

The Hermosa Beach City School District June 7, 2016, facilities bond Measure S Illegal use of a taxpayer paid website in order to benefit the Yes on S campaign.

Submitted By: Miyo Prassas, 1753 Valley Park Ave., Hermosa Beach, CA 90254
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Date Submitted: May 8, 2020

VIOLATOR: Hermosa Beach City School District
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RECIPEINT Ballot Measure Committee: Committee to Improve Hermosa Schools – Yes on S
I.D.#1383261
Principal Name: Michael Collins
Principal Mailing Address: 2309 Pacific Coast Highway, Suite 207, Hermosa Beach, CA 90254
Principal Phone: 310-989-4323
Treasurer Name: John Friberg
Treasurer Mailing Address: 1927 Valley Drive, Hermosa Beach, CA 90254
Treasurer Phone: 310-809-3006

VIOLATION:

The Hermosa Beach City School District used its taxpayer paid website to contribute to the Yes on S Committee by omitting information favorable to the No on S stance and by NOT presenting a fair and impartial presentation of the relevant facts to aid voters in reaching an informed judgement regarding facilities Bond Measure S a violation of California Education Code 7054(2).

1. **Dates of Benefit:** Fall 2015 to June 2016
2. **Amount of benefit.** \$59M bond passed.
3. **Nature of contribution:** HBCSD desired to rebuild a current grand-fathered in campus at North School at a cost of approximately \$32M. However, HBCSD (and the community) also had the options to either exercise their valid contractual right to use classrooms, office and storage space at another former district school Pier Avenue School as part of the Agreement for the Sale and Purchase of Pier Avenue School to the City of Hermosa Beach (1978) OR to renovate North School for approximately \$11M instead of completely destroying and rebuilding the campus for approximately \$32M. HBCSD wished to discredit these options in order to pass a \$59M facilities bond that would destroy and completely rebuild North School.
 - a. **Information Omission #1:** HBCSD did NOT list the No Argument Against Measure S on their website. HBCSD only listed the Argument in Favor of Measure S on their website prior to the bond vote. (See attached print out of HBCSD website regarding bond information.)
 - b. **Information Omission #2:** HBCSD did not include the Memorandum of Understanding between the City of Hermosa Beach and HBCSD regarding HBCSD valid contractual use of classrooms, office space and storage at the Community Center (aka Pier Avenue School) in the Agreement for Sale and Purchase of Pier Avenue School listed on the district's website under District Historical Documents. All other exhibits A- K were posted (13,461.8 KB) except for the most significantly important Memorandum of Understanding. The Memorandum of Understanding

supported the No on S Committee claims of district use of the Community Center to house students.

- c. **Incorrect Information #1:** Under the heading – *What is Measure S?* and subheading - *What are the Children’s Journey and South Bay Adult School programs currently located at North School? Are these programs being evicted?*

“The state licensing facilities requirements for private preschools/childcare do not fall under the more restrictive Title 5 public school Ed Code criteria which is why it is not possible to house public school students in the current North School facilities.”

This is an incorrect statement. North School is grandfathered-in as a public school. It is safe and usable as is for public school students. Hundreds of grandfathered-in schools are leased out to private schools and other uses in times of lower enrollment and then brought back online by school districts for use again by public school students when enrollment rises. HBCSD also had a letter from the Department of General Services, Office of Public-School Construction dated March 28, 2014 that supported the use of both the North School campus and the Community Center (Pier Avenue School) for public school students as is. Correct information was intentionally omitted.

Intentional Misinformation #1: Under the heading *History* - subheading – *Former Pier Ave School – Now City Community Center:*

“On March 20, 2013 the FPAC examined the option of the Community Center as a future school site to address the overcrowding issue. The Director of City Planning, Pam Townsend, attended the meeting to answer questions from the committee. On March 21, she provided the following documents from the City regarding the condition of sale of Pier Avenue School from the district to the City (scroll down) along with a message “ther is no provision for the school district to reoccupy the site for a school as discussed last night, so that option is not viable as discussed.” (See attached print view of the district’s webpage: History.)

