



# *Memorandum*

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**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** APPLICANTS FOR  
NEIGHBORHOODS  
COMMISSION

**DATE:** May 29, 2009

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## SUPPLEMENTAL

### BACKGROUND

This Office routinely reviews applications to City Boards and Commissions. The applications generally do not provide complete information; however, they do occasionally disclose potential conflicts of interest or incompatible offices. It should be noted that most of these applications were submitted in February 2008. While we have requested and received some updated information from the applicants, it is likely that some of the information is out of date.

The purpose of this memorandum is to highlight major areas of potential conflict, which are disclosed by the application. In order to analyze potential conflicts, it is necessary to consider the duties of the particular commission to which the applicant is seeking appointment.

### COMMISSION DUTIES

The Neighborhoods Commission is an advisory body to the City Council and the City administration. Pursuant to the ordinance creating the Commission on a pilot basis, the Commission will study, review, and evaluate issues, courses of action, and policies/ programs affecting San Jose neighborhoods, and make recommendations to the City Council regarding such issues, but only as set forth in the Commission's workplan which must be approved by City Council. The Council has yet to approve a work plan for the Commission and, therefore, it is difficult to analyze the potential conflict with any specificity.

## **APPLICANTS**

### **District 1:**

Charles E. Jones. Mr. Jones' application discloses that he is an Area Manager with AT&T in San Jose. His spouse is a Marketing Manager with Brocade Communications in San Jose. He presently is a member of Project Diversity Screen Committee, Chair of San Jose/Silicon Valley Chamber- Infrastructure Committee, President of the San Jose graduate chapter of Alpha Phi Alpha Fraternity, Inc., and member of San Jose District 1 leadership group. It is possible that the Commission could consider an issue that may come within the purview of Mr. Jones' role as Chair of the Infrastructure Committee of the San Jose/Silicon Valley Chamber of Commerce. In such a case, Mr. Jones may have to disqualify himself from taking part in the Commission's decision on that matter. Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Jones' duties as a Commission member.

Lori Lynn Kahn. Ms. Kahn's application discloses that she is a Systems Engineer at Lockheed Martin Space Systems Company in Sunnyvale. Her spouse is also employed there. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Kahn's duties as a Commission member.

ALTERNATE – William Edwin Brooks. Mr. Brooks' application discloses that he is currently unemployed. His spouse works for Santa Clara County Superior Court as a clerk. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Brooks' duties as a Commission member.

ALTERNATE – Alan Edward Ewalt. Mr. Ewalt's application discloses that he is a Development Manager for Apple, Inc. in Cupertino. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Ewalt's duties as a Commission member.

### **District 2:**

Marie Arnold. Ms. Arnold's application discloses that she is a retired R.N., who was a labor and delivery nurse for 23 years. Her spouse is a self-employed contractor in San Jose. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Arnold's duties as a Commission member.

Hauslley Silva. Mr. Silva's application discloses that both he and his spouse are realtors with Intero Real Estate Services in San Jose. Mr. Silva would not be able to

participate in issues that would have a financially material impact on his employer, his spouse, or himself. It is not possible to determine if those conflicts would create a pervasive conflict.

Manuel Souza. Mr. Souza's application discloses that he is an eBusiness Director and supervisor of all online marketing and sales efforts and supervises the sales staff at an auto dealership in Palo Alto. He is also a reserve police officer with the Los Altos Police Department, the President of the Hayes Neighborhood Association, and a scoutmaster with the Boy Scouts. His spouse is an accountant at Fairchild Imaging in Milpitas. It is possible that the Commission could consider an issue that may come within the purview of Mr. Souza's role as President of his Neighborhood Association. In such a case, Mr. Souza may have to disqualify himself from taking part in the Commission's decision on that matter.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Souza's duties as a Commission member.

**District 3:**

Jaime Angulo. Mr. Angulo's application discloses that he is a community relations program manager for Neighborhood Housing Services Silicon Valley. His spouse is a professor at San Jose State University. Mr. Angulo would not be able to participate in issues that would have a financially material impact on his employer, or himself. It is not possible to determine if those conflicts would create a pervasive conflict.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Angulo's duties as a Commission member.

Alexander Ramos. Mr. Ramos' application discloses that he is a budget analyst for the Housing Authority of Santa Clara County. Because the Housing Authority is a public agency, his income from his employer is not considered to pose a conflict under state law. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Ramos' duties as a Commission member.

