

Date: April 14, 2009

Item No. 2

File No. 09015

**SUNSHINE ORDINANCE TASK FORCE
COMPLAINT COMMITTEE
AGENDA PACKET CONTENTS LIST***

- Raymond Banks v SF HIV Health Services Planning Council
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Chris Rustom

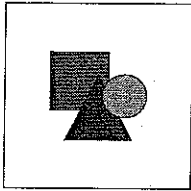
Date: April 9, 2009

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

This page purposely left blank



DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

March 31, 2009

Nick Goldman, Chair
Members of the Complaint Committee

Re: Raymond Banks v. San Francisco HIV Health Services Planning Council
(09015)

Dear Chair Goldman and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Raymond Banks against the San Francisco HIV Health Services Planning Council.

BACKGROUND

Complainant Raymond Banks is a member of the San Francisco HIV Health Services Planning Council. The Council is a federally mandated and supported program made up of volunteers who in San Francisco are appointed by the Mayor of San Francisco. The authority for the Council comes from Title I and II of the Ryan White CARE Act of 2006. From November 2008 up until the time that Raymond Banks filed his complaint with the SOTF, Raymond Banks requested contract information about Veronica Neal of VAKN Consulting. When the information was not immediately available, Raymond Banks filed his complaint with the SOTF. As a side issue not related to the complaint, Raymond Banks was fighting charges made against him by members of the Council which alleged that his conduct was detrimental to the operation of the Council.

COMPLAINT

On March 18, 2009 Raymond Banks filed a complaint against the Council alleging violations of the Sunshine Ordinance and the Public Records Act.

SHORT ANSWER

Based on Complainant's allegation and the information that I obtained about the Council, the Sunshine Ordinance Task Force *does not* have jurisdiction over the allegation. The Council is not part of the City and County of San Francisco. It is an entity that derives in authority from federal legislation. The City and County has no oversight responsibility with the Council. In this case, because the Council is not a City entity, the Task Force has no jurisdiction to hear the complaint.



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2009 MAR 18 PM 2:18

BY [Signature]

SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission

Shant, - Council Support

Name of individual contacted at Department or Commission

Greg Zhovner 6074
674-4777

- Alleged violation public records access
- Alleged violation of public meeting. Date of meeting

Sunshine Ordinance Section _____

(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Refusal to comply w/ repeated
request for contracts and
invoices w/ Veronica New!
also see attached grievance

- Do you want a public hearing before the Sunshine Ordinance Task Force? yes no
- Do you also want a pre-hearing conference before the Complaint Committee? yes no

(Optional)¹
Name Raymond Banks Address _____

Telephone No. 415-574-6881 E-Mail Address 4poetics@gmail.com

Date 3/18/09 [Signature]
Signature

I request confidentiality of my personal information. yes no

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).



San Francisco HIV Health Services Planning Council
San Francisco Eligible Metropolitan Area
San Francisco, San Mateo, and Marin Counties

Steve Manley, *Co-Chair*
Mark Molnar, *Co-Chair*
Laura Thomas, *Co-Chair*

Re: HIV Health Services Planning Council Member Raymond Banks

Date: June 10, 2008

Randy Allgaier
John Andrews
Margot Antonetty
Raymond Banks
Jeff Byers
Billie J. Cooper
Bart Ellison
Wade Flores
Donald Frazier
Chris Harris
Naim Harrison
Kelly Hart
Mary Lawrence Hicks
Cynthia Hoffman
Ronald Lee Juell
Johnson Livingston
Marcus Mabry
David Navarro
Catherine Newell
Ken Pearce
Maritza Penagos
Sean Philip
Monica Pillatzke

Dear Mayor Newsom,

Raymond Banks has been a member of the HIV Health Services Planning Council since September 1, 2007. Since that time he has engaged in a repeated pattern of inflammatory e-mail communications and has disseminated them to other (sometimes all) Council Members, management personnel at the Department of Public Health and most recently, to at least one member of the Health Commission. Additionally he has engaged in behavior that has been disruptive to the business of the Council by harassing members of Council Support and filing baseless grievances.

Mr. Banks has been warned against such behavior both in personal discussions with the three Co-Chairs of the Council and in writing. His behavior has only deteriorated over time. (A copy of the warning letter is enclosed.)

His actions are clearly outside the standards of expected behavior for Council Members. Written copies of those standards have been given to him and discussed, yet the pattern of disruptive behavior has continued and in fact has become more frequent over time. Often, before any reasonable response can be given, new allegations or complaints are generated and distributed. The content of these correspondences are inflammatory and often slanderous, and have been widely distributed both within and outside the Planning Council, impugning the reputation of Council leadership and Council Support, particularly the Director, Jack Newby.

