

## James Pruett

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**From:** sabrina@dfm.com  
**Sent:** Friday, July 24, 2020 4:49 PM  
**To:** James Pruett  
**Cc:** Julie van Hoff; John Moren; Edmundo Larenas; Kevin Raffaelli; Sabrina Brennan  
**Subject:** Harassment & Retaliation Complaint against Harbor Commissioners Tom Mattusch, Nancy Reyering & Virginia Chang Kiraly  
**Attachments:** 6.2.5 Sexual & Unlawful Harassment.pdf; Untitled attachment 00085.html; SMC Harbor District Brown Act Concerns v.3.pdf; Untitled attachment 00088.html

Hello Jim,

I'm following up on my 2019 retaliation complaint against Harbor Commissioners Tom Mattusch, Nancy Reyering & Virginia Chang Kiraly AND my 2020 harassment and retaliation complaint against Harbor Commissioners Tom Mattusch, Nancy Reyering and Virginia Chang Kiraly.

Please include Commissioner Mattusch's July 15, 2020 verbal remarks during the "Commissioner Comments" agenda item at the Harbor Commission meeting with my July 20, 2020 harassment and retaliation complaint. Mattusch's July 15, 2020 remarks are part of a pattern of harassment and retaliation. During the meeting Mattusch made a number of untrue and malicious statements. His slanderous and defamatory allegations were intended to harm and silence me. Mattusch made untrue statements alleging "extortion" and "violence on gays" among other untrue remarks. He also claimed that his untrue statements could be verified by the Sheriff's Office, District Attorney and the FBI.

**Video CLIP** July 15, 2020, Harbor Commission meeting:

<https://www.youtube.com/watch?v=tzYAC8ZFLKU&feature=youtu.be>

On July 15, 2020, Mattusch's behavior violated the Harbor District's Sexual & Unlawful Harassment Policy 6.2.5 as well as the District's Code of Ethics and Values (Policy 1.1.1) and the Code of Conduct for Elected and Appointed Officials (Policy 3.5).

On June 15, 2020, Four Harbor Commissioners (Reyering, Mattusch, Change Kiraly & Larenas) met in Closed Session and I recused myself. In closed session the board directed Counsel to direct the General Manager to terminate the Shaw Law Group and to terminate an active investigation into my 2019 retaliation complaint. The Shaw Law Group was hired by the District's General Manager to conduct an investigation into my 2019 complaint. Reyering, Mattusch and Change Kiraly attended closed session without addressing an apparent conflict of interest. Nothing was reported out of Closed Session.

On June 15, 2020 at 5:23pm, General Manager Jim Pruett emailed the Shaw Law Group and terminated their retaliation complaint investigation services. Later that month, I was notified via email that the board directed Pruett to terminate the retaliation investigation a few days after the Shaw Law Groups had contacted Reyering, Mattusch, Change Kiraly and Larenas to scheduled investigation interviews.

On July 15, 2020, Commissioner Reyering's opening remarks violated the Harbor District's Code of Ethics and Values (Policy 1.1.1) and the Code of Conduct for Elected and Appointed Officials (Policy 3.5). Reyering's retaliatory and enabling behavior has taken the form of Brown Act violations. See the attached PDF file "SMC Harbor District Brown Act Concerns" that document Reyering blocking public participation and commissioner participation in her role as board president.

Please publish this email and the attached two PDF files regarding Brown Act violations and the District's Sexual & Unlawful Harassment Policy 6.2.5 on the Harbor District's website with the July 24, 2020 Special Meeting Agenda **Item D.3** as my written comment.

Please provide an update on my 2019 and July 2020 harassment/retaliation complaints.

Sabrina Brennan

## SAN MATEO COUNTY HARBOR DISTRICT

<b>Policy Title:</b> Sexual & Unlawful Harassment Policy	<b>Policy Number:</b> 6.2.5	<b>Date of Approval:</b> 05/20/2020
<b>Other Revisions:</b> N/A	<b>Prepared By:</b> James B. Pruett	

The San Mateo County Harbor District plays an important role in the community, interacts with customers and members of the public, and is held accountable for the behaviors and actions of its employees and Commissioners. A fair and non-discriminatory harassment prevention policy is an important part of that accountability and is required under California law.