Beth Shafran-Mukai. Ms. Shafran-Mukai's application discloses that she is a senior human resources consultant for Kaiser Foundation in Santa Clara. Her spouse is an engineer for PayPal, an EBay Company in San Jose. Ms. Shafran-Mukai is also a board member of both the Campus Community Association/Naglee Park and the University Neighborhoods Coalition. It is possible that the Commission could consider an issue that may come within the purview of her role on one of these Boards. In such

a case, Ms. Shafran-Mukai may have to disqualify herself from taking part in the Commission's decision on that matter.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Shafran-Mukai's duties as a Commission member.

ALTERNATE – Mauricio A. Astacio. Mr. Astacio's application discloses that he is a Wine Club Manager and Event Coordinator for Wine Styles in San Jose. He is currently a member of the Board of Directors for Sustainable Orphan Development. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Astacio's duties as a Commission member.

**District 4:**

David Biagini. Mr. Biagini's application discloses that he is a senior program manager at an electronics firm in Sunnyvale. He is also on the Board of Directors of the San Jose Chamber Music Society. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Biagini's duties as a Commission member.

Rafael Sabic. Mr. Sabic's application discloses that he is the Area Sales Manager at US Bank in Cupertino. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Sabic's duties as a Commission member.

Christopher Zhou. Mr. Zhou's application discloses that he is currently a student in San Jose. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Zhou's duties as a Commission member.

ALTERNATE – Linda Locke. Ms. Locke's application discloses that she is retired and occasionally substitute teaches. Her spouse is a sales person for SANSCO Import & Export in Vernon, California. She is currently a member of the Berryessa Citizens Advisory Council, Berryessa Community Center Advisory Council, and Berryessa Education Foundation. It is possible that the Commission could consider an issue that may come within the purview of her role on one of these Boards. In such a case, Ms. Locke may have to disqualify herself from taking part in the Commission's decision on that matter.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Locke's duties as a Commission member.

### **District 5:**

Elsie Aranda. Ms. Aranda's application discloses that she is retired. Ms. Aranda is Chair of SOY San Jose Save Our Youth. It is possible that the Commission could consider an issue that may come within the purview of her role as Chair of this organization. In such a case, she may have to disqualify herself from taking part in the Commission's decision on that matter.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Aranda's duties as a Commission member.

Aaron Resendez. Mr. Resendez' application discloses that he is pressman operator at a graphic's company in Santa Clara. His spouse is a photo technician at a company in Milpitas. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Resendez' duties as a Commission member.

Judy Soito. Ms. Soito's application discloses that she is a community outreach coordinator at Indian Health Center of Santa Clara Valley in San Jose. Her spouse is a truck driver for Evergreen Community College. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Soito's duties as a Commission member.

ALTERNATE – Alofa Taliva'a. Ms. Taliva'a's application does not disclose any employment information. She is currently president of the Sierra Neighborhood Association. It is possible that the Commission could consider an issue that may come within the purview of her role as president of her neighborhood association. In such a case, she may have to disqualify herself from taking part in the Commission's decision on that matter.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Taliva'a's duties as a Commission member.

### **District 6:**

Larry Ames. Mr. Ames' application discloses that he is a senior staff physicist at an electronics firm in Sunnyvale. He is also on the Board of the Willow Glen Neighborhood Association. It is possible that the Commission could consider an issue that may come within the purview of his role as a board member of his neighborhood association. In such a case, he may have to disqualify himself from taking part in the Commission's decision on that matter.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Ames' duties as a Commission member.

David Dearborn. Mr. Dearborn's application discloses that he and his spouse are both retired. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Dearborn's duties as a Commission member.

Frank Throckmorton. Mr. Throckmorton's application discloses that he is a senior software release engineer for an internet company in Sunnyvale. He is also president of the Pamilar Neighborhood Association. It is possible that the Commission could consider an issue that may come within the purview of his role as a board member of his neighborhood association. In such a case, he may have to disqualify himself from taking part in the Commission's decision on that matter.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Throckmorton's duties as a Commission member.

ALTERNATE – Richard Eugene Allen. Mr. Allen's application discloses that he is a world wide business planner for a computer company in Cupertino. His spouse is also employed there. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Allen's duties as a Commission member.

ALTERNATE – Beverly Ann Hamer. Ms. Hamer's application does not disclose any employment information. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Hamer's duties as a Commission member.

