

Madame Mayor, Members of the City Council, and Members of the Board of Ethics:

We are requesting an investigation into the status and conduct of Richard d'Ascoli, a member of the Chula Vista Redevelopment Advisory Committee. As you know, the RAC was created to be the primary vehicle for public input in the redevelopment process. We believe Mr. D'Ascoli has violated both the principle and the spirit of this important charge and we ask that you investigate the following:

1. As member of the Chula Vista Chamber of Commerce Board of Directors, Mr. D'Ascoli took a position in favor of the KOA/Riverwalk Project in April of 2007. The Riverwalk project was not presented to the RAC for public input until May of 2007. (Please see attachment A). While it is consistent with one's membership on the Chamber of Commerce, it is unethical and a violation of one's duties as a RAC appointee. Many members of the public who gave their earnest testimony before the May RAC meeting feel defrauded by his actions.

2. Section 4.1.3 of the Redevelopment Advisory Committee's Rules and Procedures states that an appointee from a business association cannot represent an association formed as a Political Action Committee under U.S. Code Title 26 Section 527. The Pacific Southwest Association of Realtors collects contributions specifically for political action. (See attachment B). Richard D'Ascoli is the Director of Government Affairs for the Pacific Southwest Association of Realtors. One of his obligations is defined as: "Participates in the election process by conducting interviews, endorsing candidates based on real estate related issues, informing members and the public of those endorsements, AND DISTRIBUTING PAC FUNDS." (See attachment C.) Mr. D'Ascoli's position is in direct violation of both the spirit and the intent of the RAC Rules and Procedures.

3. It is inappropriate to have a lobbyist, a person who is in a paid position to lobby for specific interests, seated on the RAC. The work Mr. D'Ascoli is paid for is outlined in Attachment C. It is impossible for Mr. D'Ascoli to be performing the charge for which he is paid by Pacific Southwest Realtors and, as RAC appointee, to impartially receive and act on public input.

4. At the 9/9/07 RAC meeting Mr. D'Ascoli spoke about the way he views his obligations on the RAC. He said, "I represent an organization and I'm paid to do it, that's my job, they pay me to speak for them... I don't speak for myself, I speak for them." (Copies of this meeting are available on tape.)

5. Finally, and most importantly, Pacific Southwest Association of Realtors publishes a newsletter. Mr. D'Ascoli writes a column for this newsletter. In this newsletter, Mr. D'Ascoli evidences disdain for public opinion. This publicly documented attitude is in direct contrast with his duties as a RAC member.

In the April/May 2007 PSAR's publication Mr. D'Ascoli states: "At this moment, Chula Vista is looking like a risky place to invest new capital because while all these positive developments are imminent, we have small groups of activists working as hard as they can to stop them." (see attachment D).

The "activists" Mr. D'Ascoli disparages are residents with a different concept of how Chula Vista should be shaped. The "activists" are obviously people who would bring their ideas to the RAC for consideration. How can Mr. D'Ascoli give these residents a fair hearing when he has so publicly and adamantly declared himself opposed to them?

Nowhere is the argument to remove Mr. D'Ascoli more compelling than in his own words.

In the same publication (April/May) Mr. D'Ascoli states: The City (of Chula Vista) already has staff to make recommendations to our elected officials. They are highly trained professionals with years of relevant, technical expertise. It's not up to a group of anti-growth activists to override the will of the people who speak throughout the ballot box at every election."

If Mr. D'Ascoli believes his own words than how can he sit on a body whose specific charge is "to advise the CVRC" based on public input? His own statement argues that the only valid input is at the ballot box. It is clearly unethical for Mr. D'Ascoli to hold a position in which he is charged with giving a fair and open-minded hearing to public expression while he clearly does not believe the public should have a seat at the redevelopment table. It should be remembered that in June 2006 when the RAC was created Councilmember Rindone wrote in the Union Tribune, "In other words, board members recognized and strongly supported the concept of input from community members on redeveloping western Chula Vista."

In the June/July 2007 PSAR's publication Mr D'Ascoli writes: "While special interest groups and NIMBYS attack our city leaders, spew misinformation about upcoming redevelopment projects in our cities, and organize residents using scare tactics, it is important as REALTORS that we become educated about these issues." (See Attachment E).

What is it that distinguishes a NIMBY from a resident with legitimate concerns? What defines a special interest group—residents of a particular area—or realtors? When words come out of residents' mouths does Mr. D'Ascoli think of them as a spew of misinformation?

We call on the Ethics Board to investigate these 5 distinct charges; we believe the residents of Chula Vista are not served by his continued presence on the Redevelopment Advisory Committee.