Therefore, the District is committed to providing a workplace free from any form of unlawful harassment, discrimination, intimidation, or abusive conduct. This policy sets expectations of behaviors aligned with the District's values and supports positive working relationships and a professional work environment. This policy also defines various forms of harassment and unacceptable behavior and identifies the parties responsible for reporting, investigating, and responding to any reports of harassment.

This policy will be provided to all employees and Commissioners and will be available via the Commissioners' policy book, employee handbook, and the District's website.

### A. Coverage

This policy applies to all District employees, including all members of the District Board of Harbor Commissioners, and anyone performing work for the District, including independent contractors, volunteers, and interns. The District will not tolerate its employees engaging in harassing or abusive conduct towards any person while the employee is acting in his or her official capacity, during work hours, or while participating in any District activity. The District will take all reasonable and lawful measures to protect its employees from unlawful harassment by any non-employee if the harassment occurs in connection with the employee's performance of his or her work for the District or while engaged in District business.

If the District receives a complaint regarding an independent contractor engaging in behavior that would violate this policy, it will take immediate steps to investigate the complaint and, if appropriate, may remove the contractor from performing work for the District.

### B. Definitions

1. "Employee" means any individual performing services for the District, whether paid or unpaid, and acting under the direction and control of the District. "Employee" also includes Commissioners.
2. "The District" (or the "District" or "we") means the San Mateo County Harbor District.
3. "You" means employees and others covered by this policy.
4. "Investigator" means a person with the skills, experience, and proficiencies in examining, reviewing, and scrutinizing harassment and discrimination claims such that the investigator is competent to complete the work and provide a written report to the District.

### **C. Requirements**

The District strictly prohibits and does not tolerate unlawful harassment of any kind.

It is the District's policy that everyone should work in an environment free from unlawful harassment. Approval of, or participation in, unlawful harassment will be considered a violation of this policy. This policy prohibits conduct that violates anti-harassment laws or is not aligned with the District's values, policies, or behavioral expectations. This includes conduct in any work-related setting, whether on the District premises, during working time, or while participating in District activities outside the workplace such as District social events and travel.

Conduct prohibited by this policy includes, but is not limited to, unwelcome and offensive conduct, whether verbal, physical, or visual, that is based upon race, religious creed (including religious dress and grooming practices), ethnicity, color, ancestry, age (40 and over), genetic information, disability (mental and physical, including HIV and AIDS), medical condition (cancer/genetic characteristics & information), national origin (including language use restrictions), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender (including gender identity and gender expression), sexual orientation, marital status, familial status, parental status, domestic partner status, citizenship status, pregnancy (including perceived pregnancy, childbirth, breastfeeding or related medical conditions), military caregiver status, military status, veteran status, use of or request for family and medical leave, or any other status protected by federal, state, or local law.

The District will not tolerate harassing conduct that affects the terms and conditions of employment or tangible job benefits, interferes with work performance, or creates a hostile, intimidating, or offensive work environment. Further, it is a violation of this policy to engage in abusive conduct, as defined by Government Code section 12950.1(i)(2): conduct of an employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interest. Abusive conduct may include repeated infliction of verbal abuse, such as derogatory remarks, insults, and epithets, verbal and physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct unless especially severe or egregious.

Prohibited harassment may take different forms:

#### **Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and conduct of a sexual nature in the workplace or in the course of conducting District-related business and the following occurs:

1. Submission to, or tolerance of, such behavior is made a condition of employment; or
2. Submission to, tolerance of, or rejection of such behavior is used as the basis for an employment-related decision (e.g., hiring, promotion or demotion, pay raises, etc.); or

## Policy 6.2.5 – Sexual & Unlawful Harassment Policy

3. Such behavior interferes with an employee's ability to perform District work, or creates an intimidating and hostile work environment.

