

Grievance #385

Department of Neighborhood Empowerment Grievance Form

Thank you for contacting the Department of Neighborhood Empowerment regarding your Grievance. Your concerns are important to us. Please fill out this form as completely as possible to help expedite our determination. Please be aware that the information you are submitting is subject to the California Public Records Act.

We will NOT be able to respond to your Grievance unless you provide a valid email or mailing address. Please note that once you click Save at the upper right corner, your Grievance will be submitted.

All witness statements must be attached on this form.

The Department will not process more than three Grievance Forms filed by the same person in any calendar year and no more than five Grievance Forms filed by the same individual in any three year period. All Grievances submitted through this portal are considered processed.

First Name

Garry

Last Name

Fordyce

Please identify your role within the Neighborhood Council system:

Board Member

Phone Number

[REDACTED]

Email Address

gfordyce.nhwnc@gmail.com

Mailing Address

[REDACTED]

Neighborhood Council

North Hills West

Neighborhood Council Bylaws

Specific Violation Alleged

Failure to indicate the nature of your alleged Grievance will result in the dismissal of your Grievance.

☒ Neighborhood Council Bylaw

Article Number

Article V

Section

Section 8

☐ Los Angeles Administrative Code

☐ Plan for the Citywide System of Neighborhood Councils

☐ Board of Neighborhood Commissioners Policy

☐ Department Policy

☒ * - Any other City code, executive directive, rule or regulation applicable to Neighborhood Councils.

Date of Alleged Violation

10-20-22

A Grievance must be filed within 30 days from the date of the event giving rise to the Grievance. Any Grievance alleging a violation relating to Neighborhood Council funding must be filed within 90 calendar days of the date the expenditure is made.

Please state below

Grievance on North Hills West NC by Garry Fordyce

Alleged Violations and Explanations of Censure activity against Board member Garry Fordyce at the North Hills West NC (hereafter referred to as NHWNC) general Board meeting of 10-20-2022

Process Violations of NHWNC Bylaws:

Statutes violated:

A. Failure to follow NHWNC Bylaws specific directions. North Hills West Bylaws, Article V, Section 8, first paragraph states, "The Neighborhood Council ("Neighborhood Council") may censure any Board member at a regular or special meeting open to the public following a good-faith determination by the Neighborhood Council Board that the member has engaged in conduct that is contrary to rules and regulations applicable to the Board or that impedes the orderly business of Board operations." Furthermore, "Grounds for censure include, but are not limited to, Persistent disruptive conduct at meetings, Violations or abuses of the Board's bylaws or Rules, Violations of the Code of Conduct, acting on behalf of the Board without authorization, and misuse or abuse of the censure or removal process by acting in bad faith."

B. Failure to comply with North Hills West Bylaws Article V, Section 8, Item 1: Specifically, second sentence states, "Those board members shall not constitute a majority of any Neighborhood Council body, such as a committee." Additionally, the last sentence of this item states "The motion shall not be based upon conclusions, e.g., "for alleged violations of the Code of Conduct" but shall

contain factual statements that describe conduct only and is not intended to embarrass or humiliate the board member."

C. Failure of Board members to follow the spirit of the Oath of Office and Code of Conduct on a consistent bases has contributed to this desire for censure and created an abundance of negativity towards Garry's presence on the Board.

D. Failure to present proper and complete grounds for censure as stated in Article V, Section 8, Item 1 and 3, "The Notice shall provide the specific facts and grounds for the proposed censure".

Please specify the exact rule and explain the facts of the alleged violation.

Explanation of Alleged Process Violations by NHWNC Above:

a. There was no Good-faith determination that any specific violation of the NHWNC bylaws were violated. NHWNC bylaws require (as stated above in Statutes violated item A) violations to be identified as meeting some or all of the conditions addressed as grounds for censure. At no point during the NHWNC September general Board meeting, in which, it is assumed, the "determination" that a board member was "engaged in conduct that is contrary to rules and regulations applicable to the Board that impedes the orderly business of the Board" were there any specific activities addressed that related to any rules or regulations. At no point, (before, during or after the censure motion) were any specific rules or regulations cited as being violated.

During the September Board meeting each member of the board was asked to present their impression of Garry Fordyce's comments at various meetings. Comments presented, addressed how the members felt about Garry's comments. There were no specific violations cited other than hearsay communications accusing Garry of unconfirmed comments at non council meetings.

