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DO AS HE SAYS, NOT AS HE DOES

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Newly installed council member David Gordon got his first meeting off to a surprising start by nakedly violating a state law prohibiting elected officials from participating in deliberations that have a direct impact on their own financial interests. This was especially ironic because Gordon has routinely impugned the honesty of sitting council members, city staff and anyone else who publicly claims opinions different from his own. Just this week Gordon accused councilwoman Marsha Ramos of having “tainted” council discussions with behavior he implied was unethical and illegal.

On Valentine’s Day, the first full meeting after Gordon’s swearing in, the agenda for Burbank’s City Council included discussion of plans to deal with a parking nightmare which has resulted from the recent opening of Porto’s Bakery in Magnolia Park. The bakery with a small restaurant sits at Magnolia Blvd. and Hollywood Way, occupying a building that remained a vacant embarrassment to its neighbors and the city for years. It’s the first offshoot of a family-owned business that is an icon in Glendale.



Councilman Gordon, heal thyself.

What is now the Porto’s building has also been infamous for the scarce availability of parking, a reality that led to deals collapsing in years past for several prospective tenants.

When Porto's opened a few weeks ago the problem was obvious. Not only were the 44 spaces in Porto’s lot constantly filled, street parking in the area was taken up for blocks in every direction. In addition, customers queuing for the rare parking space, and those occasionally vacating spaces, exhibited the same stupidity and selfishness on display daily where ever vehicles and drivers number more than two.



Porto's Bakery: Good news and bad news.

Drivers gridlocked the alley between the bakery and the building’s parking lot, with back-ups extending onto Hollywood Way. Toss in those making illegal left turns to or from the southbound lane of Hollywood Way, and the celebration over Porto’s arrival was leaving a bad taste in the mouths of nearby residents, and frustrating owners of several small businesses nearby whose customers complained about the sudden lack of parking.

Among businesses affected by the suddenly short supply of parking spaces was Gordon's own optometry shop at 851 N. Hollywood Way, a few storefronts down from Porto's.

At the Feb. 14 meeting the council was set to discuss converting the alley between Porto's and its parking lot to allow only one way traffic. But the agenda item also addressed several other issues related to Porto's, as did the accompanying report from city staff ([CLICK HERE to see it](#)). Throughout the deliberations, Gordon and his colleagues discussed several ideas and concerns tied to the aftermath of Porto's success.

At one point in the council discussion, Gordon asked city staff about installing additional short-term parking spaces along the curb of Hollywood Way south of Porto's, a short jog from Gordon's shop. Councilman Dave Golonski interrupted and asked, "Is there a potential conflict for Dr. Gordon at this site because of the proximity of his business?"



Aerial view of the lots and relevant boundaries.

The applicable law is simple. State law, specifically California's Code of Regulations at section 18704.2, dictates an official may not participate in matters wherein he may have a financial interest, and one of the ways to determine whether there is such an interest is when property or a business owned by the official is within 500 feet of a project under discussion.

Gordon answered Golonski by explaining that the alley behind Porto's is "four feet outside the boundary." Gordon went on to say he was confining his comments "to that aspect," and thanked Golonski for his "concern."

It appears Gordon took the position that the council's discussion involved only the alley, not Porto's. The boundary of the Porto's lot is substantially less than 500 feet from Gordon's shop. Depending on the survey, his shop is between 392 feet or 395 feet from the Porto's lot.

It's an interesting ploy. Alas, the addition of short term zones Gordon suggested was just one of several exceptions to his supposedly self-imposed rule of addressing only the one-way proposal for the alley. In addition, virtually every member of staff I spoke to, all of whom asked not to be named publicly disputing the oft-accusatory councilman, expressed surprise that Gordon was magically cleaving the discussion of traffic woes resulting from Porto's from Porto's itself.

Near the end of the council discussion and just before the final vote, Gordon even asked staff to impose new restrictions on the morning hours during which Porto's could allow deliveries. While the limit made sense, and was agreed to by his colleagues, the proposal was the last in a series of examples of Gordon involving himself in matters wherein, under the law, he had a clear conflict of interests.

Since the law regarding the 500 foot boundary is so clear, and since the fact that Gordon discussed matters within that boundary cannot be credibly refuted, it doesn't actually matter that Gordon and his cheerleaders have so many times over the years piously and stridently alleged that elected and appointed city officials "effectively" violated conflict of interest regulations that compel them to avoid just the appearance of conflicts (as the critics define and redefine that standard as needed).

Setting aside the absurdity of Gordon's claim that only the one-way alley vote was involved in the Feb. 14 discussion, let's imagine for a moment what the familiar band of gadflies, activists and loonies championing Gordon, and *what the councilman himself* would have had to say if councilman Dave Golonski tried voting on a matter by claiming a subject property was only 4 feet outside the legally mandated distance from the Golonski home.

In fact, I don't have to speculate.

Five years ago the identical crowd now offering Gordon as the paragon of integrity charged that Golonski broke the law by voting for lighting and landscaping improvements in a redevelopment area, the boundary of which was 1,270 feet from a building Golonski owns.