Sexual harassment may be a single incident or a series of harassing acts. Inappropriate conduct that is sexually harassing in nature can involve individuals of the same or opposite sex, a supervisor (or manager) and subordinate, or co-workers of any rank or title. While the District cannot control the conduct of non-employees engaging in District-related business (e.g., customers, contractors, vendors, suppliers, etc.), the District is committed to protecting its employees from harassment by third parties and will respond promptly to employee complaints and take action to the extent permitted by law to ensure a harassment-free workplace.

Sexual harassment may result from a range of subtle to not-so-subtle conduct, depending on the circumstances and can cause emotional distress, anxiety, and other mental harm. It can result from verbal, visual, or physical conduct. Examples of sexual harassment and similar inappropriate conduct prohibited by this policy include, but are not limited to:

1. Unwelcome sexual advances, demands, pressures, or requests for sexual acts or favors.
2. Making or threatening reprisals, whether explicitly or implicitly, after a negative response to sexual advances.
3. Repeated, unwanted sexual flirtations, advances, or propositions.
4. Unwelcome physical contact such as patting, hugging, grabbing, pinching, or brushing against another's body.
5. Offensive visual conduct, including leering, making sexual gestures, or the display of sexually suggestive objects, pictures, artwork, cartoons, or posters.
6. Offensively suggestive or sexually explicit communications in any form, including but not limited to letters, notes, invitations, email, text messages, social media platforms (if work-related or directed towards a District employee), blogs, instant messaging, or voicemail.
7. Sexually-oriented verbal teasing or jokes, inquiries into one's sexual experiences, or discussions of one's sexual activities.
8. Graphic or degrading comments about an individual's appearance or sexual activity.
9. Sexually explicit or offensive images in emails or other forms of electronic messaging.

The legal definition of sexual harassment is broad and, in addition to the above examples, other unwelcome sexual conduct that has the effect of creating a workplace environment that is hostile, offensive, chilling, intimidating, or humiliating to other workers may also constitute sexual harassment.

### **Other Forms of Harassment**

The following is a non-exhaustive list of additional behaviors based upon protected categories listed in Section C above that will be considered harassment and are prohibited by this policy:

1. Derogatory and defamatory comments, epithets, slurs, or jokes.
2. Posting or sharing derogatory materials such as posters, cartoons, drawings, or gestures.
3. Aggressive or unwelcome physical conduct such as assault, blocking normal movement, restraint, touching, or other physical interference.
4. Abusive conduct, including but not limited to threats, intimidation, coercion, excessive ridicule, insults, or belittling, carried out with malice and not for a legitimate business reason.
5. Spreading false, vicious, or malicious rumors.
6. Other behavior that creates a workplace where an employee reasonably feels threatened, humiliated, intimidated or bullied in the workplace.
7. The sabotage or intentional undermining of a person's work performance.

### **D. Reporting, Investigation, and Findings**

#### **1. Reporting**

You must report any violations of this policy that you experience or witness. If you believe in good faith that you have been subjected to, witnessed, or otherwise learned of harassment (or any other conduct prohibited by this policy) by anyone, including supervisors, managers, Commissioners, co-workers, or non-employees conducting business with or for the District, you must immediately report the incident.

Verbal or written reports may be made to your supervisor, the Director of Administrative Services, or the General Manager. You are not required to report directly to your supervisor, or to any person engaging in the unwelcome behavior or any other person who is the subject of the report. You can also report a violation to the Department of Fair Employment & Housing ("DFEH") <https://www.dfeh.ca.gov> or the U.S. Equal Employment Commission ("EEOC") <https://www.eeoc.gov>.

Supervisors or managers who receive reports or observe harassing conduct must immediately report it to the Director of Administrative Services or the General Manager. If the Director of Administrative Services is implicated in the report or observation, the conduct may be reported to the General Manager. If the General Manager is implicated, the conduct may be reported to the District's General Counsel. Supervisors and managers should maintain employee privacy to co-workers and not engage in gossip or discussion that could impact any investigation.