When a pattern of disruptive behavior first became apparent to the Co-Chairs, we decided that the best course of action was to counsel him verbally and provide him with a written letter of warning defining the nature of the inappropriate behavior and the possible consequences if it continued. A copy of the letter is enclosed. We met with Mr. Banks and gave him a copy of a warning letter on January 10, 2008. It included:

Jack Newby
Director

Joe Lynn
*HIV Consumer
Rights Advocate*

Ray West
*Administrative
Coordinator*

Enrique Asis
*Training and
Evaluation
Coordinator*

Channing Wayne
*Administrative
Assistant*



San Francisco HIV Health Services Planning Council

San Francisco Eligible Metropolitan Area
San Francisco, San Mateo, and Marin Counties

Steve Manley, *Co-Chair*
Mark Molnar, *Co-Chair*
Laura Thomas, *Co-Chair*

Randy Allgaier
John Andrews
Margot Antonetty
Raymond Banks
Jeff Byers
Billie J. Cooper
Bart Ellison
Wade Flores
Donald Frazier
Chris Harris
Naim Harrison
Kelly Hart
Mary Lawrence Hicks
Cynthia Hoffman
Ronald Lee Juell
Johnson Livingston
Marcus Mabry
David Navarro
Catherine Newell
Ken Pearce
Maritza Penagos
Susan Philip
Veronica Pillatzke
Jerry Prentice
Gerardo Ramos
Stacia Scherich
George Simmons
Charles Siron
Donald Soto
Sparkie Spaeth
George Stevens
Ellen Sweetin
Jose Villarce

Jack Newby
Director

Joe Lynn
*HIV Consumer
Rights Advocate*

Ray West
*Administrative
Coordinator*

Enrique Asis
*Training and
Evaluation
Coordinator*

Channing Wayne
*Administrative
Assistant*

- Pointing out that his e-mail correspondence sent out to members of the Council and others attacked the credibility and professionalism of the leadership of the Council including the Director.
- Noting disparaging remarks made to Planning Council Support staff accusing one staff member of being a "racist" and another of being a "traitor".
- Attempting to organize a boycott of the 2007 Cultural Competency training that was being given to all Council Members and Council Support.

He was given a written copy of expected standards of behavior as outlined in a document entitled "Rules of Respectful Behavior" and we discussed aspects of standards of conduct that all Council Members are expected to adhere to.

His response during the counseling session was that we (Council Co-Chairs) were "*members of an oligarchy*" that is running the Council and that we were "*acting like the Ku Klux Klan*". We assured him that our only intent was to mitigate the disruptive behavior to avoid real consequences in the future.

His additional response to this letter of warning was to file a grievance against the Co-Chairs. He stated that he was not disputing the content of the warning letter, but the right of the Co-Chairs to take such action. We (Co-Chairs) not only view our actions as something entirely appropriate under such circumstances but that it was in fact our obligation to address this behavior directly. We chose to deal with the matter in an informal and confidential manner. Having cited sections of the Council Policy and Procedure Manual and consulting with a Parliamentarian who had recently conducted training for the Council on Roberts Rules of Order, we concluded that issuing a warning letter was entirely appropriate. The Parliamentarians' opinion was clear that the principles of Roberts Rules, which the Council operates under, clearly supported our actions. Mr. Banks's response was "*as an African American, this seems like a high tech lynching.*"

After many requests we finally received a written copy of Mr. Banks's grievance on February 25, 2008. We then tried to establish a meeting with all relevant parties, Council Co-Chairs, Jack Newby the Director of the Council and



San Francisco HIV Health Services Planning Council
San Francisco Eligible Metropolitan Area
San Francisco, San Mateo, and Marin Counties

Steve Manley, *Co-Chair*
Mark Molnar, *Co-Chair*
Laura Thomas, *Co-Chair*

Randy Allgaier
John Andrews
Margot Antonetty
Raymond Banks
Jeff Byers
Billie J. Cooper
Bart Ellison
Wade Flores
Donald Frazier
Chris Harris
Naim Harrison
Kelly Hart
Mary Lawrence Hicks
Cynthia Hoffman
Ronald Lee Juell
Johnson Livingston
Marcus Mabry
David Navarro
Catherine Newell
Ken Pearce
Maritza Penagos
Dan Philip
Monica Pillatzke
Dorothy Prentice
Gerardo Ramos
Stacia Scherich
George Simmons
Charles Siron
Donald Soto
Sparkie Spaeth
George Stevens
Ellen Sweetin
Jose Villarce

Jack Newby
Director

Joe Lynn
*HIV Consumer
Rights Advocate*

Ray West
*Administrative
Coordinator*

Enrique Asis
*Training and
Evaluation
Coordinator*

Channing Wayne
*Administrative
Assistant*

Raymond Banks. Mr. Banks refused to attend such a meeting unless he could bring additional parties into the discussions for "cross examination". It was our opinion that was not appropriate since this was not a 'trial'. It was then suggested that we attempt to find a neutral third party to facilitate a settlement. Mr. Banks agreed and we began discussing possible candidates. We were close to identifying an individual when on February 28th Mr. Banks notified Jack Newby that because he was restarting school he wished to postpone any further action on his grievance until June. We all agreed.

The Co-Chairs met with Planning Council Support staff, at their request, on May 12, 2008. At this meeting the Co-Chairs learned that Mr. Banks' pattern of insulting behavior towards Planning Council Support had continued unabated, and Planning Council Support staff requested that the Co-Chairs take action in regards to this behavior. The Co-Chairs repeatedly attempted to schedule a meeting with Mr. Banks to discuss these issues, and these requests to meet were repeatedly refused.

It should be noted that Mr. Banks has had access to the Council's Consumer Rights Advocate, his mentor and to Veronica Neal, a consultant the Planning Council has hired to help us integrate 'Cultural Humility' into our practices. Ms. Neal has also tried to schedule meetings with Mr. Banks and the Co-Chairs to discuss issues that have come up between Planning Council Support staff, and has also been refused. Mr. Banks has been offered third party arbitration, including Veronica Neal, or someone of his own choosing that we could agree to. He has refused all arbitration options.

