

City of Oakland

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Oakland Lobbyist Registration Act

Oakland False Endorsement In Campaign Literature Act

I am/We are not sure which specific law, ordinance or regulations apply. However, I am/We are requesting that the Ethics Commission determine if my/our complaint is within its jurisdiction.

The alleged violation occurred on or about the following date(s)

January 28th from 5 to 9PM

The alleged violation occurred at the following place:

1025 2nd Ave
OUSD

Please provide specific facts describing your complaint(Or attach additional pages as necessary.)

attached

The persons you allege to be responsible for the violation(s) are:

Superintendent Ward

Any witnesses who were involved and/or who can provide additional information: (Please indicate names and phone numbers, if available.)

Judith Offit - 465-8775

Patricia Durham

The Oakland School Board + school community

Jonah Zern

PLEASE NOTE:

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There may be other laws that apply to the violations you are alleging. The time limit to commence a legal proceeding to enforce those laws may not be extended by filling this complaint. You should contact an attorney immediately to protect any rights available to you under the law.

By filling this complaint with Public Ethics Commission it, and all other materials submitted with it, becomes a public record available for inspection and copying by the public

NAME: Pamela Drake PHONE NO.(Day): 510 834-9198

ADDRESS: 4133 Balfour Ave PHONE NO.(Eve.): 510 834-9198

CITY: Oakland STATE: CA ZIP: 94610

FAX NO.: 510 238-2303

E-MAIL: pamelad205@mac.com

PLEASE RETURN THIS FORM TO:

Public Ethics Commission
One Frank Ogawa Plaza, 4th floor
Oakland, CA 94612

Phone: (510) 238-3593
FAX: (510) 238-3315

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From Wednesday, January 28th

Last night I attended the Oakland School Board Meeting (or whatever we're calling it these days). I was met again with a large show of police force and no little amount of intimidation. School security and police officers straddled the steps. It was not apparent that you were able to enter at all. I went around them successfully and found at least a half dozen OPD officers immediately inside filling up the hallway.

I asked the officer in charge why such a large force was needed. He said he probably needed more and had I seen what had happened at the last meeting. I said I had and there had been no incident. He told me that they were required to enforce the fire safety laws (or something to that effect). I asked him why folks were not allowed to stand in the halls as they always had in the past when the room filled up. He felt that there were already too many people in the halls. At the time, most of people in the halls were TV reporters and cameramen. He commented that if there were an emergency, a gurney would not be able to get through. So I'm guessing that next the press may be excluded for causing a hazard.

I made my way to the meeting hall. There was an officer blocking the door. He said that the room was not yet open. Dan Siegel was coming down the stairs from the Closed Session. He asked Ward if the meeting room could be opened to the public now. But when I tried to enter, I was asked who I was. He then told me that I had to have a ticket. I was unable to locate the ticket "vendor". A teacher from Burbank School came up to me and got me to the lady giving out the tickets. She asked me if I were a Burbank teacher or parent and the teacher said that I was; so using subterfuge I was able to into an OUSD "public" meeting.

Once in the meeting there were numerous police and security personnel (as there were also in the entire hallway. I asked one guard if her were on overtime and he said yes). The speakers from Burbank were asked to line up at the mike to speak. About 30 folks lined up and spoke very emotionally, many of them children.

As I got up to leave I observed an audience member (whom I know somewhat), almost get into an altercation with an officer apparently

over handing out flyers. Another officer calmed the first one. I saw that more security was coming in. I also saw an officer from the hallway ask if more citizens could come in. He said no. I watched as numerous people left, but it was still no. I could see the OPD and school security forming a barrier at the top of the stairs. Citizens were being ushered out the side entrance and not allowed back into the hallway. I watched a mother plead with the group of officers to let her take her daughter to the bathroom. They escorted her out. I shifted myself to the door and quickly left as an officer attempted to grab me before I could get through.

I was told that the room would be "cleared" before the next school could come in to plead their case. I will be submitting a complaint to the ethics commission on this violation of the Brown Act. If you know of any other witnesses who wish to complain, please notify me. I am outraged and believe that if we do not stop this thwarting of public participation, the flaunting of laws and intimidation will continue to grow. In my opinion, it has already reached an unacceptable level.

Pamela Drake

ATTACHMENT 1

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Purnell, Daniel

From: PAMELA A DRAKE [pamelad205@sbcglobal.net]
Sent: Wednesday, December 01, 2004 1:43 PM
To: dpurnell@oaklandnet.com
Subject: Memo to Commission (printer not working)

Pamela A Drake
4133 Balfour Avenue
Oakland, CA 94610
December 1, 2004

Memo to Dan Purnell, Director of the City of Oakland Public Ethics Commission

Re: Continuance of the Public Ethics Commission Special Evidentiary Hearing for December 15th

In consideration of the upcoming OUSD Board Meeting on the same date as the Ethics Commission Hearing and of the desire and need for witnesses to the Ethics Commission Hearing to participate in the OUSD School Closure Hearing, I request a continuance of my complaint on the violations of the Sunshine Ordinance by the OUSD Administrator. My hope is that the upcoming closure meeting will be held to the letter and spirit of the Sunshine Ordinance and Ralph M. Brown Act.

To that end I will be observing the procedures at that meeting and respectfully request that members of the Public Ethics Commission attend and observe the procedures and police conduct at this December 15th meeting at Oakland Technical High School. I intend to flyer attendees with information of their rights as active residents of the City of Oakland and the State of California and to request a new hearing date if, in the opinion of myself or other attendees, any more violations do occur.

Pamela A Drake

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12/2/2004

City of Oakland
Public Ethics Commission

In the Matter of)
) Complaint No. 04-02
Alleged Violation Of)
Oakland Sunshine Ordinance)
On January 28, 2004

DETERMINATION GRANTING REQUEST FOR POSTPONEMENT

On December 1, 2004, Complainant Pamela Drake submitted by email a request for a postponement to the currently scheduled hearing of December 15, 2004, in the above-referenced complaint. **Attachment 1.**

Section IX(H) of the Commission's General Complaint Procedures provides:

"A postponement may be granted prior to the hearing only upon written request to the Chair or hearing examiner. At the hearing a matter may be postponed or continued only for good cause shown upon approval of the person(s) conducting the hearing."

The reason given in support of complainant's request for postponement is that respondent Oakland Unified School District recently noticed a public meeting on school closures at the same time as the scheduled hearing in this matter and that her witnesses "desire and need" to participate in the School Board's public meeting, thus making the complainant and her witnesses unavailable.

The last part of complainant's request implies that she may not want a new hearing date if respondent Oakland Unified School District fully complies with the Sunshine Ordinance and the Brown Act at the School Board's December 15, 2004, public meeting.

The circumstances described in complainant's request for a postponement constitutes good cause and accordingly the request is GRANTED.

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IT IS FURTHER ORDERED that on or before December 31, 2004, complainant shall provide the Public Ethics Commission with either written notice of withdrawal of her pending complaint or a written request to set a new evidentiary hearing date; if neither is received by that date the Commission will deem the pending complaint withdrawn and subject to dismissal or other further action by the Public Ethics Commission.

Issued: 12/3, 2004

By: 
Andrew Wiener
Public Ethics Commission

Distribution List:

Pamela Drake

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