#### **2. Investigation**

When the District receives a complaint of harassment (or other conduct prohibited by this policy), it will conduct a fair, timely, and thorough investigation of the allegation

## Policy 6.2.5 – Sexual & Unlawful Harassment Policy

that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The alleged victim of a harassment complaint shall be updated monthly on the status of the administrative investigation, limited to reporting the investigation is “still active” or “complete pending review.”

Where practicable, the investigation will be conducted by the Director of Administrative Services or his/her designee. The investigation must be thorough and include examining all relevant documents, interviewing witnesses, analyzing witness statements, performing any necessary research, inspecting physical property, and performing any other aspects of the investigation required to create findings and recommendations.

If a complaint involves the Director of Administrative Services, the General Manager, or a Commissioner, or if the nature of the allegations would make it difficult for the Director of Administrative Services to be impartial in the investigation, the District Board of Harbor Commissioners will designate an independent investigator, and take action up to and including hiring outside counsel, subject matter experts, or other professionals to investigate, examine documents, interview all witnesses, analyze witness statements, perform research, inspect physical property, and perform any other aspects of the investigation that can be required to create findings and report to Commissioners. Not all such actions will be appropriate for every investigation, and how each investigation is handled will depend on the nature and severity of the allegations.

### 3. Guidelines

The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. While absolute confidentiality cannot be guaranteed, the District recognizes the importance of its employees’ privacy and acknowledges that employees are more truthful and forthcoming in investigations when they can speak without fear of public exposure.

### 4. Findings

When the investigation is completed, the person filing the complaint and the person alleged to have committed the conduct will, to the extent appropriate, be informed, both verbally and in writing, of the results of that investigation. If it is determined that a violation of policy occurred, appropriate remedial measures will be taken, up to and including termination or a request for resignation.

## **E. Non-Retaliation**

One of the most important protections for employees is being free from retaliation after making a complaint, providing witness information, or participating in any way in an investigation. The District strictly prohibits retaliation in any way against anyone who has lodged a harassment complaint, has expressed a concern about harassment, including sexual harassment, or has participated in a harassment investigation. Further, the initiation of a truthful complaint made in good faith, shall not under any circumstances be grounds for discipline. It is a violation of the District’s policy for an individual to be disciplined or otherwise disadvantaged or harmed because of their activities related to a harassment complaint or investigation.

## Policy 6.2.5 – Sexual & Unlawful Harassment Policy

Persons engaging in any form of retaliation or retribution against any witness or complainant will be subject to disciplinary action, up to and including termination, censure, or a request for resignation.

### **F. Annual Report**

It is important for accountability that the District actively track complaints, investigations and resolutions. To that end, the District will publish a report annually identifying the following information:

1. Number of complaints received;
2. Type of complaint received;
3. Status of accused (employee, contractor, volunteer, Commissioner);
4. Number of investigations initiated;
5. Number of open investigations;
6. Number of completed investigations; and
7. Resolution of each closed investigation, limited to “allegations were supported by the investigation” or “allegations were not supported by the investigation.”

No personal identifiable information shall be included in the annual report.

The report shall be reported out to the Board of Harbor Commissioners in February each year at the regularly scheduled Board Meeting.



## San Mateo County Harbor Commission Brown Act Concerns

Sabrina Brennan, SMC Harbor Commissioner | July 13, 2020

### June 4, 2020, 1:00pm Special Meeting (24-hours notice)

Before the June 4, 2020, Special Meeting Nancy Reyerling, board president instructed General Manager Jim Pruett to remove "Opening Public Comment" and "Opening Commissioner Comments" from the June 4, 2020 Special Meeting Agenda.

See attached email below where Pruett explains this to staff member Lori Milward.

● James Pruett

June 3, 2020 at 7:56 AM

Agenda

[Details](#)



To: Lori Milward, Cc: Trisha Ortiz

Lori,

President Reyerling will not be having Opening Public Comment and/or Opening Commissioner Comments. Please remove from the draft agenda for the June 4<sup>th</sup> Special Meeting.

