

Nunez, Guille

From: Martin Truitt <martin117a@gmail.com>
Sent: Wednesday, July 24, 2019 8:57 PM
To: Richard McDonald
Cc: Mermell, Steve; Bagneris, Michele; Terry Tornek; Tyrone Hampton; Margaret McAustin; John J. Kennedy; Gene Masuda; Victor Gordo; Madison, Steve; Andy Wilson; Reyes, David
Subject: Re: Public Records Act Conflict of Interest

City Manager Mermell:

I suggest Mr. McDonald familiarize himself with California's anti-SLAPP law.

Councilmembers should take note that right on cue, Mr. McDonald is issuing threats at the invitation of the City Manager in order to prevent me from examining Ms. Nunez's conduct in a very important public matter.

Does the City Manager's conduct seem proper and unworthy of your oversight duties?

I note for the record that I have been asking for the hard copy CUP application filed by Mr. McDonald in his meeting with Ms. Nunez on July 9 since July 11 (13 days ago) and that Ms. Nunez has falsely claimed she needs until August 5th to locate these records (that she is the custodian of).

Finally, let the record show that in this email Mr. McDonald is presenting himself as being associated with Carlson & Nicholas, LLP which has represented me in legal matters.

On Wed, Jul 24, 2019 at 8:20 PM Richard McDonald <rmcdonald@carlsonnicholas.com> wrote:

My apologies for the delay in responding, but I have been in client meetings up until a short time ago.

Suffice to say, all of the emails I sent were to the marijuana regulations address as required, and all simply asked questions. Nothing untoward, illegal or inappropriate occurred. To think otherwise is absurd.

Martin, please also remember I am not a public official and am not willing to let you impugn my integrity or reputation.

You are entitled to your own opinions, no matter how delusional they may be. But, you are not entitled to your own facts; and, the facts show you are inaccurately stating what occurred to harm someone simply doing her job.

As was asked of Joe McCarthy, do you have any sense of decency?

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Sent from my iPhone

On Jul 24, 2019, at 8:11 PM, Martin Truitt <martin117a@gmail.com> wrote:

City Manager Mermell:

Attached is an overlay of the Nunez map and an assessors map showing how Nunez's "error" acted to conceal the location McDonald has now filed a CUP application for.

Please investigate this "error" to determine if it was:

- a) intentional
- b) at what point in time did Nunez realize her map contained this error and at what point in time she discussed it with Richard McDonald.
- c) what steps Nunez took to inform applicants of the error (other than Richard McDonald).

On Wed, Jul 24, 2019 at 6:31 PM Martin Truitt <martin117a@gmail.com> wrote:

In addition I have requested all information regarding the development of the city's cannabis map (see attached) which Ms. Nunez has so far refused to produce.

This map (the PDF metadata shows the PDF was authored by "gnunez" - see attached) shows that a portion of the parcel Mr. McDonald has now applied for was within a sensitive use area and this disqualified. I note that the site Mr. McDonald has applied for appears to belong to another of Mr. McDonalds clients (Singpoli).

This map, apparently produced by Nunez, thus acted to conceal this spot from all applicants other than....you guessed it...Richard McDonald.

When did Ms. Nunez know that the map she prepared contained an "error" that only Mr. McDonald was aware of?

Please investigate.

On Wed, Jul 24, 2019 at 6:09 PM Martin Truitt <martin117a@gmail.com> wrote:

In my experience and in the experience of many of the councilmembers, when someone responds with a red herring (like you have) it is a huge red flag.

Ms. Nunez is the only person ever identified and designated by the city to be the coordinator and source of information for the cannabis project. She is the signer of the status letters issued to applicants.

As you may know, I have requested copies of all emails sent to or received from Richard McDonald to any city employee or official from November 1, 2018 through the date of production.

I made this request because I suspected that Richard McDonald may have asked for and received special advance help from planning staff regarding his cannabis permit project. Help that he received even before it was announced that McDonald's client was a top 6 scoring applicant.

After my request, in an obvious effort to preempt my discovery, the city posted a selection of emails sent to and from McDonald by Guille Nunez that document that city staff gave assistance to McDonald that was not offered or provided to other applicants. The emails also refer to one or more phone calls between McDonald and planning staff regarding cannabis matters.

During this time Nunez' voice mail explicitly said to direct all questions to marijuanaregulations@cityofpasadena.net yet McDonald communicated with Nunez on multiple occasions using her personally assigned city email address and received replies and apparently had multiple phone conversations with Nunez.

Particularly troubling are emails from Nunez to McDonald on April 8-10 where Nunez is assisting McDonald in his efforts to research and qualify a cannabis site (see attached).

