

## What Just Happened???

Posted on [June 4, 2011](#) by [admin](#) | [Leave a comment](#)



**Dateline June 3, 2011, Sacramento: Your blogger was watching the live stream Thursday at about 10:30 AM when a strange event began to unfold.** Note: Rough transcript is in black with **red emphasis**, **your blogger's comments are in blue**. Walk with me as we sleuth this out... and see post bottom for your bloggers analysis.

**Chairperson Galambos-Malloy spoke about...**

**Allegations of impropriety between a commissioner and a consultant**.... an unbiased investigation conducted... no wrongdoing on anyone's part... plain misunderstanding, miscommunication due to lack of sleep, stress... matter resolved... we're all on the same page, but **I will pause now to hear from anyone who feels we are NOT on the same page...**

*At this point, your blogger's ears are perking up but he's totally in the dark!*

**Commissioner Forbes interjected...**

We need teamwork, mutual respect, confidence ... but "What caused the investigation?" and "Is there a way to put the genie back into the bottle...?"

*Put the genie back in the bottle? Huh?*

**Chair Galambos-Malloy answered...**

A commissioner brought the matter to the chairs.... in our code of conduct we have been very clear... **individual commissioners are NOT to go to staff, it is sole discretion of chair how to move forward...** I will turn it over to [Staff Attorney Miller]...

**Staff Attorney Miller weighed in...**

... the matter was brought to my attention with gravity... as framed it constituted an allegation that needed followup... the conclusion is unambiguous... the report **should** take away any cloud...

*This is murky!*

### **Commissioner Filkins-Weber slams them all ...**

... This certainly doesn't take away any cloud with the public that has NO IDEA what we're discussing! As chair off the Legal Advisory Committee I was not informed... **and the inquiry and investigation took place without the concurrence of the full commission... I was later informed that Commissioner Blanco made the allegation... and that Karin MacDonald of Q2 made no complaint and asked for no investigation... the final result shows that the initial allegation was unfounded [but] has clouded the work of this commission... and undermined the integrity of Commissioner Ward...**

Filkins-Weber was royally ticked off!

### **Commissioner Dai...**

Let's not get confused about a personnel matter under strict privacy... and let's not get confused about Legal Affairs Committee which is only empowered to address redistricting matters...

Dai slams Filkins-Weber for making this public, and bats her one for "overstepping" her redistricting-only mandate.

### **Commissioner Ancheta...**

I agree [this is a] personnel matter...

### **Commissioner DiGulio...**

... I have an issue with Filkins-Weber saying this is a full commission matter... the chair and vice chair have authority... it's not for the full commission... it's personnel and should not be aired as Filkins-Weber [has done]...

Dai, Ancheta, DiGulio seem to be ganging up on Filkins-Weber for outing this matter...

### **Commissioner Blanco riposts...**

... **Since my name has been brought into this I want to clarify...** 1) there is no doubt in my mind that if someone says something that potentially exposes the commission to liability, then commissioners do not have to rely on an official report to act on it... having worked in employment law in both harassment, discrimination you name it, I know the liability of an employer... **I strongly disagree that I should not have acted on it...** that would expose the commission to liability... that's legally the law... 2) **the sequence of events has been**

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portrayed inaccurately... **I went straight to the chair and vice chair**... who said call Mr. Miller... confidentiality and privacy issues for all are involved... the preferred way to handle is privately and quickly with counsel...

Blanco says in effect, **“No fleas on me!”**

**Commissioner Raya...**

... very troubled that what should have been an entirely confidential matter was brought into public... I can only assume Commissioner Ward okayed this... **I was present when the matter... was brought to the attention of the chair and vice chair**... I thought it was serious enough to warrant the attention of legal counsel... very troubling... despite best effort to maintain this as a confidential matter, it has been brought into the public... **I would say to public it IS confidential**... nothing to do with work of the commission... it's a done deal... put it in a closed drawer and move forward...