Both the September and October board meetings were not recorded, even after multiple requests by many stakeholders to record the meetings, and because the chairperson refused to do so, there is no way to verify actual statements. With no written documentation of any specific activity that violated any rules or regulations presented to the Board Members or Public during the September or October 2022 meetings, The only action achieved was the public humiliation of Garry Fordyce.

With no specific evidence and only personal conjecture presented verbally, the process was flawed and amounted to an effort to attack a board member for having opposing positions on issues. Furthermore, issues were brought up by some Board Members that accused Garry of actions from almost ten year earlier during prior periods of service as a board member. Actions that were never adjudicated or brought to a censure motion.

Over the years, during Board Meetings, Garry has, many times, voiced his position on issues. Time after time, some board members have disagreed with Garry by criticizing his position in public. It has been obvious that the majority of the Board has a dislike for Garry. This has caused members of the board to take exception to much of Garry's positions and has fermented both disdain and disrespect for most everything Garry addresses. The latest being Garry's attempt to address the issue of unilateral disregard, by the Council's President, for the bylaws requirement to have the members agree to set the meeting Date and time per Exhibit A (NHWNC Bylaws Article VIII, Section 1)

There is a dangerous lack of understanding by the NHWNC board as to their responsibilities to each other. Proper evaluation of the attitudes and actions of the board need to be considered in deciding how to bring the council up to standards that will allow them to function with members that are not in lockstep with the Board. This would include Exhaustive Efforts to teach the board how to function effectively with respect in situations of discord.

b. Regarding the process of members requesting censure of a fellow Board member. In Item B, under Statutes Violated above, clearly the censure policy within the NHWNC bylaws, precludes any group of members that wish to request a censure of another member, from constituting a quorum of the board or of any committee of the Board.

Two member requesting censure of Garry Fordyce were Dave Brown and Punam Gohel who are two of three members of the Rules and Elections Committee. This is a direct violation of the NHWNC bylaws. The third member requesting the censure, Carol Hart is a member of the Retreat Committee along with Punam Gohel. They make up two of three members of the Retreat Committee. What's more, Dave Brown is an alternate member of the Retreat Committee. See Exhibit B (NHWNC Minutes of August 18, 2022, Regular Board Meeting) Agenda item 19.

Based on the NHWNC Bylaws Article V, Section 8, Item 1, member's requesting a censure motion were in violation of Article V, Section 8, Item 1 and should not have been allowed to bring a censure motion. Furthermore, there was no specific grounds in any of the letters (see Exhibit C – Letters from board members requesting Censure) to justify the censure request. Other than a dislike for the individual and their feelings that they (the Board member bring the censure motion) were uncomfortable with having to listen to Garry's position on issues, there is no specific cause of action to bring a censure motion. It can only be assumed that because Garry spoke passionately in presenting his position, he was disruptive. Disruptive behavior is not specifically or definitively defined in the NHWNC bylaws, but a prudent person would define disruptive behavior as disorderly behavior, conducted in such a manner as to be causing normal progress of board operations to be impeded, even after the board has attempted to stop the member's communication. Since no evidence had been presented of such behavior (disruptive) other than conjecture, based on recognition that the meetings are taking longer than desired, and then assuming the cause of longer meetings is because of Garry's comments on issues.

Concerning the requirements for notice of censure process of a board member, as well as the request of a motion from three members, there is no doubt that the Bylaws were not followed. Looking only at, the timing of the data sent to Garry that requested the censure motion (emails from board members) and the timing of documents sent to Garry supporting the request for censure, (see Exhibit D – USPS tracking Data) there are questions? How is it that the documents noticing the censure motion and listing alleged violations were sent to Garry prior to the NHWNC President receiving the requests from members requesting a censure? Curious! Comparing the time of issue of the requests for censure, Exhibit C, to the, in possession time at the US Post Office, Exhibit D, the request for censure could not have been drawn up without a serial meeting, a Brown Act Violation!

In reading the emails (Exhibit C) requesting censure, specifically from Carol Hart, you ask, how it is that she opens her email with, "It is with a sad heart that I must agree to asking that you agendize and that the Board discuss a "Motion to Censure" Board member Garry Fordyce"? The implication of that sentence is that if she is agreeing then there has been prior communication among members of the council regarding a subject to be brought before the council. And then the last sentence in Carol's email states, "I apologize for the delay and for anything I've forgotten but I'm not feeling very well". Are we hearing that there has been a serial meeting? If a meeting of four or more members has occurred then that would constitute a Brown Act violation and therefore

the censure motion may not be addressed, maybe ever.