In total Mr. Banks has filed five grievances, registered numerous complaints and at least 18 requests for information which far exceeds total requests from the other 39 Council Members and Co-Chairs put together. The sheer volume of these requests has put an extraordinary burden on Council Support. All requests to date have been fulfilled. In many cases, the information was never picked up by Mr. Banks after the requests were completed.

Mr. Banks's behavior indicates that he is far more interested in generating complaints and grievances than in getting them resolved or doing the work of the Council.

Written documentation and further details supporting all these statements is available upon request.



San Francisco HIV Health Services Planning Council
San Francisco Eligible Metropolitan Area
San Francisco, San Mateo, and Marin Counties

For all the stated reasons we, the Co-Chairs of the HIV Health Services Planning Council, respectfully request that Raymond Banks be dismissed from the Council effective immediately.

Steve Manley, *Co-Chair*
 Mark Molnar, *Co-Chair*
 Laura Thomas, *Co-Chair*

- Randy Allgaier
- John Andrews
- Margot Antonetty
- Raymond Banks
- Jeff Byers
- Billie J. Cooper
- Bart Ellison
- Wade Flores
- Donald Frazier
- Chris Harris
- Naim Harrison
- Kelly Hart
- Mary Lawrence Hicks
- Cynthia Hoffman
- Ronald Lee Juell
- Johnson Livingston
- Marcus Mabry
- David Navarro
- Catherine Newell
- Ken Pearce
- Maritza Penagos
- Susan Philip
- Veronica Pillatzke
- Jerry Prentice
- Gerardo Ramos
- Stacia Scherich
- George Simmons
- Charles Siron
- Donald Soto
- Sparkie Spaeth
- George Stevens
- Ellen Sweetin
- Jose Villarce

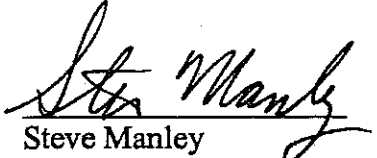
Jack Newby
Director

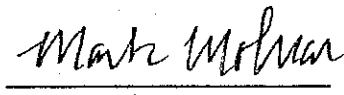
Joe Lynn
*HIV Consumer
 Rights Advocate*

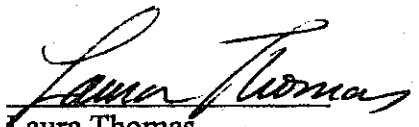
Ray West
*Administrative
 Coordinator*

Enrique Asis
*Training and
 Evaluation
 Coordinator*

Channing Wayne
*Administrative
 Assistant*


 Steve Manley
 Co-Chair, HHSPC


 Mark Molnar
 Co-Chair, HHSPC


 Laura Thomas
 Co-Chair, HHSPC

2/9/09

Dear Membership Committee,

I am requesting the involuntary removal of the HIV Health Services Planning Council Co Chairs, Steve Manley, Mark Molnar, and Laura Thomas under section 7.8 in the Policy and Procedure Manual for the following reasons:

1. The letter to Mayor Newsome violated section 7.8 subsection 2, Removal for Cause Process in the Policy and Procedure Manual because it states that involuntary removal procedures must be processed through the membership committee and ultimately approved by the full council. This is the third unauthorized action against me by the co chairs.
2. Mark Molnar made a false statement in his interview with membership committee on 2/18/09 when he claimed that the co chairs refused to rescind the letter of 1/10/08. However, an email from the consumer rights advocate dated 1/30/08 clearly contradicts Mark's testimony. There are more examples of the co chairs making untrue statement to membership committee during their testimony. They should be removed because they did not tell the truth to the investigating authority.
3. The Steve Manley also made a false statement to the membership committee when he said that there were not any secret files with information on council members. Again the letter to Mayor Newsome clearly contradicts this claim because when I previously requested my file, the letter to Mayor Newsome was not included. If it had been in my file, I would have filed for the removal of the co chairs long before these recent petitions.
4. The letter to the Mayor by the co chairs makes numerous false claims that can be easily disproven with many emails and I will do so in detail during the removal proceedings. Furthermore, there are omissions of facts. I suggest that this was done in order to justify my removal. For example, they omitted the apology I made on 12/17/07. Again, in order to be brief, I will present just one more example. The co chairs stated in their letter to the Mayor that all my requests for information have been filled. This claim is simply not true because I have never received the demographic information I requested. I simply wanted to know how many people of color have left the council since 2004. As of the date of this letter, I still have not received that information. The co chairs should be removed because they made false statements to the Mayor.
5. The co chairs violated Section 2, subsection d that states the investigation, upon request of the accused, may include a public hearing and opportunity to confront and present witnesses relevant to the complaint. I was denied this opportunity.
6. The co chairs violated section 67.17, my Constitutional Rights, and Roberts Rules of Order because they deprived me of my right to be heard before my peers, the right to present testimony, confront and present witnesses before the council

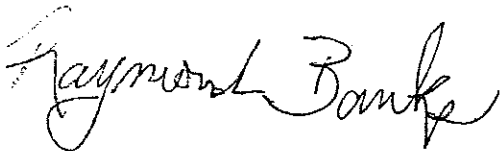
prior to sending the letter to the Mayor. "The fundamental requisite of due process of law is the opportunity to be heard." Grannis vs. Ordean, 234 U.S. 385, 394 (1914).

