

Report to the Los Angeles City Ethics Commission on  
Violations of LAMC §49.5.5(A) by LAPD Officer Eddie  
Guerra (#38136)

January 9, 2017

# Contents<sup>1</sup>

<b>1</b>	<b>Synopsis</b>	<b>3</b>
<b>2</b>	<b>Background</b>	<b>3</b>
<b>3</b>	<b>Laws</b>	<b>3</b>
<b>4</b>	<b>Facts</b>	<b>3</b>
<b>5</b>	<b>Conclusions</b>	<b>5</b>
<b>6</b>	<b>Requested action</b>	<b>5</b>
<b>7</b>	<b>Exhibits</b>	<b>6</b>
7.1	<a href="#">Exhibit 1 – April 7, 2016 City of Los Angeles Homeless Encampment Cleanup Procedure . . . . .</a>	7
7.2	<a href="#">Exhibit 2 – May 26, 2016 through October 2016 Email Chain About Homeless and Donations . . . . .</a>	11
7.3	<a href="#">Exhibit 3 – Edwin Guerra’s donation page at <a href="http://nationalmssociety.org">nationalmssociety.org</a> . . . . .</a>	18
7.4	<a href="#">Exhibit 4 – November 4, 2016 Email from Lisa Schechter to Eddie Guerra . . . . .</a>	20
7.5	<a href="#">Exhibit 5 – Media District check for \$400 payable to Eddie Guerra . . . . .</a>	22

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<sup>1</sup>Note that blue text indicates clickable links internal to this document whereas magenta text indicates clickable links to resources on the Internet.

# 1 Synopsis

1. At least twice in 2016, Hollywood Division SLO Eddie Guerra coordinated the cleanup of a homeless encampment in the Hollywood Media District BID at the request of BID personnel. It is plausible that he violated City procedures for encampment cleanup. Soon after the second cleanup in September, solicited a donation of \$400. from the Media District for a fundraiser he was involved in. He solicited the donation in a manner which linked it to his encampment cleanup coordination and gave the Media District the option of making a check out to him personally, which they did. This constitutes a violation of LAMC 49.5.5(A) on Eddie Guerra's part.

# 2 Background

2. The Hollywood Media District BID ("Media District") is a business improvement district in Los Angeles located in the LAPD's Hollywood Division. Lisa Schechter is the executive director of the Media District. Edwin ("Eddie") Guerra (#38136) is a Senior Lead Officer assigned to the Hollywood Division. Willoughby Street and Cole Avenue are streets whose intersection lies in the Media District. Ron Groeper is a member of the Media District Board of Directors. Jim Omahen is the Media District's Operations Director. Cesar Acevedo is the Media District's security director.

# 3 Laws

3. The Los Angeles Municipal Code at §49.5.5(A) states in part that:

City officials, agency employees, . . . shall not misuse or attempt to misuse their positions . . . to create or attempt to create a private advantage or disadvantage, financial or otherwise, for any person.

# 4 Facts

4. The City of Los Angeles has detailed procedures in place for dealing with property of homeless people stored on public sidewalks. These procedures comprise seven steps involving notice requirements and the participation of multiple City agencies. These procedures were adopted by the City in April 2016. See Exhibit 1 (page 7).
5. On May 26, 2016 Cesar Acevedo emailed Eddie Guerra to report homeless people on the sidewalk at Willoughby and Cole. The next day, Guerra emailed Acevedo to tell him that he'd dealt with the situation. In particular he states that:

A strategy that seems to work for me is a drive several times a week with the truck and I help them downsize and throw away items they deem as trash.

(See Exhibit 2, page 11, page 5 in the internal document numbering).

6. On Tuesday, September 27, 2016 Cesar Acevedo again emailed Eddie Guerra to report homeless people in the same location. This time, among other things, he reported an illegal encampment there. Eddie Guerra returned his email on September 28, adding Lisa Schechter, Ron Groeper, and Jim Omahen to the list of recipients and stating that he had notified the Department of Sanitation “to help with the encampments” and that he himself would be collecting trash at the location the next day. (See Exhibit 2, page 11, page 4 in the internal document numbering).
7. On October 6, 2016, in reply to the same chain of emails by means of which Eddie Guerra organized and was thanked by the Media District for his help, but now with the recipient list narrowed so as only to include Jim Omahen, Guerra stated:

Jim,

How are you my friend?