In that instance, a formal complaint was filed alleging that Golonski increased the value of his property by voting to approve enhancements in the redevelopment zone. NOTE: The work done was actually a much greater distance from

Golonski's building, but it was redevelopment work, and the nearest boundary of the redevelopment zone was 1,270 feet away. Golonski's critics howled that the boundary didn't matter - he was enjoying a benefit from his vote.

That formal complaint in 2001 was investigated by the California's Fair Political Practices Commission, which enforces conflict of interest rules, and Golonski was cleared. But comparing the episodes illustrates the double standard that has become a norm in City Hall.



Councilman Dave Golonski - held to different rules?

Violations have been alleged by Gordon and his circle when the official's activity was permissible under the letter of the law, but when critics claimed they could perceive some conflicted interest, thus meeting the vague "appearance of a conflict" standard. Indeed, Gordon has leveled just such a charge against council member Marsha Ramos.



Councilwoman Marsha Ramos - target of Gordon's latest accusations.

Burbank's council discussed an apartment building project in the 1200 and 1300 blocks of Hollywood Way. The developer and representative of the property owner is Dan Moore. Ramos announced that her engineering firm hired Moore in the past, and the two have been friends for decades. In addition, Ramos said two lifelong friends live next to the proposed project, and they've expressed opposition to some facets of it.

The letter of the law allows Ramos to deliberate on the apartment project. But when the project came before the council weeks ago, she chose not to participate.

What got Ramos in trouble with Gordon and his thugs was having answered a letter from her friends last year. According to Ramos and documents open to the public, in August her friends wrote to her asking about the project proposed to go up next door and expressing concern. Ramos forwarded those concerns to the developer. When the developer answered with a letter of his own addressing each of the concerns posed by the friends, Ramos abbreviated his answers and relayed them in a letter to the friends.

In the months following the written exchange Ramos decided she wouldn't participate if the matter came before the council. She said she was concerned that, because of her friendship and business relationship with one side, and her friendship with the other, it might appear she had reason to favor one party or the other. When the project was discussed by the council in February, Ramos announced her reasoning and left the council chambers.

At this week's council meeting, Gordon cited Ramos's claimed recusal and the letters from last year. He declared, "Obviously, there was something going on here. I'm not suggesting or telling [the audience] that anyone is doing anything wrong. I don't know."

Let's tweak the exchange just a bit and insert Gordon's name. How about if a public speaker announced, "Obviously, there was something going on here. David Gordon held the 5 year old boy in an embrace. I'm not suggesting or telling anyone that anyone is doing anything wrong. I don't know." Perhaps that would help even the apparently dim Gordon suddenly understand how he was absolutely suggesting and insinuating Ramos did something wrong.

Gordon went on to say, "I do think, and I maintain, that the process appears tainted." He continued with "Further, just to put it on the record, I did a little research about conflict of interest."

No, he's not suggesting anyone did anything wrong, is he?

Gordon then read an excerpt from an opinion by California's State Attorney General about conflicts of interest. As he read, Gordon highlighted the words "government officials hold paramount loyalty to the public" and looked to the audience, clearly communicating that Ramos had fallen short. He raced through the next line which reads "personal and private financial considerations should not be allowed to enter into the decision making process."

He'd have to speed through that, as it had been clearly established that Ramos has no financial ties to the project by any definition. Again, her recusal was based on concern her friendship with players on both sides might create an appearance she'd favor one or the other.

The depth and breadth of Gordon's hypocrisy is astonishing when one considers he wallowed in insinuations that Ramos had done wrong by receiving and forwarding letters, but is blind to his having asked staff to consider adding parking spaces within 500 feet of his shop, and his direction regarding Porto's delivery hours, this while maintaining the discussion at hand didn't involve Porto's.

Gordon closed his reading, complete with raised eyebrows and knowing looks to emphasize specific words, saying, "I am not trying anyone here." Right. He'd skipped a trial and moved straight into conviction and sentencing.

Many observers are willing to opine that Gordon is dumber than a box of rocks, a boob whose words and supposed research are almost exclusively the product of one of his mentors. But even I won't say he's too stupid to know he was

smearing the honesty of Marsha Ramos. Instead, I think he was simply lying, intentionally dishonest when he claimed, "I'm not suggesting ... that anyone is doing anything wrong. Maybe defenders will insist he IS that stupid, but I won't buy it.

The law Gordon violated is enforced by California's Fair Political Practices Commission, and an investigation won't begin unless a citizen of the city registers a complaint with that agency.

Potential penalties run the gamut, from a letter of reprimand, to stiff fines and, in extremely rare circumstances, removal from office. At a minimum, such violations often require the body at hand to essentially "replay" the deliberations, this time without the participation of the offending official. But that's a moot point, as Burbank's council approved the alley and parking changes proposed by staff in a 4-1 vote. Gordon's vote was the only "no," and it appears the council majority held his opinion in low regard. It's not hard to figure out why.