7. The co chairs sent the letter requesting my removal without the knowledge and consent of the full council. Their actions were secret and covert and I believe in violation of the notion of transparency which this council values and the Sunshine Ordinance.
8. In the letter to Mayor Newsome, the co chairs stated that they gave me a copy of Rules of Respectful Behavior. This claim is not true because to my knowledge, there is no such document. Since this document does not exist, how can they say that they gave it to me?
9. I request that membership determine whether the letter to Mayor Newsome, 6/10/08, was as an act of retaliation because I had filed a grievance dated 6/3/08 and I carbon-copied the entire council. Furthermore, according to my records, 6/3/08 was also the date that Steve Manley sent an email stating that I was to contact Jack Newby for the parliamentarian's complete opinion. Jack Newby sent the complete parliamentarian's opinion on 6/4/08. If it is determined that the co chairs retaliated against me by sending a letter to the Mayor requesting my removal because I had exercised my the right of inquiry and the right to file a grievance, then the co chairs should be involuntarily removed.

To summarize, I request that the co chairs be removed because they made false statements to the membership committee during their testimony on 2/18/09, and made false to statements in a letter to Mayor Newsome dated 6/10/08, and have used 3 procedures that are not authorized by the full council, the policies and procedure manual, or the bylaws against me. I also request under the Sunshine Ordinance, the California Public Records Act, and the Freedom of Information Act any and all notes of the co chairs such as interviews with witnesses, dates and times of these interviews, the questions asked and the replies during these interviews while investigating me and their decision to send a letter to Mayor Newsome asking for my removal.

I want to thank the Membership Committee for allowing me this opportunity to convey my concerns. If you need any further information, please contact me. I hope that this issue will be processed in an expeditious and timely fashion.

Sincerely,

A handwritten signature in cursive script that reads "Raymond Banks". The signature is written in black ink and is positioned above the printed name.

Raymond Banks



melvin banks
<4poetics.i@gmail.com>
03/23/2009 07:22 AM

To: sotf@sfgov.org
cc
bcc

Subject: Fwd: Response for request for information dated 11/10/08

History: This message has been forwarded.

Dear Sunshine,

In the letter to the Mayor, the co chairs stated that they would provide information to substantiate their claims to the Mayor upon his request. Yet, when I request the information in November, the custodian of the public record, Greg Zhovreboff stated in the email that I am forwarding that the information does not exist. There is an inconsistency between the email and the letter to the Mayor. My complaint number is 09015 and I am requesting that this information be added to the complaint.

Thank you,

Raymond Banks, Council Member
The San Francisco HIV Health Services Planning Council

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

From: **Greg Zhovreboff** <gzhovreboff@shanti.org>
Date: Thu, Nov 20, 2008 at 5:03 PM
Subject: Response for request for information dated 11/10/08
To: melvin banks <4poetics.i@gmail.com>

Dear Raymond,

Thank you for your request for public records on November 10, 2008. I've attached the request in PDF format to this email.

No such responsive documents exist. As Mark Molnar mentioned in his response to you regarding a similar request, the documents you reference ("notes of the co chairs such as interviews with witnesses"; "minutes of the co chairs discussions with Kevin Burns"), "are not documents that are ascertainable from records of meeting minutes or meeting recordings" and "have more to do with an individual or group thought process rather than actual council discussion topics or decisions."

Sincerely,

Greg Zhovreboff
Director
San Francisco HIV Health Services Planning Council

direct (415) 674-4777 | mobile (415) 939-0849

gzhovreboff@shanti.org

730 Polk Street, 3rd Floor
San Francisco, CA 94109
<http://www.sfcarecouncil.org>

**Join us on December 1st, 2008 as we honor World AIDS Day and commence Shanti's
35th year of service to the community.**

[Learn More](#) or [Buy Tickets Now!](#)



RBanks PI Request Form 111008.PDF

LISTEN
TEXT ONLY
PRINT
A
A
A

Public Records Request Form

COPIES

REQUEST FOR PUBLIC RECORDS

To facilitate the effort to inspect, copy and acquire documents pursuant to the California Public Records Act, Government Code Section 6250, and the San Francisco Sunshine Ordinance, San Francisco Administrative Code Section 67.1, the Sunshine Ordinance Task Force recommends that

1. The requester and the department treat each other with respect and politeness
2. The requester specify a time they are available to review the public records
3. The requester indicate if the request is an Immediate Disclosure Request (within 24 hours)

The cost for copies is 10 cents per page (20 cents per page for two-side copies), except for mass-produced records for agenda items for policy body meetings. Postage costs are additional.

PLEASE SEND REQUESTS FOR PUBLIC DOCUMENTS TO THE RESPONSIBLE DEPARTMENT. DO NOT SEND REQUESTS TO THE SUNSHINE ORDINANCE TASK FORCE.

PUBLIC RECORDS REQUEST FORM

To: Custodian of Records

Shanti

Date: 11/10/08

710 Polk St SF CA

Department

Department Address

Name of Requester: Raymond Banks

Requester Address: _____

City/State/Zip: _____

Telephone: 415-574-6881

Number to be called when documents are available or to clarify request

(Indicate times when you can be contacted)

Subject or Item

Requested: _____ (Please be as specific as possible)

See Attached

J

I want to see the records. Please call me at the above phone number when the records are ready for viewing. Do not make copies on my behalf. I will review the documents first and then indicate those documents I wish copied.