I have a question for you.... I need to raise \$400 dollars for the MS Society. I'll be riding my bicycle from Orange County to San Diego this October 2016. I was wondering if the Media District was interested in sponsoring me or donating towards the cause?

You can help me reach that goal by making a donation, it only takes a second and your gift has the power to help create a world free of MS.

If you have questions let me know....

[Click here to donate now<sup>2</sup>](#)

On October 21, Jim Omahen replied with the news that the Media District had agreed to donate \$400. (See Exhibit 2, page 11, page 2 in the internal document numbering).

8. Later that day, Eddie Guerra replied, thanking Jim Omahen and giving him various options for making a donation. Among these options, Guerra listed:

If you are not concerned about the tax deduction, you may write a check directly to me, which will be applied to the cost of airfare and other expenses that I am responsible for.

(See Exhibit 2, page 11, page 1 in the internal document numbering).

9. On November 4, 2016, Lisa Schechter emailed Eddie Guerra to tell him that his check had been cut and to ask him how he wanted it delivered. See Exhibit 4, page 20. The Media District check for \$400 was made out to Eddie Guerra personally. See Exhibit 5, page 22.<sup>3</sup>

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<sup>2</sup>As of this writing, this link to Eddie Guerra’s donation page at nationalmssociety.org was still live. It may not remain so, but a printout of the first page constitutes Exhibit 3, page 18.

<sup>3</sup>The check is barely legible, but it’s possible to see that the payee is Eddie Guerra rather than any charitable organization. I received this from the Media District via the California Public Records Act, and I imagine that you all could get a better copy from them if necessary.

## 5 Conclusions

10. Eddie Guerra's successful solicitation of a \$400 donation from the Media District was done in a manner which clearly linked the gift to their gratitude for his dealing with local homeless people. Receiving this gift created a private advantage for him, especially since the money was given to him personally rather than to a charitable organization.
11. It seems impossible, using the evidence I've collected, to determine definitively whether or not Eddie Guerra complied with City policies regarding homeless property in his actions as described here. It is plausible that he did not, as the policies require 72 hours notice before any property is taken, and in both instances he mentions taking property the day after the complaints. It is plausible that he did, though, as he mentions contacting Sanitation to deal with the encampments and claims only to have taken property that the homeless people themselves identified as trash.
12. If he did not follow the policies then his actions in regard to the cleanups were a misuse of his City position, and therefore *a fortiori* so was his solicitation and receipt of \$400 paid to him personally. If he did follow the policies then his solicitation and receipt of \$400 paid to him personally was in itself a misuse of his position. His job description presumably does not include using his performance of the duties for which his salary is paid by the City as support for his solicitation of gifts of money for himself and/or private charities he supports. Thus either way Eddie Guerra has violated LAMC §49.5.5(A).

## 6 Requested action

13. I ask the City Ethics Commission to investigate whether these actions constitute a violation of LAMC §49.5.5(A) on the part of Eddie Guerra and, if they do, to see that he's held responsible for his actions.

## 7 Exhibits

**7.1 Exhibit 1 – April 7, 2016 City of Los Angeles Homeless Encampment Cleanup Procedure**

## **INTRODUCTION**

The City of Los Angeles is responsible for the maintenance of sidewalks and other public areas owned, managed or maintained by the City. These public areas must remain safe, clean, sanitary and accessible for public use by all individuals. To promote general public health and safety of all public areas, while balancing the needs of the City's population, at all levels, the City recently made amendments to the City of Los Angeles Municipal Code (LAMC) 56.11 to regulate any personal property disposed, left or stored in public areas.

These protocols outline the operating guidelines, designation of tasks, and scope of work for regulating the storage of personal property in public areas and the allowance for the impoundment of such property, after the provision of notice, as provided for in LAMC 56.11.

## **BACKGROUND**

LAMC 56.11 regulates storage of property on the City's public right-of-way, defined by LAMC 56.11 as including sidewalks, alleys, and streets. The Ordinance's Declaration of Legislative Intent states, in part, that the unauthorized use of public areas for the storage of personal property interferes with the rights of other members of the public to use public areas for their intended purposes and can create a public health or safety hazard that adversely affects residential and commercial areas. The purpose of LAMC 56.11 is to maintain public areas in clean, sanitary and accessible condition for all.

