

PAUL M. DAVIS

ATTORNEY AT LAW

1 BLACKFIELD DRIVE

SUITE 193

TIBURON, CALIFORNIA 94920-2053

TELEPHONE: (415) 884-2555

PAUL M. DAVIS

ALSO ADMITTED IN THE
DISTRICT OF COLUMBIA
AND THE
STATE OF WASHINGTON

SEATTLE
(206) 497-1188
WASHINGTON, DC
(202) 241-1316
SAN MATEO
(650) 349-0700

May 13, 2024

BY EMAIL ONLY
rbartoli@smcgov.org

Rob Bartoli,
Director
San Mateo County LAFCo
455 County Center, 2nd Floor
Redwood City, California 94063

In re: Response to Letter of May 1, 2024, authored by
 Andrea Hall

Dear Director Bartoli:

Once again the District is compelled to respond to yet another letter from Andrea Hall of 1943 Sweetwood Drive in Broadmoor Village. This letter shall briefly address some of the false made by Andrea Hall in her letter of May 1, 2024, in her ongoing war against the District and her quest to continue to relitigate old and settled issues.

As the District pointed out in its letter to you of April 24, 2024, Andrea Hall simply does not appear to understand the mechanics of public pensions in California. Her letter of May 1, 2024, further illustrates her misunderstanding of how these pension plans operate.

For example, Andrea Hall continues on her rampage that a former officer, Ed Nakiso, has to repay CalPERS \$1,254,568.48. Although she is wrong, she nevertheless continues to proffer that false fact. As the District discussed in its letter to you of April 24, 2024, Mr. Nakiso fully settled with CalPERS for a very small amount of money. According to public records, Mr. Nakiso settled his case with CalPERS for \$20,000.00 and neither he nor the District owe anything to CalPERS by reason of Mr. Nakiso's former employment with the District. Since the District's letter to you of April 24, 2024, that employee has fully executed the settlement papers, which include a general release, including a Civil Code §1542 recital. So, this is a settled matter even though Andrea Hall improperly avers otherwise and continues to attempt to litigate it.

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And, while Andrea Hall continues to repeat her false assertions with respect to former Chief Love, as the District previously noted in its letter to you of April 24, 2024, former Chief Love has sought no financial assistance of any kind from the District. So, this matter too is settled even though Andrea Hall improperly avers otherwise and continues with her attempt to relitigate it as well.

Andrea Hall goes on to complain that the District refuses to disclose how much money will be sought in the form of a ballot measure for a short-term supplemental property tax. As she is well aware, the District does not at this time know the precise dollar amount because it is being developed, thus the District cannot specify an amount it does not yet know. The firm that the District hired, NBS, is doing a workup on this for the upcoming ballot measure. Clearly, once the dollar amount is ascertained, the District will promptly publish it. Again, Andrea Hall is well aware of this but she nevertheless continues to make an issue of a non-issue.

Insofar as the special consultant (Drew Corbett) is concerned the District used his services to assist in the preparation of the fiscal analysis and current budget. Andrea Hall completely takes out of context Mr. Corbett's statements by quoting small snippets of comments he made during the course of his analysis.

Moving on, Andrea Hall once again relitigates the issue of the feloniously-obtained search warrant of the late Commissioner Johnson's home back in 2014, almost ten years ago. This was explained in detail in the District's letter to you of April 24, 2024, but once again Andrea Hall apparently is unable to understand or see the material difference between something that is a "forgery" and something that is "falsely-obtained." The District will waste no more time relitigating or discussing this irrelevant matter.

Andrea Hall goes on to complain that the District "hides behind privilege" to discuss pending litigation. Again, she is wrong. The District is not "hiding" behind anything. The typical attorney-client privilege in these settings has been statutorily abrogated (Government Code §54956.9(a)) and has been supplanted with the statutory protections of Government Code §54954.5(c) to provide a structure whereby discussions between agency staff and legal counsel can discuss legal matters that otherwise would be protected by the attorney-client privilege. (*Ibid.*) This procedure allows the agency to be able to discuss in a confidential setting sensitive litigation matters with legal counsel. To do otherwise would jeopardize an agency's ability to litigate a case or engage in certain negotiations.