I want copies of the pages in the records that I have marked.

I want the entire records copied.

I want the information mailed to the address above.

If payment is required before releasing copies, please let me know

*Immediate Disclosure Requests: (Requests satisfied no later than the close of business on the day following the day of the request.) This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted.

Rec'd 11/10/08

Sunshine Public Records Request Form

I request under the Sunshine Ordinance, the California Public Records Act, and the Freedom of Information Act any and all notes of the co chairs such as interviews with witnesses with dates and times during their investigation of me and their decision to deprive me of due process. I also requests minutes of the co chairs discussions with Kevin Burns under Administrative Code Section 12L (Nonprofits) which applies to non-profits that receive at least \$250,000 per year in funding provided by or through the City and County of San Francisco. I respectfully request that the above information be made available to me within 10 days as per California Public Records Act



melvin banks
<4poetics.i@gmail.com>
03/23/2009 11:10 AM

To sotf@sfgov.org
cc
bcc

Subject additional background information concerning complaint #09015

History:

 This message has been forwarded.

Dear Sunshine,

I believe that the attached information is important in order to understand the scope of the complaint. If you have any further questions, please call me at 415-574-6881 or email me.

Thank you,



Raymond Banks semantics2.doc Myconstitutional rights5.doc

2/25/08

Dear Laura Thomas, Mark Molnar, and Steve Manley,

The disciplinary action of 1/10/08 appears problematic for a variety of reasons. Therefore, I wish to file a grievance. In order to be brief I will only my primary concerns. First, I claim that there is a problem regarding the syntax or structure of the actions taken on January 10, 2008. For instance, there appears to have been a conflict of interest and I was deprived of due process cross examine witnesses against me, and to provide testimony on my behalf. From my understanding, those issues are being scrutinized.

However, I am far more concerned about the semantics or meaning of the actions by the co chairs. One of the bullet points states that I used the term racist when characterizing the behavior of certain council support staff. I interpret this statement to mean that I am not allowed to speak up about racism. More importantly, I will be disciplined or punished for speaking up. To put it another way, I am denied my African American lens of interpretation. More precisely, that view does not count. This is Black History Month. While watching a documentary, I watched various leaders of the civil rights movement speak out against perceived inequities. They were punished. Whites, mostly Southern, did not see any inequities or anything wrong with the system. There is a message here if one cares to reflect.

The semantics of the action by the co chairs seems to be problematic at the macro level. By this I mean that the co chairs actions can be construed as inconsistent with council's goal of cultural competency. If one listens to the recording of the meeting with the co chairs, one hears cultural arrogance instead of cultural humility, cultural insensitivity instead of cultural sensitivity, etc. Considering that the co chairs attended the training, one must ask are the co chairs committed to the council's goal of the cultural competency. If

not then perhaps we need co chairs that are sincerely committed to cultural competency and creating an environment that does not punish minorities for having their views.

Another bullet point states that I attempted to boycott the cultural competency training. Boycott has been a major tool of change for African Americans. From the bus boycott, boycotting Denny's, boycotting Mobil Oil; boycott has been a successful for addressing prejudice and racism. Again I was punished for using the tools of the civil rights movement or my people. Furthermore, after talking to one council member, I changed my mind. The point here is that I was punished for even thinking about it. One issue that has not been considered is that there is not a safe space for minorities to voice their concerns without fear of retaliation.

I admit that racism can be subject to interpretation and hard to prove. However, perhaps an analogue could prove useful. Homophobia and misogyny permeate practically every facet of society. For those who have encountered homophobia or misogyny, know that the feeling of being treated unfair or differently, is seldom blatant. In fact, it is subtle, but significant. If one perceives these issues on the council, then does one have to suffer because if one speaks out they will be disciplined I suggest that the same applies to racism? I do not think so.

In order to resolve these issues, I ask for the following. First, that the written warning on 1/10/08 be withdrawn. Second that there needs to be policies and procedures that protect the rights of council members. I will withdraw this grievance if the above conditions are met.

Sincerely,

Raymond Banks

Any typographical errors or grammatical mistakes are unintentional and I apologize for them.

2/25/08

Please sign to indicate that you have received my grievance.

Laura Thomas

Mark Molnar

Steve Manley

Thank you

Raymond Banks

11/10/08

Dear Membership Committee,

I am requesting the involuntary removal of the HIV Health Services Planning Council Co Chairs, Steve Manley, Mark Molnar, and Laura Thomas under section 7.8 in the Policy and Procedure Manual for the following reasons:

1. I was deprived of my right to free speech when I was punished for using the term "racist" when characterizing the actions of a former employee from council support who was also Mark's co worker. The individual that I was talking to was another African American. By being punished for using the term "racist", the co chairs are turning back the clock on Civil Rights that my ancestors have fought and died for. Additionally, this action fosters a safe haven for "racism" and creates a "hostile" environment for advocating for underserved populations and people of color with HIV/AIDS.
2. I was deprived of due process that is inherent of all institutions enacted by Congress with Federal funding the right to appeal the decisions of the Council. In the first three minutes of the tape of my meeting with the co chairs on 1/10/08, I requested to appeal the co chair's decision. My right to appeal was later justified by an opinion by a consultant who is a parliamentarian whose services were solicited by the co chairs, Laura Thomas, Mark Molnar, Steve Manley, and council support or Shanti. However, I was denied access to my right to appeal for six months and I am still being denied my right to appeal.
3. The co chairs forged the parliamentarian's opinion by deleting sections that may be seen as favorable to me and placed his name at the bottom of the email to me as justification, under Robert's Rules of Order, for their decision on 1/10/08. Since this is a public document, I am claiming that they forged and falsified public records.
4. There was a falsification of public records during the Steering Retreat of 5/9/08 when Mark Molnar stated that there was not a procedure of resolution on the action of 1/10/08 and that it needed to be created. However, he did not reveal to the full opinion of the council's consultant, the parliamentarian, to the members attending the Steering Retreat. The fact that he did not present all the information available to him prevented the council from making informed decisions concerning council member's rights and responsibilities.
5. The Rules of Respectful Engagement are not applied impartially and equitably. At the Steering Retreat, 5/9/08 a council member interrupted me even though I