AND under the heading *What is Measure S?* - subheading – *What properties were explored by the FPAC as possible alternatives to North School?:*

“On March 20, 2013 the FPAC discussed the Community Center option. City Planning Director Pam Townsend was present at the meeting and later provided documents and a statement that there is no provision for school district to reoccupy the site for a school so that option is not viable as discussed. (Lease Agreement located under Measure S – History)” (See print view of the district’s webpage: What is Measure S?)

FACT #1: As of March 20, 2013, the Memorandum of Understanding (MOU) regarding district contractual use of Pier Avenue School classrooms, office and storage space was missing from the known versions of the Agreement for the Sale and Purchase of Pier Avenue School. The MOU was discovered by an Facility Planning and Advisory Committee (FPAC) member in August 2013 at the Los Angeles County Registrar’s Office. Pam Townsend’s knowledge of the Sales and Purchase Agreement was incomplete at March 20, 2013.

FACT #2: An email from the FPAC president Monique Ehsan dated October 19, 2014 refutes the districts claim that the FPAC examined the option of the Community Center as a future school site. (See attached email from Monique Ehsan to School Board member Patti Ackerman and Superintendent Pat Escalante)

- d. **Intentional Misinformation #2:** HBCSD embedded HBCSD attorney Mr. Terry Tao’s presentation of May 31, 2016 and the incorrect information presented at the May 25, 2016 Measure S Informational Meeting on the district website within 60 days prior to the June 7th election. Neither HBCSD attorney’s presentation nor Superintendent Pat Escalante’s bond measure informational presentation was a fair and impartial presentation of the facts as required by California Education Code Section 7054(2).

e. Embedding the video of Mr. Tao's presentation and Pat Escalante's May 25, 2016 presentation should be considered a PAID online communication according to Section 18421.5 of the Fair Political Practices Commission, Title 2, Division 6. Normally, both prior to and after the Measure S bond campaign, HBCSD does NOT embed school board meetings or City and School district joint meetings on the HBCSD district website www.hbcسد.org.

4. **Behest Contribution:** The Committee to Improve Hermosa Schools (aka Yes on S) was controlled by Michael Collins who is the husband of HBCSD School Board president Mary Campbell. Michael Collins home and work addresses and phone number were given on CA Form 410 and forms 460 as the principal officer information.

The Yes on S committee treasurer was John Friberg who is the spouse of HBCSD School Board member Maggie Bove LaMonica. John Friberg and Maggie Bove LaMonica's home address and personal phone number were given on CA Form 410 as the contact mailing address for the Yes on S committee.

Michael Collins was in constant contact with HBCSD Superintendent Pat Escalante during the bond campaign. (See attached email examples of collusion on the Yes on S campaign.) In addition, both Michael Collins's wife and John Friberg's wife were in constant contact with Superintendent Pat Escalante during the bond campaign.

5. I have personal knowledge of this violation because I both viewed and fact-checked information on the HBCSD website both prior to, during and after the 2016 Measure S bond campaign.

I am a 30 year resident of Hermosa Beach and have been involved with, attended meetings and have researched the Hermosa Beach City School District and the California Department of Education and the Department of General Services, Office of Public School Construction and the Department of State Architects rules and regulations and findings regarding our school district facilities since 2002.

Names and addresses of witnesses:

1. Howard Longacre, 2715 El Oeste Blvd., Hermosa Beach CA 90254
2. Chris Miller, 528 W. Maple Ave., El Segundo, CA 90245
3. Jackie and Jim Hausle, 1824 Valley Park Avenue, Hermosa Beach, CA 90254
4. Blair and Sally Smith, 316 25th Street, Hermosa Beach, CA 90254
5. Cassandra Bates, Hermosa Beach, CA 90254

I, the undersigned, do hereby swear, certify and affirm that:

I am over the age of 18 and am a resident of the State of California. I have personal knowledge of the facts herein.

Sincerely,

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