There are many issues of concern and based on the requirement that parties requesting censure may not constitute a quorum of the board or committee as stated in the NHWNC bylaws Article V, Section 8, item 1, the censure motion should never have been on the agenda.

c. Even during the censure motion at the 10-20-2022 meeting there were open mike comments of disgust made while Garry was making his comments. While this is not unusual at NHWNC meetings it does represent the disdain for Garry's opinions. While this is rude and disruptive behavior it also displays a total lack of appreciation and acceptance of the Council's Oath of Office which requires that each member agree to each other's right to his or her position even if it differs from their own. The best example of how Garry has been treated is shown by actions taken by a current NHWNC Board member who, over the years, has visited other Neighborhood Councils to try to keep Garry from being involved with those councils. Two of those councils are Northridge South and Granada Hills South.

Campaigning against a fellow member of your Board at other NCs with no other evidence than a belief of an improper action, is simply a personal vendetta. Even if the effort is done with good intention, unless there is an effort to prove the allegation, no action should be taken. Because of these prior actions, by one of the individuals requesting the censure, a position of bias exists. Acting on bias is a violation of not only the spirit of, the Oath of Office and Code of Conduct, but every sense of human decency. For this reason, the action of censure must be expunged.

d. Regarding the Documentation presented, to Garry and the Council, that is supposed to represent the activity constituting Garry's actions that violated various rules and regulations, there are a few problems. Neither the allegations of violations nor the notice to Garry were properly presented. The allegations were in direct violation of the NHWNC Bylaws Article V, Section 8, Item 1 in which it states, "The Motion shall not be based upon Conclusions, e.g., "for alleged violations of the Code of Conduct" but shall contain factual statements that describe conduct only and is not intended to embarrass or humiliate the board member". Furthermore, the notice provided to Garry regarding a meeting to censure him, did not contain the same information as the October 20, 2022, agenda. Main difference is the notice did not list the board members who requested the censure. See Exhibit F for comparison of censure motion information between the notice letter and the October 20, 2022, agenda.

It should be noted that most of the items listed in the violations list (see Exhibit E – List of Violations) are from long before Garry was elected to the current NHWNC Board. Any or all of those allegations listed, that are prior to the current board, should have been addressed when they occurred. Trying to punish a member for past allegations is simply mean and humiliating. Failing to do your job until you think you have enough support, when you believe a wrong has been done, is not justice but dishonest and presents the possibility that the concerns are not only unjustified but unimportant. Therefore, the action of censure is not justified.

This list (Exhibit E) is concerning is another way. How, when and who prepared it? This is important to the issue of why did it take so long to bring a motion on the items listed but most importantly, how do you hold a stakeholder accountable for violations of rules and regulations that do not apply to stakeholders? You see in the list of Violations are ten (10) items that were during a period when Garry was not on the board or any committee. Whoever put this list together had very little understanding of what he/she was doing or just did not care about being fair. This is kind of strange due to the Council, NHWNC, spending almost \$800.00 to research the censure motion, which there is no Board approval to pay for that research.

To consider allegations of improper behavior, such allegation must be presented in a clear and complete manner. The list of allegations are not only incomplete but they are not presented with specific rules that were violated. Simple statements of concepts such as "disruptive", "disrespectful", or "derogatory" are not grounds based on any specific rules or regulations. Many of the allegations are statements that amount to opinions of difference. Such as the so called violation listed in Exhibit E as, August 18, 2022, "Report from NHWNC Region 2 Budget Advocate, that said "nothing much is going on." What is the rule or regulation that was violated?

Another listing in Exhibit E, Item 7 on the first page of the list of violations states that in an email with a date of "7/20 – 8-18-2022, "GF falsely, disrespectfully and derogatorily claimed that NHWNC meeting time notice was not provided." There are no grounds for that statement being a violation or for it being called, "disrespectfully and derogatorily" presented. Where is the hard evidence presented that Garry's statement is false? And if Garry's comment is false, where is it stated that a member cannot make an error? This listed item, as well as most, if not all, of the allegations listed, are not only incomplete but taken out of context, presented in a humiliating way based on no other facts or hard evidence than personal feelings. While the words used in a communication of any kind have specific meanings, they carry attitude based on the way they are heard by the receiver and the way they are spoken by the speaker. If there is a recording it may be possible to understand the attitude of the verbal presentation. Unfortunately, there is no recording of either meeting, most importantly, the October 20, 2022, meeting. As such descriptive words defining attitude must be disregarded.

