

February 23, 2007

From: Luis Lopez

To: Atwater Village Community, AVNC Election Candidates, AVNC Board, DONE, and Friends

**Subject: Response to IEA Report on AVNC Canceled Election**

There are two sides to every issue. You have probably all by now read Mr. Sweeney's report which was printed in the Daily News online blog. The purpose of this letter is to tell my side. My response may seem long, but then, Mr. Sweeney's report was long. I hope you will bear with me and read this all the way through.

First and foremost, I would like to express my sincere appreciation for the AVNC Nominating Committee's hard work to bring about what would have been a successful election. Ms. Di Rodriguez, Ms. Emma Cotaya and Mrs. Perla Miranda did a great job in executing excessively vague election procedures under limited time, limited resources and with virtually no assistance. Yet again the women of Atwater Village, women like those in the Nominating Committee, have proven to be tireless volunteers motivated by true community spirit.

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I first became aware that Mr. Sweeney had written and disseminated his report dated February 21, 2007 when I was contacted by Jason Kandel, a reporter for the Daily News asking me for my comments. At that time I had not yet read the report in the article posted online by Jason Kandel. Apparently Mr. Kandel became aware that the AVNC elections had been cancelled and asked the IEA (Mr. Walt Sweeney) for a copy of the report which Mr. Sweeney promptly provided him, in full.

Mr. Sweeney did this without first extending me the courtesy of providing me, a party to this whole debacle, a copy of the report despite the fact that I had asked him several times for a copy of the report. This behavior by Mr. Sweeney is most unethical and unprofessional. When Mr. Kandel called me for a comment I certainly could not comment as I had not received a copy and had no idea what Mr. Sweeney had reported. **However, having now read the IEA report I will give my comments and set the record straight as I know it..**

1. First of all, the updating of Mr. Khalil's and my candidate statements does not constitute an "irregularity" or an illegality. **There is nothing in the AVNC bylaws or the approved election procedures that prohibit a candidate from updating his original candidate statement.** Nor is this first time a candidate's statement had been updated after the original statement was filed.

2. In his email to me of February 20, 2007, sent at 10:19 pm. Mr. Sweeney stated that the "unfair advantage that you and Mike have been afforded leaves me no alternative but to

cancel the election.” However, Mr. Sweeney did not tell me what “unfair advantage” we had been afforded. I revised my statement to clean up typographical and grammatical errors and to include my involvement in the Take Back Fletcher Drive campaign, which I had overlooked in my original. This did not constitute “an unfair advantage”. I added the website of a local community group that I belong to should anyone be interested in accessing it. I did not force it on anyone. This does not constitute “an unfair advantage”. I added “Vote for Luis and Mike”. This did not give me “an unfair advantage”. Adding “Vote for Luis and Mike” is a direct request for votes. **This is what candidate statements are all about – they are to solicit votes. Every candidate’s statement screams the same thing – vote for me, vote for me.**

3. The changes to Mr. Khalil’s statement were also in the nature of cleaning up typos and grammatical errors. Mr. Khalil and I had previously expressed a mutual interest in providing better representation for local businesses than the incumbent Business Representative. Yes, I did add “Vote for Luis and Mike” on his updated candidate statement as well. There is no law against helping a candidate write a campaign statement – **it’s done all the time in politics.** And Mr. Khalil has at no time expressed to Mr. Sweeney any dissatisfaction with the changes made to his statement. **So, nothing in Mr. Khalil’s updated candidate statement gave him “an unfair advantage” either.**

A comparison of the respective original and revised statements would have clearly shown that there is nothing in either statement that would give Mr. Khalil or me an “unfair advantage”.

4. In the IEA report Mr. Sweeney stated that on February 19<sup>th</sup> emails started coming in at “a quick and frantic pace”. **It is not coincidental that on February 19<sup>th</sup> Mr. Sweeney started getting emails in a “quick and frantic pace”. Either Mr. Sweeney was not aware of or chose to ignore the fact that on the weekend of February 17-18 Mr. James Omahan, a long time acquaintance of Mr. Gardner created an inflammatory flyer which viciously and slanderously stated that I had possibly forged and falsified another Candidate’s application materials.** This flyer contained the contact information for Mr. Sweeney and the election committee and solicited individuals to “demand answers”. Prior to February 19 Mr. Omahan had shown the flyer to Mr. Khalil who implored Mr. Omahan not to distribute the flyer. **The flyer was in circulation on February 19, 2007.**

