

PHONE:

(510) 747-4300 (510) 522**-**7848

TTY/TRS:

711

701 Atlantic Avenue • Alameda, California 94501-2161

# Sent: Wednesday, October 15, 2025 2:08 PM

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

#### Vanessa Cooper

From:

Jhaila R. Brown

Sent:

Wednesday, October 15, 2025 2:08 PM

To:

Jay Faustini

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]

Mr.Faustini,

This message shall serve as acknowledgement of receipt of your email below.

I'll be in meetings for the remainder of the day, so my responses to any emails will be delayed.

Thank you,

Jhaila R. Brown

she | her | hers



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

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

To: Jhaila R. Brown

Cc: Vanessa Cooper < vcooper@alamedahsg.org>; atorbitt@nixonpeabody.com < atorbitt@nixonpeabody.com>; Jasmine

Polar < ipolar@alamedahsg.org>; Robert Shaye

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

Ms. Brown,

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

I trust that the supplement will correct the one remaining issue of the <u>inaccurate</u> 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.

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 incudes 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 | goldfarblipman.com

Over 50 Years of Building and Supporting Communities

From: Jay Faustini

Sent: Wednesday, October 15, 2025 9:51 AM

To: Robert Shaye

**Cc:** Jhaila R. Brown <a href="mailto:specific-block">jbrown@goldfarblipman.com</a>; Vanessa Cooper <a href="mailto:scooper@alamedahsg.org">cvcooper@alamedahsg.org</a>; <a href="mailto:atorbitt@nixonpeabody.com">atorbitt@nixonpeabody.com</a>; Jasmine Polar <a href="mailto:specific-block">jpolar@alamedahsg.org</a>; <a href="mailto:specific-block">specific-block</a>; <a href="mailto:specific-block">jpolar@alamedahsg.org</a>; <a hr

Gregory Kats <a href="mailto:sqkats@alamedahsg.org">sqkats@alamedahsg.org</a>>

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

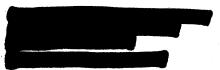
Ms. Brown,

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 Letill have not received confirmation of whether Letill have not received confirmation of whether Letill have not received confirmation.

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.



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 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.

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: <a href="https://link.edgepilot.com/s/5a703fc5/B4EwXLHWVkyfs8ddz">https://link.edgepilot.com/s/5a703fc5/B4EwXLHWVkyfs8ddz</a> 2THnw?u=https://www.alamedahsg.org/wp-

## <u>content/uploads/2025/10/10.-Board-of-Commissioners-October-15-2025-Agenda-and-Packet.pdf</u>

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

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

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

Cc: Robert Shaye and an analysis and an analys

Polar <ipolar@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.



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.

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: <u>ipolar@alamedahsg.org</u> Pronouns I use: she, her, hers



#### **PLEASE NOTE:**

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

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From: Jay Faustini

Sent: Wednesday, October 1, 2025

7:01 PM

To: Jasmine Polar

<ipolar@alamedahsg.org>

**Cc:** Robert Shaye

Vanessa

Cooper <a href="mailto:cooper@alamedahsg.org">cooper@alamedahsg.org</a>; <a href="mailto:atorbitt@nixonpeabody.com">atorbitt@nixonpeabody.com</a>; Jhaila R. <a href="mailto:Brown@goldfarblipman.com">Brown <a href="mailto:jbrown@goldfarblipman.com">jbrown@goldfarblipman.com</a>> <a href="mailto:Subject">Subject:</a> 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.

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: 510-7474325

Email: jpolar@ala medahsg.org Pronouns I

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AHA will provide reasonable accommodations upon request.

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From: Jay Faustini

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

To: Jasmine Polar <ipolar@alamedahsg. org>; Vanessa Cooper <vcooper@alamedahs g.org>; atorbitt@nixonpeabod y.com

Cc: Robert Shaye

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" B ut 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 require d 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. Esp ecially 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 misclassifications," 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. The y do not fully correct the errors, nor provide all the required disclosures for the discussion topics claimed to be authorized under Section 5 4656.8. Please provide the actual disclosures language that was intended to be included in the agenda for the Section 546 56.8

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

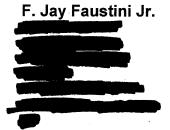
authorized by Section 5465 6.8 is not authorized to discuss the sale without additiona I required disclos ures. So, if the the sale's price and payment terms were, in fact, discussed in closed session, despite the agreement no longer being under negotiation, kindly also provide the additional disclosures 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 agreements are finalized. Continued refusal by the Board to promptly disclose the truth about a series of erroneous closed session disclosures indicates continued intentional reluctance to make required disclosures. Dis closures, I remind you, that the pubic should have seen over five months ago. Further

delay does not foster a constructive partnership with the community.

Thank you for your time and consideration.

Regards,



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

> Dear Mr. Faust ini,

Than k you for your patie nce. Our Publi С Reco rds staff will provi de the agen das and minut es

early this week for your revie w.

Your other quest ion about the close d sessi on is being revie wed, and Staff will get back to you in writin g befor e the next Boar d meeti ng. Any error s will also be corre cted publi. cly in that

meeti ng.

Pleas e be assur ed that any mislisting was an unint entio nal and inadv ertent error.

Best regar ds, Jasmi ne Polar Senio r Exec utive Assis tant

Housi ng Autho rity of the City of Alam eda <u>701</u> <u>Atlant</u> ic <u>Aven</u> ue <u>Alam</u> eda, CA

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#### From: Jay

Fausti





#### Sent:

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#### To:

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you will agre е that it clear ly does not foste rthe publi С trust for  $\mathsf{AHA}$ to refus e to fully corre ct its discl osur е error . Kin dly addr ess the most appa rent issue raise d by the

e error

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discl osur

s mad e by AHA: whet her or not litiga tion was actu ally disc usse d. Bes t Re gar

F. Jay Faus tini Jr.

ds,

On 9/22/ 2025 4:35 PM, Jasmi ne Polar wrote :

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Thank youagain

OlosedSess

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PLEASENOTE

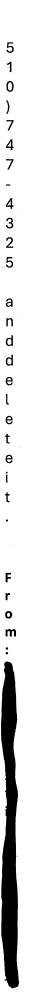
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- - ForwardedMessage- - -

Subject: Re: Error in released Board of Commi **Date:**Thu, 18 Sep 2025 12:12:53 -0700 From: Jay Faustini Jasmine Polar <jpolar@alamedahsg. atorbitt@nixonpeabody.com <atorbit

To:

D

CC:Robert Shaye

е а Μ S C 0 0 р е Μ S T b t а n d Μ S

Ρ

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