Jim

James B. Pruett, General Manager  
San Mateo County Harbor District  
P.O. Box 1449 El Granada, CA 94018  
D-650-583-4962 C-650-822-4144

Agenda items that relate to the following Brown Act violation concerns:

- Board President ordered NO PUBLIC COMMENT for items not on the agenda
- Public Comments on Item C were cut off by Board President before 2-minute speaker time limit was complete.
- Board President ordered NO COMMISSIONER COMMENTS for items not on the agenda

June 4, 2020, 1:00pm Special Meeting Agenda (24-hours notice) Item C:

**C) Discussion**

1) Resolution of Censure of Commissioner Sabrina Brennan (Reyering)

Review and consider for adoption Resolution 20-08 censuring Commissioner Sabrina Brennan for inappropriate conduct during the April 15, 2020 Regular Board Meeting of the San Mateo County Board of Harbor Commissioners.

The following remarks were made by Harbor Commissioner Sabrina Brennan at the June 4, 2020 Special Meeting:

The resolution to censure me is intended to silence and humiliate me.

This may be the first time an elected representative has been censured for complaining about sexual harassment by a fellow board member. I'm reminded of past unethical and retaliatory practices when Jim Tucker was board president of the San Mateo County Harbor Commission.

Today, the board member who sexually harassed me on multiple occasions will cast the deciding vote to censure me.

Sadly, this resolution is an example of retaliation related to my 2017 sexual harassment and retaliation complaint against Commissioner Tom Mattusch and more recent retaliation complaints. It's appropriate and necessary to use anatomical language to describe the pornographic photos Commissioners Mattusch emailed me.

The humiliation I've experienced while serving on this board is dehumanizing. The relentless retaliation I've experienced from Commissioners Mattusch, Virginia Change Kiraly and Nancy Reyering has negatively impacted my family, board work, advocacy work and my career.

Recently, Matt Grocott and Mark Simon stated factually untrue information in the San Mateo Daily Journal. Both men incorrectly alleged that my harassment and retaliation complaints have cost the District a "million dollars". These unsubstantiated accusations are untrue. I have never filed a lawsuit against the Harbor District.

June 4, 2020, Meeting Agenda:

[https://www.smharbor.com/files/69647709f/2020\\_06\\_04\\_SpecialMeetingAgenda.pdf](https://www.smharbor.com/files/69647709f/2020_06_04_SpecialMeetingAgenda.pdf)

June 4, 2020, Meeting Video:

[https://www.youtube.com/watch?v=KlyYHpXfw\\_g&feature=youtu.be](https://www.youtube.com/watch?v=KlyYHpXfw_g&feature=youtu.be)

**June 10, 2020, Shaw Law Group** emails Commissioners Nancy Reyering, Tom Mattusch, Virginia Chang Kiraly and Ed Larenas to schedule retaliation investigation interviews the following week.

**June 15, 2020, 1:30pm Special Meeting (24-hours notice)**

Agenda items that relate to the following Brown Act violation concerns:

- Item B, NO PUBLIC COMMENT allowed for items not on the agenda
- NO COMMISSIONER COMMENTS for items not on the agenda
- Item C, NO CASE OR CLAIMS were brought by Sabrina Brennan, see June 29, 2020 email below from Lori Milward
- Four Harbor Commissioners met in Closed Session and Brennan recused herself. In closed session the board directed Counsel to direct the General Manager to terminate the Shaw Law Group and to terminate an active retaliation investigation. The Shaw Law Group was hired by the District's General Manager to conduct an investigation into Brennan's 2019 retaliation complaint. The three board members Brennan's retaliation complaint was against attended closed session without addressing an apparent conflict of interest. Nothing was reported out of Closed Session.
- On June 15, 2020 at 5:23pm, General Manager Jim Pruett emailed the Shaw Law Group and terminated their retaliation complaint investigation services.

**B) Public Comment**

Public Comment Regarding closed session topic.

**C) Closed Session**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code Section 54956.9 (one case – claims brought by Sabrina Brennan).

Brennan has not filed a lawsuit against the Harbor District or any board members and she's never threatened to do so.