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Andrea Hall is an attorney who claims to be a litigator, so she knows or should know all about privileges and the mechanics of litigation. Nevertheless, she proffers a litany of the most bizarre constructions of law and argument.

While most of the legal citations and argument Andrea Hall includes in her letters might make for interesting reading in a law review article, they provide no basis in reality. Likewise, while Andrea Hall continues down a path of defamation and destruction, she demands that the District should "be dissolved immediately." Unfortunately, Andrea Hall offers no insight or clue into how she would remedy the problems she perceives or what would happen if the District were indeed dissolved. She apparently has no clue that District is located exclusively in an unincorporated area of the County not served by any law enforcement agency except the District's police department. What this means is if the District is dissolved the Sheriff of San Mateo County would have to assume primary jurisdiction of all non-traffic-related law enforcement operations, while all traffic-related matters would be under the primary jurisdiction of, and handled by, the California Highway Patrol. It is not likely that either of those agencies would have full-time patrol operations in the District, and most probably neither would. The Highway Patrol would have no regular presence in the District unless requested by the Sheriff on an incident-by-incident basis.

Again, illustrating Andrea Hall's ignorance of public pension plans she proceeds to deride former Commissioner Joseph Sheridan, to whom Andrea Hall refers to as "unrepentant" and who at the time sat on the Broadmoor Police Commission was, and he still, is a sergeant with the San Mateo County Sheriff's Office, about his apparent condonation of "double-dipping." Whether or not Andrea Hall agrees with that practice and feels that Sgt. Sheridan is "unrepentant", double-dipping is a practice that is generally lawful and is followed all over the state of California, including the County of San Mateo and in the Sheriff's Office as well. The District is aware of numerous employee annuitants from jurisdictions within and without the County who are employed by the County on a full-time basis in various capacities. These annuitants receive, in addition to their full pensions from CalPERS or other public pension plans from which they receive pension benefits, full salaries from the County. So, once again, while Andrea Hall derides a practice that has been and still is lawful and followed throughout the state she indeed has a right to gripe about it. However, her gripe is misdirected. It is not properly directed at the employees and employers who engage in the practice but with the legislature itself for not prohibiting it.

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Andrea Hall's wild and unsupported comments that "Broadmoor provides no public safety services" and "[i]s a slush fund that pays its chief, lawyers and other associated gritters (sic) inflated salaries, but provides nothing of value to its residents except a garish, gaudy reminder of the state's police power¹ at local Easter Egg Hunts." And, she goes on to refer to District employees as "[p]etty thieves with guns and badges . . ." These factual statements are false, malicious and defamatory. Andrea Hall should know that the protections provided by the First Amendment are not without limits when uttering such statements.

For future reference, the District is not inclined to expend further resources constantly relitigating matters that Andrea Hall seems to want to relitigate time and time again. Accordingly, in the event she continues with her barrage of baseless allegations against the District and its personnel, and the District does not respond, all such allegations shall be deemed denied.

Finally, the District continues to look forward to continuing the delivery of its quality service to all the residents of Broadmoor. Moreover, the District welcomes the opportunity to discuss with Andrea Hall any concerns she has or might have regarding the District.

Sincerely,

BROADMOOR POLICE PROTECTION
DISTRICT

Paul M. Davis (e-signature)

Paul M. Davis
District Counsel

cc: Hon. David J. Canepa (Supervisor, District 5)
James Kucharszky (Chair, Broadmoor Police Commission)
Michael P. Connolly (ICOP / IDM)

¹ Andrea Hall apparently does not know the difference between a police agency and a state's police power, one of the several sovereign powers reserved to the states under the Tenth Amendment of the United States Constitution, a cornerstone of federalism. There is no nexus or relationship between that sovereign power and a police department. The sovereign police power is a state's power to enact penal and other such laws for the protection of the public. It has nothing to do with the creation or operation of a police department or the powers of police officers. For example, the power of a legislature to enact zoning and land use laws derive from a state's police power.