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December 3, 2010

Dan Schnur, Chairman  
Fair Political Practices Commission  
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Sacramento, CA 95814

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Re: Dendra Dengler, FPPC#090438

I write this letter as a friend and former colleague of Dendra Dengler and also as a citizen who is alarmed by what the FPPC is doing to Dendra Dengler.

It is my understanding that the intent of the code that gives the FPPC authority is about protecting the public from public officials using their office for personal gain, about ensuring that public officials serve the public first, not themselves. In my many years of observing Dendra as a volunteer and as a board member, Dendra has always, in every instance, to the best of her ability, put the interest of the district, the interest of the community, first and foremost in every action taken by her. Nevertheless, the FPPC, evidently, on the basis of presumption only, has found a conflict of interest where there was none and is none.

In late 2006 I was appointed to the board and served with Dendra for a little over a year. The board did not and does not have an attorney in attendance at meetings, except on rare occasions. Generally speaking, the various general managers have lacked management expertise. Due to staffing problems and district financial problems, our workload was tremendous. Our board, with almost no help from staff, undertook to implement a household user rate increase, much needed but most unpopular. Increasing the rates had been a recommendation of past annual audits for a few years. Many Sunday afternoons we spent preparing agendas for upcoming meetings, meeting materials for the rate increase hearings, as well as much other general board business. We gave up countless hours of our time to get this vital work done for the district. During this time, Dendra was a full time preschool teacher, and I was a student. Besides the many, many hours Dendra gave in service as a director, in the past 30 years, she has dedicated many other hours as a volunteer helping to develop community recreation programs, parklands, a playground, and numerous other commitments of time for the benefit of children and community improvement, in general.

It is horrifying for me to see the payback for her great generosity of time and commitment to her community coming in the form of an agreed-to fine that may amount to, at a minimum, almost the equivalent of her annual retirement income. It is my understanding that the alternative to not accepting the FPPC agreement amounted to the potential of facing maybe \$50,000 or more in fines plus the cost of an attorney if the outcome of an FPPC hearing was unfavorable. This

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would have been an unacceptable risk to a retired preschool teacher on limited income. With an existing loan already on her property, it is doubtful she could have gotten another and more likely would have had to sell her home of more than 30 years to satisfy the FPPC. Let regular folks beware – they stand to suffer greatly should they choose to serve and naively make a misstep.

Dendra, as a board member did participate in the acquisition of parkland property for the district, land that is next to her residential property. She did so without intent to benefit and did not benefit. Development could not take place on the acquired property, and she already personally had prescriptive access across the property to the beach. Further, the community acquisition was based on a longstanding district plan to acquire parklands to provide coastal access to its residents and visitors, a plan undertaken long before her tenure on the board.

If this country's basic foundation is revolt against rule of law that is unfair, then fairness should rule, not regulation. Otherwise, there is no need for FPPC staff attorneys. An investigator feeding verified information into a computer program could accomplish the same result. It would seem the bottom line for determining the fairness of a person's political practices would concern loyalty. There is no question about Dendra's loyalty. Dendra always put the district and the community first, and there has been no tangible personal gain to her by her action.

From another standpoint, I am also concerned that the FPPC is unwittingly assisting certain people in this community to kill Dendra's participation in local government. While I believe most people know in their guts when someone is exploiting their official position, I doubt that members of the general public would have felt wronged by her action taken as a board member, particularly since the acquisition was part of a larger community plan and particularly since she was not a deciding vote and did not initiate the acquisition in the first place, which leads me to wonder who filed this complaint.

I question whether regular members of the public are aware of this FPPC technicality, whether regular members of the public had the time (or access) to comb through the public record of minutes or other documents to find this violation on the part Dendra. I am aware, though, that the district general manager, for example, although he did not use district email, did send an intimidating email to her (entitled "Manila Foghorn Legal Ramifications") after she accurately quoted a statement he made at a public meeting in a newsletter ("The Manila Foghorn"). Later, I remember a phone call from Dendra, a little distressed, following a meeting where she had been standing outside in the hall when the general manager's spouse / significant other came up to her and unleashed a loud, irrational rant against her.

Dendra has been the lone voice on the board on a number of subjects, raising serious questions -- about the process used to select the auditor; about the basis for lowering the connection fees (not household) when two separate engineering studies recommended the rates be what they are; about the details involved in the board's unanimous adoption of an entire 1000 series of policy, while she was away at training, in which there was no mention of individual policy titles or what changes were being made. Perhaps, because of potential or actual Brown Act violation, the board responded to her concerns on this occasion and took action to rescind that particular motion.

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More recently, Dendra asked that another action of the board be rescinded, one in which she had made or seconded a motion to put a chain across a gate at the community center. Later, it had occurred to her that this action may fall under an FPPC conflict and called the attorney for the district for his opinion. Although the attorney recommended the board rescind the motion, the board did not. Instead the general manager, circulating a memo prior to the meeting, evidently made available to the public, initiated a recommendation to censure Dendra for the reason that she had consulted the attorney without first asking the general manager. Dendra responded in writing, explaining that her contact with the attorney was reasonable and justified. She also pointed out that censure is an extremely uncommon subject for board meetings, if not unprecedented, that it was not on the posted agenda, and that discussion of a subject not posted on the agenda violated the Brown Act. Nevertheless, the board did discuss censure even though they had been informed the Brown Act was being violated by doing so. At a later meeting, the board moved to change meeting minutes to action only, eliminating board discussions from the public record. At a later meeting, censure of Dendra was placed on the agenda. The director responsible for the agenda item explained, that, along with his summarily conclusive list of reasons for censure, censure was on the agenda to "cure" the Brown Act violation. Was the "cure" an excuse to use government process to seize another opportunity to abuse Dendra? Is the FPPC also being used to abuse?

There is something wrong with the FPPC when it is allowed to harm the kind of person that communities need – a person who gave her time to help whenever and in whatever way she could. There is something wrong with the FPPC if its processes are being used to silence a person for speaking up.

Sincerely,



Rita Carlson