



Housing Authority
— of the —
City of Alameda

PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

Sent:

**Wednesday, October 15, 2025
1:40 PM**

Subject:

**Re: PII on AHA website....Re:
Error in released Board of
Commissioners Agenda**

Vanessa Cooper

From: Jay Faustini <[REDACTED]>
Sent: Wednesday, October 15, 2025 1:40 PM
To: Jhaila R. Brown
Cc: Vanessa Cooper; atorbitt@nixonpeabody.com; Jasmine Polar; Robert Shaye
Subject: Re: PII on AHA website....Re: Error in released Board of Commissioners Agenda

[External Email]

Ms. Brown,

Thank you for taking the time to address all my inquiries. And thank you for preparing the Agenda supplement.

I trust that the supplement will correct the one remaining issue of the inaccurate characterization of my email of September 18 that appears on page 5 of the Agenda, as previously requested:

The fifth line from the bottom states: *"The email also provides that the April 16, 2025 meeting minutes did not reflect such miscategorization."* The email provided no such thing. Nor is it true that the minutes did not reflect "such miscategorization".

This erroneous sentence makes it appear that a correction was made in the minutes when, in fact, the minutes continued to show the original, intentionally false disclosure. My email of September 18 only referenced that no correction announcement was made. (The email was directly quoted correctly in the unconditional commitment letter to me, appearing on pages 10 and 18 of the Agenda.) Perhaps the sentence was meant to read "meeting minutes did not **correct** such miscategorization" instead of "**reflect**"?

Please correct this due to the inaccurate impression of my email and the approved minutes the error creates.

Best Regards,

F. Jay Faustini Jr.
[REDACTED]
[REDACTED]
[REDACTED]

On 10/15/2025 1:04 PM, Jhaila R. Brown wrote:

Mr. Faustini,

Let me clarify if my prior email response to you regarding the public comment speaking time was not clear. Any extension of the 3-minute public comment period can only be

made at the discretion of the Board Chair (or the Vice-Chair if the Board Chair is absent) during the meeting. I cannot make that determination. Additionally, any member of the public has a right to make public comment, (i) in accordance with the parameters set out by the Brown Act, (ii) during the appropriate segments of the meeting, and (iii) within the applicable time limits. I am not a pass through, nor do you need my approval, to exercise that right. You can make the request to speak via email or in-person at the meeting, similar to any other member of the public.

As to your request regarding deletion of your name from the unconditional commitment letter included in the agenda packet for today's meeting, my response will mirror what I sent to Mr. Shaye today on the same topic.

All correspondence sent to AHA is a public record subject to disclosure under the Public Records Act, unless an exemption applies. Here, all of your emails to me and AHA are subject to disclosure by any other member of the public. There is no applicable exemption as the correspondence only includes your name and email addresses, which do not constitute personally identifiable information (i.e., social security numbers, medical information, subsidy related information).

As to the unconditional commitment letters, the legislative body needs to know who they are making the unconditional commitment to as part of the approval process in open session. Had you complied with the statutory requirements for a cease-and-desist letter, your cease-and-desist letter in its entirety would have been attached to the agenda item as an exhibit, including your name. As such, your name will not be redacted from the unconditional commitment letter included in the agenda packet.

For purposes of transparency, and to ensure the Board and public knows what AHA is responding to, AHA will supplement the current meeting agenda to include your email correspondence, relating to the Brown Act agenda items, sent to AHA after the agenda was published. The aforementioned correspondence is considered public comment relating to the Brown Act agenda items, and hard copies will also be made available for the public at the meeting.

The supplement will be available on AHA's website once published.

Thank you,

Jhaila R. Brown

she | her | hers

jbrown@goldfarblipman.com

510.433.6619

Goldfarb & Lipman LLP

550 South Hope Street | Suite 2685 | Los Angeles CA 90071

[510.836.6336](tel:510.836.6336) | goldfarblipman.com

Over 50 Years of Building and Supporting Communities

From: Jay Faustini [REDACTED]
Sent: Wednesday, October 15, 2025 9:51 AM
To: Robert Shaye [REDACTED]
Cc: Jhaila R. Brown <jbrown@goldfarbblipman.com>; Vanessa Cooper <vcooper@alamedahsg.org>; atorbitt@nixonpeabody.com <atorbitt@nixonpeabody.com>; Jasmine Polar <jpolar@alamedahsg.org>; Gregory Kats <gkats@alamedahsg.org>
Subject: Re: PII on AHA website....Re: Error in released Board of Commissioners Agenda

Ms. Brown,

Yes, PLEASE promptly redact our names from AHA's public Agenda. This should not be of any concern to AHA and further delay, given are multiple requests, is not warranted. Kindly inform us when this issue has been addressed.

Also, I requested to speak at tonight's meeting on Monday morning. Now, 48 hours later I still have not received confirmation of whether I will be allowed to. Please provide a response to this request this morning. Also let me know if you will be enforcing the typical 3 minute time limit.