## **DESIGNATED ADMINISTRATIVE AGENCY, LAMC 56.11.11**

Los Angeles Sanitation (LASAN) serves as the Designated Administrative Agency ("DAA") under the ordinance. The DAA shall promulgate rules, protocols and procedures for the implementation and enforcement of this ordinance, consistent with the provisions herein. The DAA is authorized to make administrative and ministerial revisions to these protocols, and/or forms and posting notices as needed to address unanticipated scenarios or any amendments to LAMC 56.11 or applicable codes or statutes.

## **CITY ATTORNEY REVIEW**

The City Attorney's Office has reviewed the following LAMC 56.11 protocols for conformity with the Ordinance and subsequent amendments.



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## **PROCEDURE #2 – Homeless Encampment Clean-up Authorization**

Upon data entry, a Homeless Encampment clean-up authorization number is created and assigned to the designated location. The following process must be completed in order for full approval of the authorization to commence the clean-up operation.

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**LEAD DEPARTMENT:** LASAN

**PRIMARY SUPPORT:** LAHSA or OHSP

**SECONDARY SUPPORT:** LAPD, BSS, GSD, LADOT, RAP

### *Homeless Encampment Clean-up Authorization Protocol*

*Step #1 – REFERRAL:* LASAN will initiate the Homeless Encampment clean-up authorization process by verifying the encampment and its location including City owned, managed, or maintained property, and by taking photographic evidence of the location. LASAN will then submit the information into a Homeless Encampment data management system. The required information fields consist of, but are not limited to the following:

1. Address and/or cross street locations of the homeless encampment (or closest address);
2. Description of the encampment(s), including photographs of the encampment;
3. Additional location description (i.e. alley, under bridge, on overpass, etc.),
4. Date location visited /assessed.

*Step #2 – LAHSA AUTHORIZATION:* Outreach to the homeless individuals in the area will be conducted by the Los Angeles Homeless Services Authority (LAHSA) or Other Homeless Service Provider (OHSP) to inform the homeless residents of the upcoming clean-up efforts and the requirement to relocate both themselves and their possessions from the clean-up areas prior to the clean-up date/time. During these visits, LAHSA or the OHSP shall offer available assistance and social services to the homeless in the designated area. Upon completion of the visits, LAHSA will sign off on the authorization.

*Step #3 – LASAN – CHIEF ECO Authorization:* Once LAHSA or OHSP has signed off, the authorization shall be reviewed and approved by the LASAN –Chief Environmental Officer, or his/her designee.

*Step #4 – BOARD OF PUBLIC WORKS AUTHORIZATION:* The President of the Board of Public Works or designated commissioner shall review and approve the clean-up. The authorization is valid for up to 90 days from BPW approval or through completion of the clean-up at the location, whichever comes first.

*Step #5 – HOMELESS ENCAMPMENT CLEAN-UP SCHEDULING:* LASAN shall program and schedule encampment clean-ups.

*Step #6 – NOTICING:* As required in Procedure #3, a notice will be posted at the clean-up location a minimum of 24 hours in advance of the clean-up date/time (See Appendix 1). The posted notice shall be photographed by LASAN to document the notification of the pending clean-up. The Notice shall be valid for only 72 hours from posting. If the encampment clean-up cannot commence within 72 hours from posting, then a new posting must re-occur before the clean-up may commence.

*Step #7 – DOCUMENTATION:* The Designated LASAN Employee overseeing the clean-up shall document the clean-up, health hazard assessments and impounded property.

**7.2 Exhibit 2 – May 26, 2016 through October 2016 Email Chain  
About Homeless and Donations**

**Subject:** Re: Subjects at Willoughby and Cole  
**From:** "EDWIN GUERRA" <38136@lapd.lacity.org>  
**Date:** 10/21/2016 02:42 PM  
**To:** "Jim Omahen" <jim@mediadistrict.org>  
**CC:** "Lisa Schechter" <lisa@mediadistrict.org>

Jim, Lisa,

You guys are amazing and thank you for supporting Law Enforcement. Know I will be riding from New Jersey to DC and I will be present for all the ceremonies for all the Officers killed in the line of duty this year. Below is the information, the link to the charity page and the Tax ID number for tax purposes.

Again THANK YOU for supporting me in this cause!!!

