHOVICH: Yes.

2 MS. ARSEO: Member Keen.

3 MEMBER KEEN: Yes.

4 MS. ARSEO: The motion passes unanimously.

5 CHAIR FOLEY: Okay. So -- so -- oh, so,
6 Brandon, do you -- before we close, do you want to
7 discuss the appeal process?

8 MR. MERCER: Yeah, real quickly. Since you
9 found all three violations, the decision by the hearing
10 panel finding the violations of prohibitive --
11 prohibitive conduct section of this chapter will be
12 automatically appealed to the city council. The city
13 clerk shall place the appeal on the agenda of the
14 regular meeting of the city council within 30 city
15 business days of the hearing by the hearing panel and
16 shall notify the parties in writing of the hearing.
17 And that's pretty much the only appeals section that
18 would apply to this matter.

19 CHAIR FOLEY: Okay. Thank you.

20 Is there any further discussion before we
21 close the meeting?

22 MEMBER STAHOVICH: Yes. I just want to verify
23 that this -- we will have the findings for this meeting
24 at our next regularly scheduled meeting, which is
25 coming up in a couple of weeks?

1 MS. ARSEO: I -- I believe we can probably
2 make that agenda. Let me look at my calendar. When is
3 that agenda published? If -- if it's -- yes.

4 MEMBER KEEN: (Indiscernible).

5 MS. ARSEO: I'm trying to think, when is your
6 next meeting, November --

7 MEMBER KEEN: Fifth.

8 MS. ARSEO: -- 5th.

9 MEMBER KEEN: I think we're 20 days out.

10 MS. ARSEO: Yeah. Yes, it could be included
11 at that next regular meeting. And then the appeal
12 would happen within 30 business days. So yes, we will
13 try to make that meeting.

14 MEMBER STAHOVICH: That's all I had. Thank
15 you.

16 CHAIR FOLEY: Okay. Is there any other
17 discussion? Okay. Then the meeting is closed. Thank
18 you, everyone.

19 MEMBER KEEN: Thank you.

20 MEMBER FORD: Thank you, guys.

21 CHAIR FOLEY: Good night.

22 MEMBER NEWMAN: Okay.

23 MEMBER STAHOVICH: Thank you. Have --

24 - - -

25 (Whereupon, the proceedings concluded)

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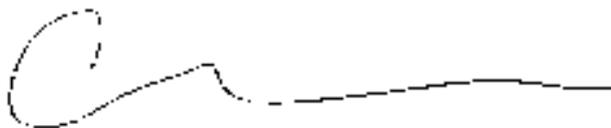
STATE OF WASHINGTON)

) SS:

COUNTY OF WHATCOM)

I, CHRISTINE AIELLO, do hereby certify that I transcribed the audio, and that the foregoing is a true and complete transcription of the audio transcribed under my personal direction.

IN WITNESS WHEREOF, I do hereunto set my hand at Blaine, Washington, this 2nd day of November, 2020.



Christine Aiello