**Raya makes Ward the bad guy!** Then tries to put the genie back in the bottle.

**Commissioner Yao...**

... no one is questioning the intent, the practice, whether what we did was right or wrong... the 14 of us are a single commission... **privileged information... some of us [were] left out of the process**... responsibility [for] the information flowing to the 14 of us immediately... the essence of the message is we need to be a part of it... using privacy as a reason... does not work... equal authority for all...

Yao is with Filkins-Weber, he too was not informed... **is there a cabal or in-crowd at the commish excluding the Republicans???**

**Commissioner Aguirre...**

... at this point I see no impropriety on behalf of any commissioner... I am troubled now that Commissioner Ward's name has been raised... **we should move forward in closed session**... liability has been brought up by disclosure of [Ward's] name... unless there is unacceptance of final report... I would refer to closed session...

Aguirre wants a closed session.

**Chair Galambos-Malloy...**

... can we agree no impropriety on part of anyone? Also, what can we do going forward... I would entertain a motion...

Trying to get closure.

**Commissioner Forbes...**

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So moved... The Commission is satisfied by full report, and that there was no wrongdoing by anyone in this matter...

Forbes is working with Galambos-Malloy, restating **the premise that none are to blame**... the key word is “anyone.” But Ward isn’t going to buy this... see below.

**Chair Galambos-Malloy...**

Discussion of the motion?

**Commissioner Dai...**

... Concerned that this personnel matter has been made public given state laws... I’d like to hear from Mr. Miller...

**Commissioner Filkins-Webber... (interrupting, a passionate outburst)**

**There is nothing in the material that [suggests] this was a personnel matter... it is not!**

**Commissioner Galambos-Malloy...**

[chiding Filkins-Webber]... we have a stack... Mr. Miller...

**Staff Attorney Miller...**

The report only concludes that a conversation occurred and that **the conversation was appropriate**... it was initially *characterized* as a personnel matter... **based on the conclusions of the report it is not at this time a personnel matter**... if the commission wants to separately discuss changing policy... [it can]

In other words, a) Ward did nothing wrong, b) **this is NOT a personnel matter**, for now...

**Commissioner Ward... (circumlocutions, Ward tries but is inarticulate on the subject of the accusation)**

This is my first chance to speak... I can’t support the motion for several reasons... but first **I ask my fellow commissioners to not assume anything**... making assumptions about motives causes problems... I’ve heard two commissioners in their comments make reference to serious allegations that were brought forward.

Commissioner Blanco has established herself as an expert in these issues and understands precisely the risk that is inherent in claims being made and despite an independent investigation in which all parties were asked to give their side, not a single claim or allegation was listed. **So I would like to know exactly, precisely what an expert opinion Commissioner Blanco felt was so risk adverse that needed to be brought forward to the staff.**

Also her public comments today are not consistent with what the independent and impartial report said happened. **At no point, [was Blanco] asked to report this to staff counsel.** That our chair and vice chair were notified [and] had made a decision and proposed a course of action... was summarily disregarded [by Blanco] and action was taken independently [**Ward is claiming that Blanco went to Attorney Miller to make accusations about him without approval of the Chairs at the time, Ancheta and Baraba, a serious overstepping of her authority.**]

And the reason why I can't support this motion is because ... no misconduct of any kind is established [against me]... [however] there were clearly policy violations [by Blanco].

And I just have to say that as one of the aggrieved parties... we can [not] walk away from an impartial investigation and report and say, "No problems here."

**Chair Galambos-Malloy...**

... several commissioners in the stack... but Commissioner Ward, a question and clarification... **in your mind, what action would lead us to a mutually satisfactory conclusion?**

Galambos-Malloy is asking Ward, "Okay, what do you want for satisfaction?"