On May 10, 2017, I will join the Police Unity Tour-Challenge Ride, consisting of nearly 400 law enforcement officers representing police agencies from throughout the United States. The agencies are represented by California law enforcement officers from the Los Angeles County Sheriff's Department, San Bernardino County Sheriffs, Ventura, La Habra, Long Beach, Burbank, Los Angeles, and West Covina. The Challenge Ride also consists of law enforcement officers from the States of Oregon, Colorado, New Jersey, New York, Illinois, Connecticut, Utah, Missouri, New Mexico, Georgia, and Michigan.

We will depart from Somerset, New Jersey and travel through Philadelphia, Delaware, Baltimore, and ultimately into Washington DC.

On May 12, 2017, we will join nearly 2300 law enforcement officers from throughout the country who will bicycle along varying routes, each nearly 300 miles, to the National Law Enforcement Officers Memorial in Washington DC.

On May 13th, we will join over 50,000 people at National Law Enforcement Memorial Candlelight Vigil. During the ceremony, the names of every officer who died in the line of duty during 2016 will be read and his/her name officially added to the Memorial, which already contains over 20,758 fallen heroes.

The primary purpose of the Police Unity Tour is to raise awareness about the police officers that have died in the line of duty. Our motto is, "We Ride For Those Who Died." The secondary purpose is to raise funds for the National Law Enforcement Officers Memorial Fund. Since its' inception in 1997, the Police Unity Tour has raised over \$20 million to support the Memorial. It is because of your incredible level of support and financial contributions that I will be able to participate in the 2017 Police Unity Tour and ensure that the heroes who made the ultimate sacrifice are not forgotten.

I am seeking your financial support in order to allow me to ride in this incredibly worthwhile event. Each rider must raise approximately \$2500 in order to participate in the Tour. The first \$1850 is paid to the Police Unity Tour. This money includes a \$1000 donation to the National Law Enforcement Officers Memorial Fund and \$850 to cover support services, ground transportation, overnight lodging, and food while we ride. Donations to the Police Unity Tour are tax deductible (Tax ID# [22-3530541](#)). If you are not concerned about the tax deduction, you may write a check directly to me, which will be applied to the cost of airfare and other expenses that I am responsible for. Any donated monies in excess of what is used for airfare and expenses will be

Re: Subjects at Willoughby and Cole

donated to the Police Unity Tour.

You can make a secure online donation to our cause here:

<https://secure.e2rm.com/registant/FundraisingPage.aspx?registrationID=3539242&langPref=en-CA>

Or, Checks should be made payable to Police Unity Tour.

Thank you so very much for your consideration in supporting the Police Unity Tour. If you have any questions, please give me a call or email me.

Senior Lead Officer Eddie Guerra  
Los Angeles Police Department  
Hollywood Division  
1358 Wilcox Ave,  
Los Angeles Ca. 90028  
Office: (213) 871-4068  
Cell: 213-793-0706

>>> Jim Omahen <jim@mediadistrict.org> 10/21/2016 10:14 AM >>>

Thanks Eddie and the Media District has agreed to giving you \$400! Please let me know how / or who to pay. You go!!!

--

Jim Omahen, Operations Manager  
Hollywood Media District BID  
1040 N. Las Palmas Ave.  
Hollywood, CA 90038  
Ph 323.860.0088  
Fax 323.860.0089

[MediaDistrict.org](http://MediaDistrict.org)

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**From:** Eddie Guerra <[38136@lapd.lacity.org](mailto:38136@lapd.lacity.org)>

**Date:** Thursday, October 6, 2016 at 1:36 PM

**To:** Jim Omahen <[jim@mediadistrict.org](mailto:jim@mediadistrict.org)>

**Subject:** Re: Subjects at Willoughby and Cole

Jim,

How are you my friend?

I have a question for you....

I need to raise \$400 dollars for the MS Society. I'll be riding my bicycle from Orange County to San Diego this October 2016. I was wondering if the Media District was interested in sponsoring me or donating towards the cause?

Re: Subjects at Willoughby and Cole

You can help me reach that goal by making a donation, it only takes a second and your gift has the power to help create a world free of MS.

If you have questions let me know....