**In my opinion this slanderous flyer is a dirty campaign tactic created by Mr. Gardner’s close acquaintance that benefited only Mr. Jeff Gardner. The adopted election procedures expressly prohibit character defamation, assault or attack. Mr. Gardner’s candidacy should have been disqualified or, at minimum, called into question. Mr. Sweeney, as IEA, should have taken action on this flyer.**

**Mr. Khalil filed a completed application and *he* signed it.** I also did not falsify Mr. Khalil’s application materials and there is nothing in Mr. Khalil’s original application materials that is false, forged or altered.

5. I would now like to address Mr. Sweeney's statement: "The problem with the alteration is multiple. First the changes were made after the filing deadline." Again, please note that there is nothing in the AVNC bylaws or adopted election procedures that prohibits updating a candidate's statement after the filing deadline. So there is no problem on that score.

Mr. Sweeney next states: "..., you can not use city resources for campaigning." If candidates can not use city resources for campaigning, then none of the candidates' statements could or should have been posted on the AVNC website.

And finally, Mr. Sweeney states: "..., this late altered statement allowed the individuals to review the other candidate statements and modify theirs accordingly." First of all, these statements are not "late" statements. The original statements were filed within the deadline. **These are updated statements.** We certainly did not update our statements after reviewing the other candidate's statement since the updated statements were submitted **BEFORE** the other statements were made public. If we had, our updated statements would have been much longer and much more detailed than Mr. Gardner's statement and you have to admit, Mr. Khalil's revised statement is still probably the second shortest candidate statement submitted

6. Now to the subject of my withdrawing my candidacy. On Tuesday, February 20, at approximately 5:00 pm in a brief telephone conversation with Mr. Sweeney I agreed to withdraw rather than having the election delayed yet again from the original August 2006 date and then from the scheduled October 2007 date. Mr. Sweeney did not tell me by what date or time he needed my withdrawal. Later that evening, he reiterated his request by email which I received at approximately at 9:30pm and I responded that I would email my statement to withdraw my candidacy by no later the Thursday, February 22<sup>nd</sup>. At 10:00 pm. that same night, Mr. Sweeney emailed me that he had decided to cancel the election.

On Wednesday, February 21<sup>st</sup> Mr. Sweeney emailed a short announcement about his decision to cancel the election to all the candidates. With the elections being cancelled, it was no longer necessary that I submit my withdrawal, so I did not. For all intents and purposes, by canceling the election Mr. Sweeney negated every candidate's candidacy.

**In his report Mr. Sweeney failed to properly explain his precipitous and arbitrary decision to cancel the election. Why he did not choose instead to postpone the election, call a meeting of all interested parties to address the issues or take other actions as permitted by the Neighborhood Council approved election procedures?**

7. And finally, I would like to address Mr. Sweeney's comment to me in his email of February 20, 2007 – "It is truly a shame that a few individuals can be so detrimental to a community." While the comment was grossly inappropriate coming from an Independent Election Administrator **I can only assume that Mr. Sweeney was referring to the two individuals who created a controversy where there was none as there was nothing illegal or prohibited by my filing updated statements and then made it an**

opportunity to get me removed as a viable candidate and insure that their close friend got reelected.

It is my opinion that Mr. Walt Sweeney, as the Independent Election Administrator, has demonstrated that he is apparently biased and not qualified to oversee or administer any other neighborhood council election.

I encourage Atwater Village Stakeholders who hold similar opinions about Mr. Walt Sweeney and his performance during this failed election to contact: [mayor@lacity.org](mailto:mayor@lacity.org), [garcetti@council.lacity.org](mailto:garcetti@council.lacity.org), [Lisa.Sarno@lacity.org](mailto:Lisa.Sarno@lacity.org), [Peter.King@lacity.org](mailto:Peter.King@lacity.org), [Rose.Ibanez@lacity.org](mailto:Rose.Ibanez@lacity.org), [done.election@lacity.org](mailto:done.election@lacity.org), [board@atwatervillage.org](mailto:board@atwatervillage.org).

I would appreciate your cc'ing me any emails you send to the above listed individuals at [luis@lopezautomotive.com](mailto:luis@lopezautomotive.com).

To those of you who have taken the time to read all of this; thank you.