The following remarks were made by Harbor Commissioner Sabrina Brennan at the June 15, 2020 Special Meeting before Closed Session:

In 2019, I made a retaliation complaint against Commissioner Tom Mattusch, Commissioner Nancy Reyering and Commissioner Virginia Chang Kiraly. My retaliation complaint is not against management staff, administrative staff or harbor patrol staff.

Harbor Commissioners are salaried employees of the San Mateo County Harbor District. The following taxes are deducted on a monthly basis from each commissioner paycheck: federal income tax, social security, medicare, and state disability insurance.

The Harbor District's investigation into my complaint is currently being conducted by the Shaw Law Group. Last week, an investigator from the Shaw Law Group emailed Tom Mattusch, Nancy Reyering and Virginia Chang Kiraly to schedule an interview with each of them regarding my retaliation complaint.

Harbor Commissioner Nancy Reyering called today's closed session Special Meeting. Closed session agenda item C is an effort to shut down the retaliation investigation into my complaint in advance of investigation interviews with the three commissioners the complaint is against.

I recuse myself from closed session.

----- Forwarded message -----

From: **Lori Milward** <[lmilward@smharbor.com](mailto:lmilward@smharbor.com)>  
Date: Mon, Jun 29, 2020 at 4:42 PM  
Subject: RE: PRA June 15 Special Meeting  
To: John Ullom <[redbonelogic@gmail.com](mailto:redbonelogic@gmail.com)>  
Cc: Julie van Hoff <[jvanhoff@smharbor.com](mailto:jvanhoff@smharbor.com)>, James Pruett <[pruett@smharbor.com](mailto:pruett@smharbor.com)>

Mr. Ullom,

The District did not locate any records responsive to your request. The anticipated litigation discussed for the June 15, 2020 closed session, pursuant to Government Code section 54956.9 was not prompted by a written claim or complaint described by subdivision (e)(3). Therefore, there are no written communications or documents subject to disclosure under Government Code section 54957.5 other than the public agenda materials. Furthermore, the District's General Counsel did not have a report to provide following the June 15, 2020 closed session.

This PRA request is now closed.

Lori Milward  
San Mateo County Harbor District

June 15, 2020, Meeting Agenda:

[https://www.smharbor.com/files/410b0cea6/.2020\\_06\\_15\\_SpecialMeetingAgenda.pdf](https://www.smharbor.com/files/410b0cea6/.2020_06_15_SpecialMeetingAgenda.pdf)

June 15, 2020, Meeting Video:

<https://www.youtube.com/watch?v=682JFGGFyVU&feature=youtu.be>

## **June 17, 2020, Regular Board Meeting**

Brennan was blocked from making a Commissioner Comment regarding the LGBTQ+ Pride month and requesting Pride flags at Pillar Point Harbor and Oyster Point Marina.

Brennan's Op-Ed published in the Half Moon Bay Review:

[https://www.hmbreview.com/opinion/matters\\_of\\_opinion/rainbow-flag-brought-off-color-response-from-some/article\\_d2a7d6c8-c0a2-11ea-bfae-5373c1b9b7a0.html](https://www.hmbreview.com/opinion/matters_of_opinion/rainbow-flag-brought-off-color-response-from-some/article_d2a7d6c8-c0a2-11ea-bfae-5373c1b9b7a0.html)

June 17, 2020, Meeting Agenda:

[https://www.smharbor.com/files/41cb7c713/2020\\_06\\_17\\_RegularMeetingAgenda.pdf](https://www.smharbor.com/files/41cb7c713/2020_06_17_RegularMeetingAgenda.pdf)

June 17, 2020, Meeting Video: <https://youtu.be/unECnFI7g2w>

## **July 2, 2020, 1:00pm Special Meeting (24-hours notice)**

Brown Act Violation "Cure or Correct" Letter from Cannata, O'Toole, Fickes & Olson:  
<https://bit.ly/2Cuey80>

Brennan's July 2, 2020 remarks:

The sexual harassment and retaliation I've experienced is real and it has been documented by the District.

RWG the Harbor District's Counsel responded to a Brown Act violation letter from Cannata, O'Toole, Fickes & Olson without discussing the letter with the board and without board direction. I'm concerned that RWG is overstepping their authority by not discussing the letter from Cannata, O'Toole, Fickes & Olson with the board in advance of sending a written response.