had the floor and he continued to do so. The co chairs, all three, remained silent while I was subject to this breach of Decorum under Robert's Rules of Order. Michelle Long, Director of the AIDS Office, was a witness to this incident. However, I have been cited for breaches of the Rules of Respectful Engagement. The council member that interrupted me was white and I am black. It appears that he was not counseled about his behavior because the same council member committed the same breach of Decorum at a meeting on 7/24/08. Hilda Jones of the AIDS Office witnessed this incident. Therefore, it seems that they apply the rules to blacks and not whites.

6. Policies and procedures were created independently of the full Planning Council by the co chairs. The co chairs did not follow procedure when Jack Newby filed a grievance against me. According to the policy and procedure manual, the grievance was supposed to be forwarded to the co chair of memberships for proceeding. This was not done. Furthermore, the co chairs created a procedure, which included the director of Shanti, Kevin Burns, Mark Molnar's boss, that was not ratified by the full council as a legitimate procedure. Moreover, co chairs placed a gag order on the proceedings that precluded me from seeking advice and counsel. There is not any procedural justification in the policy and procedure manual for these actions. Again, the full council did not ratify these procedures.

I request under the Sunshine Ordinance, the California Public Records Act, and the Freedom of Information Act any and all notes of the co chairs such as interviews with witnesses with dates and times during their investigation of me and their decision to deprive me of due process. I also requests minutes of the co chairs discussions with Kevin Burns under Administrative Code Section 12L (Nonprofits) which applies to non-profits that receive at least \$250,000 per year in funding provided by or through the City and County of San Francisco. I respectfully request that the above information be made available to me within 10 days as per California Public Records Act. I submit my public records request form to Greg Zhovreboff, the Director of Planning Council Support as the Custodian of Records for the Planning Council.

I want to thank the Membership Committee for allowing me this opportunity to convey my concerns. If you need any further information, please contact me. I hope that this issue will be processed in an expeditious and timely fashion.

Sincerely,

Raymond Banks

Council Member and Membership Committee Member



melvin banks
<4poetics.i@gmail.com>
03/26/2009 09:25 AM

To: sotf@sfgov.org
cc: "T. J. Lee" <tlee@shanti.org>
bcc:
Subject: Shanti has not honored my request

Dear Sunshine,

I wish to inform you that Greg Zhoverboff has taken a leave of absence for an indefinite period of time. The attached email chain for information has not been honored. I attempted to contact the executive director of Shanti, Mr. Roy, on 3/25/09 but he did not return my call. Can you please expedite my request? I really need a copy of both contract with Veronica Neal.

Thank you

Raymond Banks

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

From: **melvin banks** <4poetics.i@gmail.com>

Date: Tue, Mar 3, 2009 at 3:06 PM

Subject: please compare contrast my request and your reply. there are additions.

To: Donald Frazier <dfrazier@southeast4health.org>, Greg Zhovreboff <gzhovreboff@shanti.org>, hilda.jones@sfdph.org, Mary Lawrence Hicks <mlhicks@php.ucsf.edu>, "michelle.long@sfdph.org" <Michelle.Long@sfdph.org>, Wade Flores <walksinwater@netzero.net>

Dear Greg,

this is today's addendum to my request.

I want to know why the question that Donald wanted submitted to the co chairs about the letter written to the Mayor was not submitted or asked? Who decided not to ask the co chairs that question? Was it a council support decision, a committee decision or the other committee co chair decision? if you have any further questions, please let me know.

Thanks,
Raymond Banks

My request

rommelvin banks<4poetics.i@gmail.com>
to Donald Frazier <dfrazier@southeast4health.org>,
Greg Zhovreboff <gzhovreboff@shanti.org>,
hilda.jones@sfdph.org,
michelle.long@sfdph.org
date Mon, Mar 2, 2009 at 4:10 PM
subject It is not my intention to overburden you but to seek the truth.
mailed-bygmail.com

Dear Greg,

Since I have not heard from you as you stated in your email of 2/27/09, I am requesting the following information. First, I request a copy of the complaint requesting the involuntary removal of the co chairs sent via email and not in Google documents. I am unfamiliar with that program and I am having problems. Second, I request a copy of the recording of the disciplinary meeting of 1/10/08, the testimony of the co chairs on 2/18/09, and my testimony on 2/25/09. If possible I request that you place the entire recording on one CD. I also request a copy of the letter that the co chairs sent to the Mayor but not as a Google document. I also wish to request a copy of Jack Newby's email. If you recall, you stated that you only from April of 2008 forward. I also am asking for all of Mark's email's concerning me including email surrounding the decision to send a letter to the Mayor. I am also requesting a copy of the contracts that Council Support had with Veronica Neal and the amount of those contracts. Finally, I would like to know who she talked to when Veronica says that "Key stakeholders have identified numerous root causes for the current conflict situation including but not limited to the following: aggressive behavior, disrespect, lack of understanding, mental health issues. More precisely, who made this claim about mental health issues and how was it substantiated? Due to the recent revelations of actions of the Co Chairs Molnar, Thomas, and Manley, I hope to receive this information in a timely manner. Although these issues were before Shanti hired you, you are the custodian of record and unfortunately I do not have any other avenues of information available.