I note this conduct occurred two months prior to the public being notified that McDonald's client had received the top score (out of 122 applicants) and therefore would be allowed to apply for a cannabis license.

In addition, as the attached shows, on June 25 Ms. Nunez also inappropriately provided a single applicant with the vital information that it was the city's position that the Rudolf Steiner Library was not a library for distance separation requirement purposes. When another applicant raised the same issue on June 28, Ms. Nunez failed to provide an answer and in fact the city withheld any kind of answer for 4 days.

These two incidents demonstrate that Ms. Nunez has failed to act in a fair manner and even handed manner.

Please investigate this matter.

In my view, Nunez should be removed from this process because she inappropriately participated in it as a researcher for one applicant and supplied ex parte zoning code interpretations for another which she withheld from other applicants.

All of Ms. Nunez' decisions to date regarding the completeness of CUP applications for processing should be revisited.

On Wed, Jul 24, 2019 at 5:37 PM Mermell, Steve <smermell@cityofpasadena.net> wrote:

Dr. Mr. Truitt,

This is in response to your email, below, in which you assert misconduct on the part of a staff member, specifically related to communications with Richard McDonald in April — prior to the ranking of any of the cannabis applicants. I am cc'ing Richard McDonald since it also implies that he was involved in something untoward, and I would appreciate having his response also in the event there are additional facts of which I should be aware.

The City staff member mentioned by you had no decision making authority with respect to ranking or evaluating any cannabis application. In fact, the ranking process was insulated from City staff and elected officials to prevent any possibility of undue economic influence or political pressure. The City staff member mentioned by you has no present decision making role with respect to any of the pending land use processes or the granting of cannabis permits.

I am familiar with the good work of this particular staff member in handling a volume of work far above and beyond what is normally expected and also retaining good spirits in the face of personal attacks on her integrity. Neither I nor her department Director see any reason to remove her from her present assignment. Doing so would hinder the effort to continue to process the massive amounts of documents and document requests that are being generated by the process. It would also send the wrong message to staff that their good work can be undone by unsupported allegations of bias.

I appreciate your bringing this matter to my attention, and will always examine carefully any matter raised by you or any other resident.



Steve Mermell

City Manager – 626.744.6936



From: martin117a@gmail.com <martin117a@gmail.com>
Sent: Wednesday, July 24, 2019 3:01 PM
To: Bagneris, Michele <mbagneris@cityofpasadena.net>; Mermell, Steve <smermell@cityofpasadena.net>
Cc: Terry Tornek <ttornek@charter.net>; Tyrone Hampton <tyrone.pci@gmail.com>; Margaret McAustin <mmcaustin@sbcglobal.net>; John J. Kennedy <jjkennedy411@att.net>; Gene Masuda <Genomas@aol.com>; Victor Gordo <victor@liuna777.org>; Madison, Steve <smadison@cityofpasadena.net>; Andy Wilson <awilson@rexter.com>
Subject: Re: Public Records Act Conflict of Interest

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I forgot to mention that the public records Ms. Nunez has had in her possession since July 9 but now falsely claims she needs two weeks to locate is the hard copy of the CUP cannabis application submitted by.....you guessed it....Richard McDonald.

From: martin117a@gmail.com

Sent: Wednesday, July 24, 2019 2:41 PM

To: mbagneris@cityofpasadena.net ; smermell@cityofpasadena.net

Cc: Terry Tornek ; Tyrone Hampton ; Margaret McAustin ; John J. Kennedy ; Gene Masuda ; Victor Gordo ; Steve Madison ; Andy Wilson

Subject: Public Records Act Conflict of Interest

City Manager Mermell and City Attorney Bagneris:

I am examining the conduct of city staff including Guillermina Nunez with respect to actions taken as they relate to the application and issuance of Conditional Use Permits for Cannabis.

For instance, only after I issued a public records act request, the city issued a limited amount of emails that show Ms. Nunez was personally assisting, emailing and telephonically communicating with one of the applicants (Richard McDonald) in qualifying a cannabis site in April, two months before the scores were released.

As part of my examination, I have issued multiple public records act requests which apparently have been improperly assigned by David Reyes to Ms. Nunez herself to fulfill.

Ms. Nunez should be removed from the process of fulfilling my public records act requests because she has an obvious conflict and an incentive to conceal any public records that reflect poorly on her actions.

Ms. Nunez' misconduct in processing my requests has already begun. For instance, as I notified the City Attorney on Monday July 22, Ms. Nunez falsely notified me that she needed and additional 14 days to locate records she already possesses and apparently is the sole custodian of. These records should be immediately removed from her possession.

Please remove Ms. Nunez from the process of fulfilling my public records act requests and assign this task to someone who does not have her obvious conflict of interest.

<assessors map overlay pdf.pdf>