**Agenda Item D is a Cure and Correct only for one of several recent Brown Act violations.**

Who directed the General Manager Jim Pruett not to include the letter from Cannata, O'Toole, Fickes & Olson with the agenda so the public could read it?

Public Comment has NOT been properly noticed in recent Special Meeting Agendas and the public has been repeatedly denied the opportunity to make public comment on concerns not included on Special Meeting Agendas. The public has also been cut off by

the board president before their speaking time was complete because she did not agree with their perspective.

Today, I sent an email General Manager Jim Pruett regarding concerns about a string of Brown Act violations that occurred at the June 4 and June 15 Special Meetings, including a Brown Act violation that occurred in Closed Session.

Additionally, I've also received several complaints from members of the public about the number of special meetings the board President has been calling and it's been pointed out that the District is not following Roberts Rules of Order regarding Special Meetings. According to Roberts Rules a Special Meeting should only be called if something important comes up that must be dealt with before the next regular meeting, or if some particular business matter is important enough that it needs to be the exclusive reason for the entire meeting.

**Brown Act Violation Cure & Correct:** Provide members of the public with an opportunity to make Public Comment for June 4, 2020 Censure agenda item:

#### **D) Discussion**

2. Consideration of the Board's June 4, 2020 action to adopt [Resolution No. 20-08](#) by which it censured Commissioner Sabrina Brennan for inappropriate conduct during the April 15, 2020 Regular Board Meeting of the San Mateo County Board of Harbor Commissioners (Reyering)

- Discuss Resolution No 20-08 and consider whether to make a motion to rescind or not.

On July 2, 2020, Brennan sent three emails to General Manager Jim Pruett and asked him to please publish all three on the Harbor District website with the July 2, 2020 Special meeting agenda as a written comment. One of the three written comments Brennan provided in advance of the meeting included concerns about Brown Act violations. Pruett declined to publish Brennan's written comments.

July 2, 2020, Meeting Agenda:

[https://www.smharbor.com/files/1642f5b4f/.2020\\_07\\_02\\_SpecialMeetingAgenda.pdf](https://www.smharbor.com/files/1642f5b4f/.2020_07_02_SpecialMeetingAgenda.pdf)

July 2, 2020, Meeting Video:

[https://www.youtube.com/watch?time\\_continue=2&v=Vyhc3VDcJ4&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=2&v=Vyhc3VDcJ4&feature=emb_logo)

On July 2, 2020, the Harbor District General Manager refused to publish Brennan's written comments with the July 2, 2020 meeting agenda.

sabrina brennan @

Sent - Dfm July 2, 2020 at 10:35 AM



Fwd: Shaw Law Group

Details

To: James Pruett, Cc: sbrennan@smharbor.com, John Moren, Julie van Hoff, Lori Milward Bcc: & 2 more

Hello Jim,

As I mentioned on our call yesterday, I'm concerned there were Brown Act violations at the June 15, 2020 Special Meeting related to Item B and Item C.

Based on your emails below it's clear that board members directed General Counsel to terminate the Shaw Law Group retaliation investigation in Closed Session (Item C). The Shaw Law Group termination and the termination of a retaliation investigation was not reported out and those decisions were not consistent with the Closed Session agenda item description.

See attached screenshot of June 15, 2020 Special Meeting agenda.

Note that Item C indicates that "Sabrina Brennan" brought a claim against the Harbor District. This is untrue information. I've never brought a claim or a lawsuit against the District and I've never threatened the District with a claim or a lawsuit and I've never hired an attorney to communicate on my behalf with the District.

In 2019, I made a retaliation complaint to the District general manager against Commissioners Tom Mattusch, Virginia Change Kiraly and Nancy Reyring. The District hired the Shaw Law Group to conduct an investigation into my complaint per the District's Harassment and Retaliation Policy. Just as the investigation was getting underway in June 2020 the board apparently decided in Closed Session on June 15, 2020 to terminate the investigation. And as I stated above nothing was reported out of Closed Session and the discussion was not consistent with Agenda Item C.

