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May 17, 2019

VIA ELECTRONIC MAIL

Michael Louthian
Investigator
Los Angeles City Ethics Commission
200 N. Spring Street
City Hall, 24th Floor
Los Angeles, CA 90012
michael.louthian@lacity.org

Re: Complaint Regarding Alleged Criminal Bribery and Alleged Violations
of Los Angeles' GEO by The VNC Vice President George Francisco

Dear Mr. Louthian:

The purpose of this letter is to request that you immediately investigate the following alleged violations of the State's Penal Code and the City's Governmental Ethics Ordinance (GEO) by the sitting Venice Neighborhood Council (VNC) Vice President George Francisco. In order to ensure transparency, accuracy of information, and a fair election on June 2, 2019, an investigation of these allegations must be commenced at once.

The Ethics Commission is charged with the impartial and effective administration, implementation, and enforcement of the City's governmental ethics laws. Charter §§ 702, 706. The GEO (Los Angeles Municipal Code (LAMC) §§ 49.5.1 *et. seq.*) was enacted to accomplish a number of purposes, including ensuring that the City's processes promote fairness and equity for all and helping to restore public trust in governmental and electoral institutions. LAMC §§ 49.5.1(C)(2), (7).

A. SUMMARY OF LAWS ALLEGEDLY VIOLATED

Three of the laws designed to foster the GEO's goals are at issue here. The first prohibits City officials from misusing or attempting to misuse their City

positions or authority to create a private advantage or disadvantage of any kind for any person. LAMC § 49.5.5(A).

The second prohibits a City official from soliciting a gift from a restricted source and a person who is a restricted source to a City official from offering or making a gift that exceeds the applicable gift limit to that City official. LAMC § 49.5.8(C)(1), (2). A restricted source includes “[a] person who is or in the prior 12 months was a party to proceeding involving a license, permit, or other entitlement for use that was pending...before a board, commission, committee, or other similar body of which the official is a voting member.” LAMC § 49.5.2(J)(2)(d).

The third prohibits a member of a City board who is required to file statements of economic interests pursuant to the Political Reform Act from receiving compensation to communicate, either personally or through an agent, with a City official for the purpose of attempting to influence action on a City matter on behalf of a person other than an agency. LAMC § 49.5.13(A).

The VNC is a City agency which, along with its board members, falls within the jurisdiction of the Ethics Commission. The GEO defines an agency as any “City...board, commission or entity required to adopt a conflict of interest code subject to City Council approval.” LAMC § 49.5.2(A). The VNC is required to adopt a conflict of interest code and has done so. It is, therefore, an agency. As a board member of a City agency, the VNC vice president is subject to all restrictions and prohibitions imposed upon agency employees by the GEO. Accordingly, if the VNC vice president violated provisions of that ordinance then the VNC vice president is subject to enforcement action and may be held liable by the Ethics Commission for those violations.

Furthermore, the allegations contained herein may violate California Penal Code § 68, subdivision (a), which prohibits every executive officer of the State of California, a county or city therein, or a political subdivision thereof, from asking, receiving, or agreeing to receive, any bribe, upon any agreement or understanding that his vote, opinion, or action upon any matter then pending shall be influenced thereby.

B. SUMMARY OF ALLEGED FACTS

On May 25, 2017, 506 East Westminster Avenue (ZA-2014-4139-CDP, AA-2014-4137-PMLA-SL) (Case) came before the VNC LUPC for review by an applicant identified as FMB Development (FMB).¹ The VNC LUPC put forth a motion to

¹ [VNC LUPC Minutes](#), May 25, 2017, Agenda Item 8E, p.3.

recommend The VNC board (VNC Board) recommend approval of the Case if FMB provided a Mello letter.¹ The motion was approved by VNC LUPC.¹

On June 20, 2017, the VNC Board voted and passed a motion to recommend approval of the Case as presented if FMB provided a Mello letter and if the dedication entailed widening a street with similar tree to be replaced of species and size in the parkway.² Mr. Francisco abstained from voting on the motion.²

On July 18, 2017, the VNC Board voted and passed a motion to recommend approval of the Case if FMB provided a Mellow letter.³ Mr. Francisco abstained from voting on the motion.³ Thereafter a Los Angeles Department of City Planning public hearing was held on the Case at Los Angeles City Hall on August 9, 2017, an appeal of the Case was filed on March 19, 2018, and a West Los Angeles (WLA) Area Planning Commission public hearing on the Case was scheduled for June 6, 2018.⁴

On May 29, 2018, Mr. Francisco allegedly sent an associate named Brian Wilson the following text messages⁵:

“I just got a lock on another 5k from my developer friend... Wed June 6 5pm, we need 10 people interns to come and say they are from Venice and support the project, deny the appeal... We need to show to get the dough”

“Also, what is our performer line up again?”⁵

On May 29, 2018, Mr. Wilson allegedly sent Mr. Francisco the following text message in response to the text messages allegedly sent by Mr. Francisco earlier the same day⁵:

“Love it I’ll bring 10 people. Here’s the lineup: Phantogram Jack Beats Julian Banks Bad Royale FK1 1st Vincent MYRNE Griffin Stoller Juyen Sebulba Master of the People”⁵

In May 2018, Mr. Francisco and Mr. Wilson were allegedly working together to plan and produce a community event called FlowerFest in the Venice Neighborhood on June 9, 2018. On June 5, 2018, the day before the WLA Area

² [VNC Board Minutes](#), June 20, 2017, Agenda Item 12G, pgs.9-10.

³ [VNC Board Minutes](#), July 18, 2017, Agenda Item 10C, p.6.

⁴ [Department of City Planning Recommendation Report](#), p.1 and p.A-1.