And, of course, I still await your response to my emails from earlier this week.

Regards,

F. Jay Faustini Jr.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 10/15/2025 9:06 AM, Robert Shaye wrote:

Ms. Brown.

Our first and last names remain posted as of this morning. Kindly acknowledge if you will meet our request to redact our personally identifiable information, or not.

Please reply before 11am PT today.

Regards
Mr. Shaye

On Tue, Oct 14, 2025 at 3:51 PM Jay Faustini <[REDACTED]> wrote:

Ms. Brown,

I have just consulted with Mr. Shaye regarding the appearance of our names in AHA's publicly posted agenda materials.

Thank you for not also including our email addresses in a publicly posted document.

Please remove the currently posted Agenda and replace it with a version that redacts the appearances of our names. We did not agree to allow our names to appear publicly in AHA's Brown Act safe harbor documents.

Since it is not appropriate to leave them unredacted, especially after a removal request, kindly respond to this request promptly.

Thank you

F. Jay Faustini Jr.

[REDACTED]

On 10/10/2025 4:45 PM, Jhaila R. Brown wrote:

Messrs. Faustini and Shaye,

Attached please find a copy of the agenda and packet for the regular Board of Commissioners meeting scheduled to take place on Wednesday, October 15, 2025.

The document can also be found here:

<https://link.edgepilot.com/s/4f8e6293/OsEklofAlECD3CvuMtDzYg?u=https://www.alamedahsg.org/wp-content/uploads/2025/10/10.-Board-of-Commissioners-October-15-2025-Agenda-and-Packet.pdf>

Thank you,

Jhaila R. Brown

she | her | hers

jbrown@goldfarblipman.com

510.433.6619

Goldfarb & Lipman LLP

550 South Hope Street | Suite 2685 | Los Angeles CA 90071

510.836.6336 | goldfarblipman.com

Over 50 Years of Building and Supporting Communities

From: Jay Faustini <[REDACTED]>

Sent: Friday, October 10, 2025 3:31 PM

To: Jhaila R. Brown <jbrown@goldfarblipman.com>

Cc: Robert Shaye <[REDACTED]> Vanessa Cooper <vcooper@alamedahsg.org>; atorbitt@nixonpeabody.com; Jasmine Polar <jpolar@alamedahsg.org>

Subject: Re: Error in released Board of Commissioners Agenda

Ms. Brown.

Ms. Polar seems to be out of the office today.

Both you and your client have represented that the closed session corrections would be made today.

It is nearing the end of the day and I still have not received a response to my email from first thing this morning.

Kindly provide an update on the status of the corrections.

Thank you.

F. Jay Faustini Jr.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 10/10/2025 9:29 AM, Jay Faustini wrote:

Ms Polar,

At what time today can we expect the Agenda to be posted?

Thank you.

Regards,

F. Jay Faustini Jr.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 10/2/2025 2:03 PM, Jasmine Polar wrote:

Good afternoon, Mr. Faustine:

AHA expects to provide you with a response by Friday, October 10, 2025.

That you again for your patience on this matter.

Best regards,

Jasmine Polar

Senior Executive Assistant

Housing Authority of the City of Alameda

701 Atlantic Avenue

Alameda, CA 94501

Phone: 510-747-4325

Email: jpolar@alamedahsg.org

Pronouns I use: she, her, hers



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Monday through Thursday 8:30
a.m. to 3:00 p.m.
AHA will provide reasonable
accommodations upon request.

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addressed and may contain
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at (510) 747-4325 and delete it.

From: Jay Faustini
[REDACTED]

Sent: Wednesday, October 1, 2025
7:01 PM

To: Jasmine Polar
<jpolar@alamedahsg.org>

Cc: Robert Shaye
[REDACTED]

Vanessa
Cooper <vcooper@alamedahsg.org>;
atorbitt@nixonpeabody.com; Jhaila R.
Brown <jbrown@goldfarbblipman.com>

Subject: Re: Error in released Board of
Commissioners Agenda

[External Email]

**Dear Ms. Cooper,
Ms. Torbitt, Ms. Brown
and Ms. Polar,**

I've also requested additional
information regarding the
Section 54656.8 authorized
closed sessions referenced in
your response of September

22, 2025

(below). Specifically, the request was for information about the site's completed real estate transaction agreements for which the price and payment terms were negotiated in the closed sessions, including the March 2022 and April 2025 closed sessions.

I could be wrong, but I don't think that such post-closed session requests for information are typically responded to via agenda materials.

If the responses to the information requests will be included in the agenda materials you reference, please let us know. Or, if they will be provided separately, when can we expect the responses?

Regards,

F. Jay Faustini Jr.

[REDACTED]

On 10/1/2025 3:49 PM, Jasmine Polar wrote:

Good afternoon,
Mr. Faustini:

Thank you for your
below email.