#### **District 7:**

Elizabeth Contreras. Ms. Contreras' application discloses that she is the owner of a cleaning business in San Jose, and that she is on the Board of Seven Trees Neighborhood Group and the Seven Trees Coalition at Seven Trees Elementary School. It is possible that the Commission could consider an issue that may come within the purview of her role on one of these Boards. In such a case, she may have to disqualify herself from taking part in the Commission's decision on that matter.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Contreras' duties as a Commission member.

Moses Ramirez. Mr. Ramirez' application discloses that he is retired. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Ramirez' duties as a Commission member.

Robert Sandoval. Mr. Sandoval's application discloses that he is a retired truck driver for a freight company in San Jose. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Sandoval's duties as a Commission member.

ALTERNATE – Bertha Ward. Ms. Ward's application discloses that she and her spouse are both retired. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Ward's duties as a Commission member.

**District 8:**

Neetu Dhaliwal. Mr. Dhaliwal's application discloses that he is an IT manager at an electronics firm in Palo Alto. His spouse is a manager of an electronics store in Fremont. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Dhaliwal's duties as a Commission member.

Thomas Paramo. Mr. Paramo's application discloses that he is a math/science middle school teacher in the Moreland School District in San Jose and his spouse is a teacher with the Evergreen School District. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Paramo's duties as a Commission member.

Matthew Wahlin. Mr. Wahlin's application discloses that he is a self-employed software consultant. His spouse is Council member Herrera. The anti nepotism provisions in the City Charter and the Municipal Code only apply to compensated positions. Members of the Neighborhoods Commission will not be compensated.

Therefore, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Wahlin's duties as a Commission member. However, in order to avoid the potential for a common law conflict of interest Councilmember Herrera may prefer to disqualify herself from the consideration of Mr. Wahlin's appointment to the Commission.

ALTERNATE – William Robert Stearns. Mr. Stearns' application discloses that he is an orthopedic surgeon with a practice in San Jose. His spouse is his office manager. The application discloses no incompatible offices or apparent conflicts of interest which

appear likely to arise in the performance of Mr. Stearn's duties as a Commission member.

**District 9:**

Hope Cahan. Ms. Cahan's application discloses that she is a homemaker. Her spouse is an attorney with the Santa Clara County District Attorney's Office. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Cahan's duties as a Commission member.

Hugh Graham. Mr. Graham's application discloses that he is a retired urban planner. His spouse is a teacher with San Jose Unified School District. Mr. Graham is also on the Board of the Willow Glen Neighborhood Association. It is possible that the Commission could consider an issue that may come within the purview of his role as a board member of his neighborhood association. In such a case, he may have to disqualify himself from taking part in the Commission's decision on that matter.

Otherwise, the application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Graham's duties as a Commission member.

Melisa McCoy-Evans. Ms. McCoy-Evans' application discloses that she is self-employed as an attorney in San Jose. Her spouse is a teacher with Campbell Union High School District. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. McCoy-Evans duties as a Commission member.

ALTERNATE – Joy Dillard. Ms. Dillard's application indicates that she is not presently employed. Her spouse is a self-employed software consultant in San Jose. She has held multiple board positions for the Association of Professional Mortgage Women. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Ms. Dillard's duties as a Commission member.

**District 10:**

Robert Boydston. Mr. Boydston's application discloses that he and his spouse are retired. He is President of the Robert E. & Adele M. Boydston Foundation. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Boydston's duties as a Commission member.

Bruce Paynter. Mr. Paynter's application discloses that he manages business group operations, regional facilities and employee services, and global improvement programs

at an electronics company in Santa Clara. Mr. Paynter is a member of the board of Notre Dame High School in San Jose. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Paynter's duties as a Commission member.

Russell Petruzzelli. Mr. Petruzzelli's updated application discloses that he is presently unemployed. His spouse is a teacher with San Jose Unified School District. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Petruzzelli's duties as a Commission member.

ALTERNATE – Ronald Reed Layman. Mr. Layman's application discloses that he is retired. His spouse is the owner of A.C. Layman CPA. The application discloses no incompatible offices or apparent conflicts of interest which appear likely to arise in the performance of Mr. Layman's duties as a Commission member.

### CONCLUSION

Except as otherwise specified, the applicants do not appear to have any incompatible offices or apparent conflicts, which would prevent them from serving on the Neighborhoods Commission. You may wish to consider the above comments in your review of the candidates to serve on the Neighborhoods Commission.

RICHARD DOYLE  
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By

  
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cc: Debra Figone  
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