⁵ [Exhibit A](#): Screenshot of text messages allegedly sent by Mr. Francisco to Mr. Wilson (black text with gray background) and a text message allegedly sent by Mr. Wilson to Mr. Francisco (white text with green background) on May 29, 2018.

Planning Commission public hearing on the Case, Mr. Francisco allegedly sent Mr. Wilson an email⁶ that reads in part:

“Also, finalized the 5k from my developer friend we are going to speak for Wed night...We are actually getting somewhat close to pulling this off without being crushed – right now the shortfall is 23k”⁶

On Wednesday, June 6, 2018, the WLA Area Planning Commission conducted the public hearing on the Case.⁷ Among those who allegedly attended the June 6, 2018 public hearing, allegedly completed speaker cards in support of denying the appeal of the Case, and allegedly spoke before the commission in support of denying the appeal of the Case were Mr. Francisco and Mr. Wilson.⁸ Mr. Francisco allegedly said the following at the public hearing⁹:

“Good evening, George Francisco, 202 Horizon Avenue, I’m here officially as the president of the Venice Chamber of Commerce to support the project, um, I’m also the vice president of the Venice Neighborhood Council and if you would like I will recount our neighborhood council vote for you, um, in support of the project to represent that. Uh, but more than that I’m here because this is an amenity to the block. It’s an amenity to the community. It adds housing in a very difficult environment to actually create housing. Um, it fits, its attractive, um, but we’re not here for any of those reasons. We’re here simply to provide a social setting for a group of people who want to file appeals. And every time I’m here, Commissioner Margulies, I’m shocked at how you act.”⁹

Mr. Wilson allegedly said the following at the public hearing¹⁰:

“Uh, Brian Wilson, 330 Venice Way, uh, I support the proposal. I’m against the appeal.”¹⁰

According to the minutes from the WLA Area Planning Commission’s June 6, 2018 public hearing, Commissioner Newhouse moved for motions separately on Item Nos. 5 and 6, Commissioner Yellin seconded on both motions, and President

⁶ [Exhibit B](#): Email allegedly sent by Mr. Francisco to Mr. Wilson on June 5, 2018.

⁷ [WLA Area Planning Commission Regular Meeting Agenda](#), June 6, 2018, Agenda Nos. 5 & 6, pgs.3-4.

⁸ [WLA Area Planning Commission Regular Meeting Audio Record](#), June 6, 2018, Time Stamp: 1:03:46.

⁹ [WLA Area Planning Commission Regular Meeting Audio Record](#), June 6, 2018, Time Stamp: 1:03:54-1:04:50.

¹⁰ [WLA Area Planning Commission Regular Meeting Audio Record](#), June 6, 2018, Time Stamp: 1:06:17-1:06:22.

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Margulies voted against both proposed motions.¹¹ Thus “[i]nasmuch as the Appeal Board failed to act, the appeal shall be deemed denied and the decision from which the appeal was taken shall be deemed affirmed.”

Sincerely,

GRANT R. TURCK

cc: The Honorable Mike Feuer, City Attorney
The Honorable Mike Bonin, Councilmember, District 11
The Honorable Jackie Lacey, District Attorney, Los Angeles County
Carmen Hawkins, Deputy City Attorney

¹¹ [WLA Area Planning Commission Regular Meeting Minutes](#), June 6, 2018, Item Nos. 5 & 6, pgs.3-4. Minutes Adopted: June 20, 2018.

Exhibit A



May 29, 2018, 10:57 PM

I just got a lock on another 5k from my developer friend... Wed June 6 5pm, we need 10 people interns to come and say they are from Venice and support the project, deny the appeal... We need to show to get the dough

Also, what is our performer line up again?

Love it I'll bring 10 people. Here's the lineup:

- Phantogram
- Jack Beats
- Julian Banks
- Bad Royale
- FKi 1st
- Vincent
- MYRNE
- Griffin Stoller
- Juyen Sebulba
- Master of the People

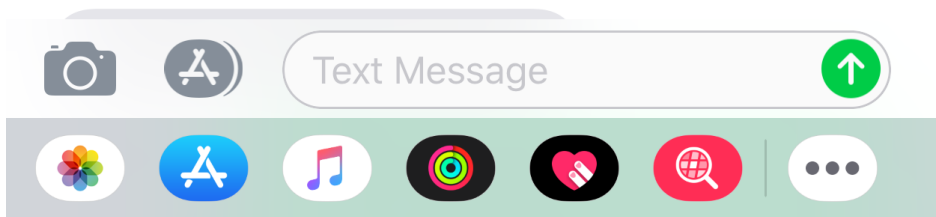


Exhibit B

From: Brian Wilson brian@redcloudent.com
Subject: Fwd: Fw: EXT: FlowerFest
Date: April 27, 2019 at 2:09 PM
To: [REDACTED] Brian Wilson brian@redcloudent.com



[REDACTED]

----- Forwarded message -----

From: George Francisco <gianfrancisco@hotmail.com>
Date: Tue, Jun 5, 2018 at 1:26 AM
Subject: Fw: EXT: FlowerFest
To: Brian Wilson <brian@redcloudent.com>

See below - not sure if anything helps us - but...

Also, finalized the 5k from my developer friend we are going to speak for Wed night

Also locked in 5k sponsor from Winston House (more favors)

We are actually getting somewhat close to pulling this off without being crushed - right now the shortfall is 23k if your restaurant comes in for 10k and your THC brand is in at 5 - and that does not include potential revenue from coffee sales, pie sales, ice cream sales splits...should be worth a couple grand more there ...

Will know more once I get the County and staging etc trimmed...already trimmed 1k off the trussing.