AHA is working on
this issue expects
to publish the
Board Agenda and
Packet by Friday,

October 10, 2025,
with corrections.

We appreciate
your patience on
this matter.

Best regards,
Jasmine Polar
Senior Executive
Assistant
Housing Authority
of the City of
Alameda
701 Atlantic Avenue
Alameda, CA 94501
Phone: 510-747-
4325
Email: jpolar@alamedahsg.org
Pronouns I
use: she, her, hers



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p.m.

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From: Jay Faustini
[REDACTED]

Sent: Wednesday,
October 1, 2025 10:43
AM

To: Jasmine Polar
<jpolar@alamedahsg.org>; Vanessa Cooper
<vcooper@alamedahsg.org>;
atorbitt@nixonpeabody.com

Cc: Robert Shaye
[REDACTED]

Subject: Re: Error in
released Board of
Commissioners
Agenda

[External Email]

Dear Ms.
Cooper,
Ms. Torbitt

and Ms.

Polar,

I sincerely wish that members of the community and I could be assured that one of these errors was "an unintentional and inadvertent error" and another was an "accidental misclassification". But the series of these errors, after being seen, verified and left

uncorrected by many sets of eyes, indicates otherwise. Although the series of errors, in and of itself, does not indicate intentional Brown Act violations, they certainly do indicate, at a minimum, carelessness and negligence in providing required disclosures to the public. And AHA's failure to be forthcoming and promptly make all the necessary corrections to

these disclosure errors further indicates intentional concealment of required disclosures. Especially since full corrections require little more than drafting few lines of text and possibly releasing some documents.

If these were, in fact,

"unintentional and inadvertent errors", then please provide the complete disclosure that was actually intended to be made in the April/September agenda drafting and in May, during the minute approval process.

If these errors were, in fact, "accidental mis-classifications," kindly explain what accident was made during the classification process in the April/September

agenda drafting
and in May,
during the
minute approval
process.

The Board
provided very
quick responses
for the prior
incomplete
corrections. The
Board has been
aware of these
errors for two
weeks now and
have still not
offered a viable
explanation of
the errors made

nor compliant
corrections. Ther
e is no reason,
other than
intentional
obfuscation, for
further delay in
answering the
obvious issue
which arises from
the

disclosures: Was
"Potential
Litigation"
discussed? And
if so, the
required Section
54656.9
disclosures must
be provided.
Additionally, the
general
corrections
offered to date

are incomplete. They do not fully correct the errors, nor provide all the required disclosures for the discussion topics claimed to be authorized under Section 54656.8. Please provide the actual disclosures language that was intended to be included in the agenda for the Section 54656.8

authorizations. Also please provide the exact language that should have been approved in May, in place of the inaccurate information that was verified by the board inadvertently. The Board prior partial corrections list future lease(s) and AHA's 2022 purchase of the property as the real estate transactions which were topics under

negotiation. The price and payment terms of the 2022 sale were negotiated and completed with a final agreement reached three years ago. Any discussion of the sale's price and payment terms in 2025 would not fall under a Section 54656.8 authorization, as the terms are no longer under negotiation. Thu

s any 2025 closed session authorized by Section 54656.8 is not authorized to discuss the sale without additional required disclosures. So, if the the sale's price and payment terms were, in fact, discussed in closed session, despite the agreement no longer being under negotiation, kindly also provide the additional

disclosures
which are
obviously
necessary for a
closed session
discussion of a
real estate
transaction that
is NOT under
negotiation.

If the
claimed Section
54656.8

authorization
were, in fact,
based upon
discussions
regarding the
negotiation of a
lease, I assume

that negotiations
have concluded
by now, five
months
later. Please
provide the
substance of the
agreement
reached, if
any. And please
allow this
message to
serve as a
standing request
for disclosure of
the substance of
all of the site's
real estate
transaction
agreements
which are
discussed in
closed session,
once the

On 9/29/2025 9:36 AM, Jasmine Polar wrote:

Dear
Mr.
Faust
ini,

Thank you
for
your
patience.
Our
Public
Records
staff
will
provide
the
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Your
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Senior
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Housing
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City
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Alameda,
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Phone:
510-747-4325
Email:
jpolar@alamedaahsg.org

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"Potential Litigation" issues were discussed. The

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We will clarify the record in opposition at the October

Board meeting notification of the public of the mis-categorization

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All Board closed sessions and discussions regarding 2615 Eagle A

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Subject:Re: Error in released Board of Commi

Date:Thu, 18 Sep 2025 12:12:53 -0700

From:Jay Faustini [REDACTED]

Jasmine Polar <jpolar@alamedahsg.org>

atorbitt@nixonpeabody.com <atorbitt@nixonpeabody.com>

To:

CC:Robert Shaye [REDACTED]

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