

February 23, 2017

Holly Wolcott  
Miranda Paster  
Office of the City Clerk  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Ms. Wolcott, Ms. Paster,

I recently filed a complaint with City Attorney Mike Feuer alleging that BID consultant Tara Devine violated [LAMC §48.04\(B\)](#) in the course of the Venice Beach BID establishment process. This code section makes it illegal for any person who qualifies as a lobbyist in the City of Los Angeles to:

[f]raudulently deceive or attempt to deceive any City official with regard to any material fact pertinent to any pending or proposed municipal legislation.

The argument is somewhat involved, and you can read the details in the copy of my complaint which is attached to the email to which this letter is attached. In short, though, Tara Devine pushed the theory that the sole criterion for the inclusion of properties in the Venice Beach BID was their zoning. This position is contradicted by both [§36632](#) and [§36624](#) of the Streets and Highways Code, which together make it quite clear that the only criterion for including commercially zoned properties is that they benefit from inclusion and that, furthermore, the determination that a property benefits is completely within the discretion of the City Council.

As I am sure you are aware, Devine, who, I have previously argued in detail qualified as a lobbyist last year, made numerous public statements advancing her false “zoning not use” theory. And it’s very likely that Mike Bonin, who advanced this same theory on the floor of the City Council, was convinced by her arguments. For instance, he was quoted in *Yo! Venice*, in a statement ghostwritten by Devine, advancing this theory. And yet Devine must have known that commercial zoning is not a conclusive argument that a property must be included. She herself removed the Venice Post Office, which has commercial zoning, from the BID and later replaced it, even though its zoning never changed.

Whether or not my allegations lead the City Attorney to initiate an investigation and/or a civil action, it would be appropriate for the Clerk’s office, and NBID in particular, to review Devine’s qualifications to act as an approved BID consultant, and to disqualify her should you find that she intentionally deceived City officials, or even that she was mistaken about the very laws which she is approved by the City and paid by her clients to implement. After all, your own official criteria for approval of consultants includes both honesty and integrity as qualifications. While these criteria do not seem to include a knowledge of the laws regarding BID establishment, it’s surely reasonable to conclude that lack of such knowledge is a disqualifying factor. In literature published by the Clerk’s office you all promise to monitor BIDs and assure that they are operating correctly. This promise surely ought to extend to the process of establishing BIDs and to those who are paid to establish them.

Thank you for your attention to this important matter.

Mike