[Click here to donate now: https://secure.nationalmssociety.org/site/Donation2?df\\_id=57382&PROXY\\_ID=15391032&PROXY\\_TYPE=20&FR\\_ID=27876&s\\_subsrc=bflphEmPfMsg&s\\_src=boundlessfundraising](https://secure.nationalmssociety.org/site/Donation2?df_id=57382&PROXY_ID=15391032&PROXY_TYPE=20&FR_ID=27876&s_subsrc=bflphEmPfMsg&s_src=boundlessfundraising)

Sincerely,

Senior Lead Officer Eddie Guerra  
Los Angeles Police Department  
Hollywood Division  
1358 Wilcox Ave,  
Los Angeles Ca. 90028  
Office: (213) 871-4068  
Cell: 213-793-0706

>>> EDWIN GUERRA 9/29/2016 12:29 PM >>>

Jim,

It's my pleasure! I went out this morning and picked up the bulky items, chairs, couches and items the homeless deemed as thrash. Mitch O'Farrels clean team was also there to help me.

I do however, ask that you continue to help me by requesting bulky items be picked up either by using the MYLA311 application or calling it in to 311. The same number or application can be used to request sanitation for large encampments. It helps me by having documentation and using the city resources. I consider myself to be the last form of defense in regards to picking up the trash. When I'm out there picking up trash it takes me away from patrolling and enforcing the neighborhoods.

Let's continue to work together to keep the area clean and free of crime.

Senior Lead Officer Eddie Guerra  
Los Angeles Police Department  
Hollywood Division  
1358 Wilcox Ave,  
Los Angeles Ca. 90028  
Office: (213) 871-4068  
Cell: 213-793-0706

>>> Jim Omahen <[jim@mediadistrict.org](mailto:jim@mediadistrict.org)> 9/29/2016 9:34 AM >>>  
Thanks Eddie and you're the best. Thanks for all you do!

--

Jim Omahen, Operations Manager  
Hollywood Media District BID  
1040 N. Las Palmas Ave.  
Hollywood, CA 90038  
Ph 323.860.0088  
Fax 323.860.0089

[MediaDistrict.org](http://MediaDistrict.org)

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**From:** Eddie Guerra <[38136@lapd.lacity.org](mailto:38136@lapd.lacity.org)>  
**Date:** Wednesday, September 28, 2016 at 3:19 PM  
**To:** Cesar Acevedo <[hmd.acevedo@yahoo.com](mailto:hmd.acevedo@yahoo.com)>  
**Cc:** Ron Groeper <[ron@groeperphoto.com](mailto:ron@groeperphoto.com)>, "jim@mediadistrict.org" <[jim@mediadistrict.org](mailto:jim@mediadistrict.org)>, Lisa Schechter <[lisa@mediadistrict.org](mailto:lisa@mediadistrict.org)>  
**Subject:** Re: Subjects at Willoughby and Cole

All,

I am enforcing in this area and also have a request out to sanitation to help with the encampments. I will also be there this Thursday morning with our stations pick-up truck asking the homeless to give me what they have as trash. I can't just throw away items only because I deem them as thrash. The city is currently being sued and in addition I'm being investigated for disposing someones property when it was full of feces.

This will be an ongoing project for us all. Please continue to keep me posted with pictures and also, lets reach out to the local businesses impacted with the encampments to help by cleaning the sidewalks daily. I noticed working together we accomplish more.

Senior Lead Officer Eddie Guerra  
Los Angeles Police Department  
Hollywood Division  
1358 Wilcox Ave,  
Los Angeles Ca. 90028  
Office: (213) 871-4068  
Cell: 213-793-0706

>>> "hmd.Acevedo" <[hmd.Acevedo@yahoo.com](mailto:hmd.Acevedo@yahoo.com)> 9/27/2016 2:33 PM >>>  
Hello Guerra,

We are having issues at Cole and Willoughby again. I would like to request for your assistance. We have different subjects at this location that are giving us a lot of problems (Theft, Usage of controlled substances, blocking the sidewalk, illegal encampment, assault, drinking in public, disturbing the peace, disturbing businesses, setting up fires at location, verbal disputes with HMDB.I.D officers or clients from businesses around .....)

Re: Subjects at Willoughby and Cole

Businesses are complaining or having problems with the subjects at this location such as (Pavilion, CVS, Milk studios, Hollywood Center studios, 726 Cole, Boys and girls club, Cole be liquor.... )

Thank you so much for your assistance, please notify me when we can work together to solve these issues we're having in the District.

Thank you in advance Guerra.