It is obvious, that the process for presenting the violations was not in compliance with the NHWNC Bylaws Article V, section 8.

Therefore, all actions of censure must be removed from any records and an apology as well as public retractions on social media and websites must be made.

Why? Because the NHWNC has seen fit to further humiliate Garry by posting the censure of a board member as a reason to invite stakeholders to the meeting on their website and maybe other platforms.

Remedy

There are various remedies available. Please select from the list below the remedy OR remedies you are seeking. Please be advised that the Department has sole discretion in determining whether your remedy conforms with your Grievance.

From the list below, which remedy or remedies are you seeking?

- ☒ 1) Warning to the Neighborhood Council board, individual board member, or, members.
- ☒ 2) Required corrective action of the Neighborhood Council.

- ☒ 3) Mandated training for the Neighborhood Council, individual board member, or, members.
- ☐ 4) Required mediation for the Neighborhood Council board, individual board member, or, members.
- ☐ 5) Suspension of Neighborhood Council board until mandated trainings are taken by board, board member, or, members.
- ☒ 6) Temporary suspension of Neighborhood Council Funding.
- ☒ 7) Placement of the Neighborhood Council board under control and supervision of the Department.
- ☐ 8) Suspension of individual board member or members.
- ☐ 9) Initiation of de-certification process or process to declare board seats vacant.

Please state why you are seeking the above mentioned remedy or remedies.

Statement of why the action of Exhaustive Effort and removal of censure of Garry Fordyce is being requested:

NHWNC as a Board should be put into exhaustive efforts to bring the Board up to standards which would provide for a better working environment that would give the city some protection from liability, due to actions that may be taken based on lack of knowledge for proper operation. That said, when people on the board are treated in a disrespectful way the possibility for serious grievance is more likely. Just Item eight (8) on the first page of the list of violations could be cause for claiming liable. Printing a stakeholders comment which may liable a member without including some disclosure that the opinion is not that of the council would be reasonable but obviously was not considered. Such carelessness is a sign that the council is acting either in bad faith or just does not know what they are doing. Recently it has been discovered that the council spent almost \$800.00 to research the censure motion and there is no evidence of the board approving that expenditure. Funds should be frozen until the council has been retrained on the proper handling of their financial responsibilities. Most of all, the council needs to learn how to work together and conduct their operations in good faith with the various rules and regulations under which they are bound, and the Oath of Office they have sworn to.

Finally, the removal of the censure of Garry Fordyce is needed to correct a flawed and bias action against a fellow board member. Because the entire censure process was accomplished under questionable circumstances and no specific evidence citing violations of any rules and regulations, the censure must not be allowed to stand.

Witness Information

ALL of your Witness information and Witness Statement needs to be included at this time. The Department will ONLY accept and review Witness information included at time of submission. You can find the Witness Statement form [here](#).

Witness 1 Contact Information

First Name Cindy	Last Name Cleghorn	
Email Address [REDACTED]	Phone Number [REDACTED]	Witness Statement Witness-Cindy C Form(1) (002).pdf

Witness 2 Contact Information

First Name Steve	Last Name Slutzah	
Email Address [REDACTED]	Phone Number [REDACTED]	Witness Statement Witness-Steve S Form(1) (002).pdf

Witness 3 Contact Information

First Name Brian	Last Name Allen	
Email Address [REDACTED]	Phone Number [REDACTED]	Witness Statement Witness-Brian A Form(1) (002).pdf

☐ If no witness, please check this box

Supporting Documents

Before submitting, please include ALL supporting documentation HERE. The Department will ONLY process and review materials included at time of submission.

Supporting Document
Exhibit A - NHWNC
Bykaws.pdf

Supporting Document
Exhibit B -NHWNC-DRAFT-Minutes-
2022-8-18.pdf

Supporting Document
Exhibits C D & F - Censure letters -
Tracking & Notice.pdf

Supporting Document
Exhibit E - Violations
List.pdf

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

✓ By checking this box and typing my name below, I am electronically signing this form.

Garry Fordyce

To SUBMIT, please click "Save" on top right corner.

Status	Staff	Initial Status
Approved		PC (No Action)
Notes	NC Determination	Panel Determination
		Date Closed

asd
No Response Form records found