**Commissioner Ward... (more circumlocutions of the accused)**

That's a fair question... some kind of allegation was made... I am still not clear what those were... the report is clear [that nothing happened] however, there is a violation of the policy manual [by Blanco]... I'd like to see the commission's will in dealing with this... specifically if a consultant is unwilling to work with [me] how shall we deal with this?

In effect he's saying, "I'm in a Kafkaesque nightmare not knowing of what I've been accused! Also, I'm not sure if this has destroyed my working relationship with Q2."

**Chair Galambos-Malloy...**

Two separate issues... first the report at hand, second how to revise policy manual [so this doesn't happen again]... we do need to come to a resolution on how we can formally acknowledge no wrong doing... we are not going to resolve [the second item]... [to Ward] do you want to offer amendment?

Galambos-Malloy divides, conquers and offers Ward an olive branch.

**Commissioner Ward...**

I would amend that we accept the investigation... and that allegations are dis-proven...

**Chair Galambos-Malloy**

Commissioner Blanco, [as the second to the motion] can you accept [Ward's] amendment?

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Galambos-Malloy giggles nervously, wondering if Blanco will continue to be the second now that the motion does NOT absolve Blanco of wrongdoing.

**Commissioner Blanco...**

Yes [I will second]

**Commission Liason Janeece Sargis...**

[Reading back the motion] The motion is that commission accepts the investigation and that the results of the investigation is that the allegations were disproven.

**Commissioner Raya...**

The *investigation* established this, not the commission... [can we change] “disproven” for “not found to have any basis”... one further comment... I heard Commissioner Ward say he did not understand the allegations... did I misunderstand you?

CYA lawyerly details, and an arched eyebrow to Ward saying, “You don’t know what you were accused of?”

**Commissioner Ward...**

No.

**Commissioner Raya...**

... That certainly raises a question... how can the investigation be complete if he doesn’t know what the allegations were?

**Commissioner Ward...**

I understand the report details that there was a concern about a verbal exchange... as described... [no party] involved [even suggests] misconduct... the question is “What exactly...?” ... Commissioner Blanco... established herself as an expert... she made the determination that there was an allegation worthy of investigation... **to this day I’m not sure exactly, precisely... what kicked off the investigation...**

Ward stumbles towards coherence, not great at high stakes verbal sparring under the cloud of a serious allegation.

**Chair Galambos-Malloy...**

... I’d like to ask our Chief Counsel to clarify...

**Staff Attorney Marian M. Johnston...**

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Page 6 of 7

**... I was asked to investigate that a consultant felt threatened and afraid...**

**Pay-dirt!** The accusation is that Ward made a verbal threat to a still-undisclosed Q2 staffer.

**Chair Galambos-Malloy**

Public comments? Seeing none, can the motion be re-read?

**Commission Liason Janeece Sargis...**

The motion reads: The commission shall accept the investigation by staff, and the results of the investigation were that the allegations were found to have had no basis.

The full commission voted, all were in favor of the motion except Ward who abstained.

## **WHAT JUST HAPPENED?**

What just happened is Commissioners Blanco and Raya went between meetings to outgoing Chair Ancheta and incoming Chair Baraba to accuse Commissioner Ward of threatening an unnamed Q2 staffer.

In a four, possibly five commissioner meeting, Ancheta and Baraba (To the Best Of Our Current Knowledge, TBOOCK) found the accusation a non-starter.

So (TBOOCK) Blanco did an end run around the chairs, taking the matter to Staff Counsel Miller. Miller/Johnston did an independent review and found no threat.

The commission then tried to hush the matter up calling it a “personnel matter” not subject to Bagley-Keene Open Meeting Law. However, the matter is clearly NOT “personnel” per Miller. This is getting interesting...

## The Problem With Blanco, An Editorial

Posted on [June 6, 2011](#) by [admin](#) | [Leave a comment](#)



Commissioner Blanco

Many observers have noted that Commissioner Maria Blanco, a former employee of MALDEF who knows everyone in the tiny world of progressive redistricting, seems to be running the commission from the left. If Blanco were a competent political street fighter she might be more dangerous. But her latest escapade, an unfounded accusation against Commissioner Michael Ward, proves she's a loose cannon.