## B) Public Comment

Regarding closed session topic.

## C) Closed Session

### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code Section 54956.9 (one case – claims brought by Sabrina Brennan).

## D) Adjourn

The next Regular meeting will be held on June 17, 2020 at the San Mateo County Harbor District Office at 504 Avenue Alhambra, Suite 200, El Granada, CA 94018 at 6:30 PM.

Please also note that Public Comment on items not on the agenda was prohibited at the June 15, 2020 Special Meeting. This appears to be a Brown Act violation and should be corrected.

Please publish this email on the Harbor District website with the July 2, 2020 Special Meeting Agenda as a written comment and provide it to the Board of Harbor Commissioners.

Sabrina Brennan

Begin forwarded message:

**From:** James Pruett <jpruett@smharbor.com>  
**Subject:** RE: Shaw Law Group  
**Date:** June 29, 2020 at 4:28:03 PM PDT  
**To:** Sabrina Brennan Personal <sabrina@dfm.com>  
**Cc:** Sabrina Brennan <sbrennan@smharbor.com>

Sabrina,

I was notified via email by General Counsel on June 15<sup>th</sup> that the Board directed me to terminate the investigation and to terminate the contact with Shaw Law Group.

Jim

James B. Pruett, General Manager  
San Mateo County Harbor District  
P.O. Box 1449 El Granada, CA 94018  
D-650-583-4962 C-650-822-4144

**From:** sabrina brennan <sabrina@dfm.com>  
**Sent:** Monday, June 29, 2020 2:49 PM  
**To:** James Pruett <jpruett@smharbor.com>  
**Cc:** Sabrina Brennan <sbrennan@smharbor.com>; John Moren <jmoren@smharbor.com>; Julie van Hoff <jvanhoff@smharbor.com>  
**Subject:** Re: Shaw Law Group

Hello Jim,

Could you please explain when the board provided direction to end the Harbor District's investigation into my 2019 retaliation complaint against Commissioners Mattusch, Virginia Change Kiraly and Nancy Reyrering?

Who specifically communicated board direction to you and on what date? Did the board send you a letter or an email?

Thank you,  
Sabrina

On Jun 19, 2020, at 8:55 AM, James Pruett <jpruett@smharbor.com> wrote:

Sabrina,

The Board directed me to terminate the contract this week. At this time, there is no active investigation.

Jim

James B. Pruett, General Manager  
San Mateo County Harbor District  
P.O. Box 1449 El Granada, CA 94018  
D-650-583-4962 C-650-822-4144



**From:** sabrina brennan <[sabrina@dfm.com](mailto:sabrina@dfm.com)>  
**Sent:** Thursday, June 18, 2020 1:59 PM  
**To:** James Pruett <[jpruett@smharbor.com](mailto:jpruett@smharbor.com)>  
**Cc:** Sabrina Brennan <[sbrennan@smharbor.com](mailto:sbrennan@smharbor.com)>; Julie van Hoff <[jvanhoff@smharbor.com](mailto:jvanhoff@smharbor.com)>; John Moren <[jmoren@smharbor.com](mailto:jmoren@smharbor.com)>  
**Subject:** Re: Shaw Law Group

Hello Jim,

I was interviewed by Megan Donaghey attorney with the Shaw Law Group on May 20, 2020.

When did the board provide direction to terminate the Shaw Law Group?

What is the current status of the investigation into my retaliation complaint against Commissioners Mattusch, Virginia Change Kiraly and Nancy Reyring?

Sabrina

**From:** James Pruett <[jpruett@smharbor.com](mailto:jpruett@smharbor.com)>  
**Date:** June 18, 2020 at 8:44:58 AM PDT  
**To:** Sabrina Brennan <[sbrennan@smharbor.com](mailto:sbrennan@smharbor.com)>  
**Subject:** Shaw Law Group

Sabrina,

At the direction of the Board, the contract with Shaw Law Group has been terminated.

Jim

James B. Pruett, General Manager  
San Mateo County Harbor District  
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