See pictures attached:

----- Original message -----

From: EDWIN GUERRA <[38136@lapd.lacity.org](mailto:38136@lapd.lacity.org)>  
Date: 5/27/16 12:12 (GMT-08:00)  
To: "hmd.acevedo" <[hmd.acevedo@yahoo.com](mailto:hmd.acevedo@yahoo.com)>  
Cc: "ron@groeperphoto.com" <[ron@groeperphoto.com](mailto:ron@groeperphoto.com)>, "jim@mediadistrict.org" <[jim@mediadistrict.org](mailto:jim@mediadistrict.org)>, "lisa@mediadistrict.org" <[lisa@mediadistrict.org](mailto:lisa@mediadistrict.org)>  
Subject: Re: Subjects at Willoughby and Cole

Acevedo,

I dealt with Willoughby and Cole today. Keep me posted if they return. On Tuesday I'll go there with the station's truck and pick up whatever trash is left behind.

A strategy that seems to work for me is a drive several times a week with the truck and I help them downsize and throw away items they deem as trash. It helps them be able to stay mobile and moving versus setting up camp.

Thank you for the pictures.

Senior Lead Officer Eddie Guerra  
Los Angeles Police Department  
Hollywood Division  
1358 Wilcox Ave,  
Los Angeles Ca. 90028  
Office: (213) 871-4068  
Cell: 213-793-0706

>>> "hmd.acevedo" <[hmd.acevedo@yahoo.com](mailto:hmd.acevedo@yahoo.com)> 5/26/2016 3:37 PM >>>  
Hello guerra,

I would like to request for your assistance in regards these subjects at Willoughby and Cole. We're getting complaints from neighbors (Willie from 855 Cahuenga milk studios) in regards some of his clients getting harassed when walking by and the use of alcohol and controlled substances. HMDB.I.D officers make contact with them to relocate them. They leave and come back within a few hours, they also get verbally aggressive and make it difficult when relocating



Re: Subjects at Willoughby and Cole

them. Yesterday we responded to a service call in regards same subjects for disturbing the businesses (approximately 4-6 subjects) LAPD also responded. They were having a Barbeque on the sidewalk. Today we had another complaint for the same reason. I appreciate your help in regards this matter.

Thank you, sir

**7.3 Exhibit 3 – Edwin Guerra’s donation page at nationalmsociety.org**



 SIGN IN

[About Bike MS](#)

[Register](#)

[Volunteer](#)

[Donate](#)

Please continue with your gift to Edwin Guerra!

## Move us closer toward a world free of MS

Your gift today will help support MS research, programs and services, and more. Please make your tax-deductible donation below.

### Gift Information

The miles ridden, the hard work and the connections made through Bike MS are all to create a world free of MS. Thank you for your donation and being part of this unforgettable experience. Your gift today will help support MS research, programs and services, and more. Please make your tax-deductible donation below.

Enter A Gift Amount:

<b>\$35</b>	<b>\$75</b>	<b>\$150</b>	<b>\$250</b>	<b>\$500</b>
<b>\$1000</b>	<b>Other Amount</b>			

**7.4 Exhibit 4 – November 4, 2016 Email from Lisa Schechter to Eddie Guerra**

**Subject:** Re: Hollywood Media BIDDonation - Upcoming Police Unity Tour  
**From:** "EDWIN GUERRA" <38136@lapd.lacity.org>  
**Date:** 11/10/2016 03:02 PM  
**To:** "Lisa Schechter" <lisa@mediadistrict.org>

Lisa,

I haven't forgotten about the check. If you don't mind I'll go by your office next week. Due to protest all over the city we are being deployed to assist other divisions. If I can swing by later today or tomorrow I'll let you know.

Thank you.

Senior Lead Officer Eddie Guerra  
Los Angeles Police Department  
Hollywood Division  
1358 Wilcox Ave,  
Los Angeles Ca. 90028  
Office: (213) 871-4068  
Cell: 213-793-0706

>>> Lisa Schechter <lisa@mediadistrict.org> 11/4/2016 12:27 PM >>>  
Dear SLO Guerra:

I have your donation check ready to be picked up or you can provide an address to have it mailed. Let me know if you want to swing by our office or should I place it in the mail. If in the mail what is the address you would like us to send it to.

Thank you

Lisa Schechter  
Executive Director  
Hollywood Media District BID  
1040 N. Las Palmas Avenue  
Hollywood, CA 90038  
(323)860-0025 Direct  
(323)860-0026 Fax

[MediaDistrict.org](http://MediaDistrict.org)

7.5 Exhibit 5 – Media District check for \$400 payable to Eddie Guerra