Blanco has developed a clear animus for Commissioners Ward and Filkins-Weber the consistent conservative voices on the commission. She has tried repeatedly to embarrass and harass both Republicans and seemed intent in her latest kamikaze attack on extrapolating whatever was communicated to her by Q2 into a "verbal threat"... grounds for knocking Ward off the commission.

Unfortunately, the commissioners often follow Blanco's lead, even when she's dive bombing into disastrous territory. Ancheta and Baraba, the outgoing and incoming chairs to whom she brought her allegations against Ward were apparently not able to stop her from doing and end run around them to the staff attorneys which has now blown up in the commission's collective face.

Perhaps Blanco believed that whatever Ward said to the unnamed Q2 consultant was "threatening". Can we ask, "Why is Q2 having private conversations with Blanco in the first place?" However, the independent report says the Q2/Ward conversation was appropriate. So the question becomes, what part of Ms. Blanco's action is the result of an overwrought imagination and what part just bad political calculus?

In an attempt to limit the damage caused by Blanco's false accusation, several commissioners tried to hide the matter behind the smoke screen of a personnel matter. That was a bad reflex though a very human one... the commissioners want the blood, sweat and tears poured into citizen redistricting to work.

So do we at CCAG. *Which is why we will insist that the independent report be made public and Blanco's role made clear.*



## Has the Commish Violated Bagley-Keene?

Posted on [June 5, 2011](#) by [admin](#) | [Leave a comment](#)



**Dateline June 4, 2011: Have Blanco and the commish blown it big time?**

Your blogger has deciphered the June 2, 2011 video and discovered, a) the commission investigated a false allegation by Blanco that Ward made a verbal threat to an undisclosed member of Q2 and b) Commissioners Blanco and Raya brought the matter to Commissioners Ancheta and Baraba (the chairs at the time).

As this was a four person meeting, it fell under the Bagley-Keene Act. **The four commissioners may be in misdemeanor criminal violation of Bagley-Keene.**

### The Bagley-Keene Act, 2004

*To the extent that a body [eg the CRC] receives information under circumstances where the public is deprived of the opportunity to monitor the information provided, and either agree with it or challenge it, the open-meeting process is deficient.*

*As part of the required general procedures, the closed session must be listed on the meeting agenda and properly noticed. (§ 11125(b).) ... In addition, the agenda should cite the statutory authority or provision of the Act which authorizes the particular closed session. (§11125(b).)*

### Miller Says, NOT a Personnel Matter

Staff Counsel Kirk Miller was asked in the June 2, 2011 CRC hearing if the accusation of a verbal threat, the report showing no threat had been made and the subsequent discussions was a “personnel matter”. He answered, “No.”

*Staff Attorney Miller: The report... concludes that a conversation occurred [between Ward and Q2] and that the conversation was appropriate... it was initially characterized as a personnel matter... based on the conclusions of the report it is not at this time a personnel matter...*

The facts: A) The allegation was made against Ward, a commissioner NOT an employee, B) the allegation was made by Blanco a commissioner NOT and employee, C) the allegation referenced an unnamed Q2 contractor NOT an employee.

**The Bagley-Keene Act, 2004 cont.**

*The personnel exception generally applies only to employees. (§ 11126(a) and (b).) ... On the other hand, under the Act, **members of the body are not to be considered employees, and there exists no personnel exception or other closed session vehicle for board members to deal with issues that may arise between them. Board elections, team building exercises, and efforts to address personality problems that may arise between members of the board, cannot be handled in closed session.***

**The penalty for violation of Bagley-Keene is significant.**

*The Act provides for remedies and penalties in situations where violations have allegedly occurred. Depending on the particular circumstances... in certain situations, there may be criminal misdemeanor penalties imposed as well. (§ 11130.7.)*