your response

Greg Zhovreboff<gzhovreboff@shanti.org>
to "Raymond Banks (4poetics.i@gmail.com)" <4poetics.i@gmail.com>
date Mon, Mar 2, 2009 at 4:36 PM
subject Summary of requested materials
mailed-by shanti.org
hide details 4:36 PM (21 hours ago)
Reply
Hi, Raymond,

As I understand it, these are the materials you are requesting from Council Support staff.

*

Copy of contract and invoices relating to the work with Veronica Neal (VAKN Consulting) - requested 2/26/09

*

Copy of co-chairs testimony (recording) - requested 3/2/09

*

Copy of the 1/10 meeting (recording) - requested 3/2/09

*

Print out of Donald Frazier correspondence to Council Support Staff - requested 3/2/09

*

Copy of the questions sent out to Membership Committee - requested 3/2/09

*

Written copy of Veronica's June 9th findings - requested 3/2/09

*

Copy of the letter to the Mayor requesting removal - requested 3/2/09

Please let me know if I've left anything off.

Thanks,

--

Greg Zhovreboff
Director
San Francisco HIV Health Services Planning Council

my final response

melvin banks <4poetics.i@gmail.com>
to Greg Zhovreboff <gzhovreboff@shanti.org>,
Donald Frazier <dfrazier@southeast4health.org>,
"hilda.jones@sfdph.org" <hilda.jones@sfdph.org>,
"michelle.long@sfdph.org" <michelle.long@sfdph.org>
date Mon, Mar 2, 2009 at 5:46 PM
subject Re: Summary of requested materials
mailed-by [gmail.com](mailto:)
hide details 5:46 PM (19 hours ago)

Reply

Greg,

i request that any of the material that you send is not in the form of google docs. i do not

understand how to use that program. i also would like that the recordings to be placed on a single cd. furthermore, i believe that Veronica stated that she was contracted at two separate times. therefore, i wish to have a copy of each contract and it accompanying invoice. i would also like to know who decided to withhold her report from the full council. if it was presented to the full council please provide the date. i request a copy of Donald's initial email in which he wanted a question to be submitted to the co chairs and why was that question asked of the co chairs? in other words, who decided not to ask that question? unfortunately, this is a very complex situation with multiple layers to unravel. therefore, after reviewing the information requested, there be a need to additional requests. i sincerely appreciate your cooperation.

thanks,
raymond banks



"T. J. Lee" <tlee@shanti.org>

03/26/2009 10:02 AM

To melvin banks <4poetics.i@gmail.com>, "sotf@sfgov.org"
<sotf@sfgov.org>

cc

bcc

Subject Complaint # 09015

To Whom It May Concern;

We are working on getting a copy of the contract for Veronica Neal and have requested it both via email and voicemail. It should be noted that Ms. Neal is on maternity leave through the end of March and is not available. Due to dramatic changes in Council Support last year the new staff here is not aware of the location a copy of the contract here. Director Greg Zhovreboff has been out on a personal leave since Monday, March 16, 2009 and will not return until at the earliest April 16, 2009. He is not checking voicemail or receiving emails. Unfortunately, a copy of this complaint was not sent to my attention until a day or so after it was received. The Executive Director of Shanti, Mr. Roy was out of the office on March 25, 2009 traveling and unable to check voicemail to receive any calls. Please make sure that I am included in all future communication involving this complaint since I will be handling it because of Mr. Zhovreboff's leave. I do not know why I was not included in the original email notification, but please understand that it has slowed the response by one day because the department assistant was waiting for the Mr. Zhovreboff to return and handle this issue.

Please feel free to contact me with any questions or issues.

T.J. Lee
Program Coordinator
San Francisco HIV Health Services Planning Council
(415) 674-4768



melvin banks
<4poetics.l@gmail.com>
03/26/2009 11:38 AM

To "T. J. Lee" <tlee@shanti.org>
cc "sof@sfgov.org" <sof@sfgov.org>
bcc
Subject Re: Complaint # 09015

Dear T.J.

Are you claiming that Shanti does not have a copy of both contracts and that you are waiting for Veronica Neal to return from maternity leave to give Shanti a copy of the contracts? Please clarify? Can you please forward the invoices? Why should I have to wait almost 6 weeks for this information because one person is not available? Also, please read email from Veronica Neal in red.

Thank you.
Raymond Banks



melvin banks
<4poetics.i@gmail.com>
04/02/2009 11:36 AM

To SOTF <sotf@sfgov.org>
cc tlee@shanti.org
bcc
Subject amended complaint

Dear Sunshine,

I wish to amend my complaint. I claim that the Co Chairs Molnar, Manley, Thomas of the San Francisco HIV Health Services Planning Council also violated the Article VI sections 1 and section 4 of the Council Bylaws which state **“When a vote is required for removal of a Council member, the final decision shall be made by the full Council. Policies concerning probation or dismissal must have a process for appeal by the affected council member”** and **“The Council member shall be terminated by the Mayor upon recommendation of the Council”** respectively. I argue that the letter sent to Mayor Newsom by on 6/10/09 did not have the approval of the full council because it was sent without the knowledge of the full and since it was sent secretly and covertly, deprived me of my right to appeal. Therefore, I was deprived of due process or an appeal. Since the Mayor can appoint or terminate council members and the actions of the co chairs do not comport the fact that any initiation of termination has to be done in a public forum in front of the full council, I believe that Sunshine has jurisdiction of this amended complaint under **SEC. 67.1 FINDINGS AND PURPOSE**.

Sincerely,

Raymond Banks



melvin banks
<4poetics.i@gmail.com>
04/01/2009 03:27 PM

To tlee@shanti.org
cc Kaushik Roy <kroy@shanti.org>, soif@sfgov.org
bcc
Subject sunshine ordinance

T.J,

Unfortunately, Hilda is out. Therefore, I will stop by tomorrow or the next to examine your invoices and your subcontracts as per sunshine for information gathering purposes.

Thanks,

Raymond Banks

**SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS;
ADMINISTRATIVE APPEALS.**

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.



melvin banks
<4poetics.i@gmail.com>
04/02/2009 09:18 AM

To "T. J. Lee" <tlee@shanti.org>
cc soft@sfgov.org
bcc
Subject Re: sunshine ordinance

T.J,

I believe you have to obey the law. If not, please provide reasons that you or council support do not have to obey the law.

Sincerely,
Ray

On Wed, Apr 1, 2009 at 5:13 PM, T. J. Lee <tlee@shanti.org> wrote:
Hello Council Member Banks,

Per our previous email on this matter you will have to contact Hilda Jones, the Grantee's representative, to view the information that you requested. If she is out of the office, as you say below, than you will have to wait until she returns to make arrangements with her to see the information.

Thank you,

T.J. Lee

Program Coordinator

San Francisco HIV Health Services Planning Council

From: melvin banks [mailto:4poetics.i@gmail.com]
Sent: Wednesday, April 01, 2009 3:27 PM
To: T. J. Lee
Cc: Kaushik Roy; soft@sfgov.org
Subject: sunshine ordinance

T.J,

Unfortunately, Hilda is out. Therefore, I will stop by tomorrow or the next to examine your invoices and your subcontracts as per sunshine for information gathering purposes.



"T. J. Lee" <tlee@shanti.org>

04/02/2009 10:18 AM

To melvin banks <4poetics.i@gmail.com>

cc "sotf@sfgov.org" <sotf@sfgov.org>

bcc

Subject RE: sunshine ordinance

Hello Council Member Banks,
Please read the email trail below. I have instructed you twice to call Hilda Jones, the Grantee's representative and administrator of the documents that you requested. Per a conversation between Greg Zhovreboff and Michelle Long, all requests for contracts and invoices need to be placed with the Grantee, the Department of Public Health, through Ms. Jones its representative. I checked with DPH and was told that Ms. Jones was out sick, but is now back in the office and that she is aware of your request and will respond to it in a timely manner.

T.J. Lee
Program Coordinator
San Francisco HIV Health Services Planning Council

From: melvin banks [mailto:4poetics.i@gmail.com]
Sent: Thursday, April 02, 2009 9:19 AM
To: T. J. Lee
Cc: sotf@sfgov.org
Subject: Re: sunshine ordinance

T.J,
I believe you have to obey the law. If not, please provide reasons that you or council support do not have to obey the law.

Sincerely,

Ray

On Wed, Apr 1, 2009 at 5:13 PM, T. J. Lee <tlee@shanti.org> wrote:

Hello Council Member Banks,

Per our previous email on this matter you will have to contact Hilda Jones, the Grantee's representative, to view the information that you requested. If she is out of the office, as you say below, than you will have to wait until she returns to make arrangements with her to see the information.

Thank you,

T.J. Lee

Program Coordinator

San Francisco HIV Health Services Planning Council



melvin banks
<4poetics.i@gmail.com>
04/02/2009 11:17 AM

To "T. J. Lee" <tlee@shanti.org>
cc "sotf@sfgov.org" <sotf@sfgov.org>
bcc
Subject Re: sunshine ordinance

On Thu, Apr 2, 2009 at 10:18 AM, T. J. Lee <tlee@shanti.org> wrote:
Hello Council Member Banks,

Please read the email trail below. I have instructed you twice to call Hilda Jones, the Grantee's representative and administrator of the documents that you requested. Per a conversation between Greg Zhovreboff and Michelle Long, all requests for contracts and invoices need to be placed with the Grantee, the Department of Public Health, through Ms. Jones its representative. I checked with DPH and was told that Ms. Jones was out sick, but is now back in the office and that she is aware of your request and will respond to it in a timely manner.

T.J. Lee

Program Coordinator

San Francisco HIV Health Services Planning Council

From: melvin banks [mailto:4poetics.i@gmail.com]
Sent: Thursday, April 02, 2009 9:19 AM
To: T. J. Lee
Cc: sotf@sfgov.org
Subject: Re: sunshine ordinance

T.J.,

I believe you have to obey the law. If not, please provide reasons that you or council support do not have to obey the law.

Sincerely,

Ray

This page purposely left blank