



August 21, 2009

Rose Jacobs Gibson
President
Association of Bay Area Governments
101 8th Street
Oakland, CA 94607

Re: Potential Complaint regarding Discriminatory Conduct in the Work Place

Dear Ms. Gibson:

The Board of Directors of the ABAG PLAN has come to learn of a potential complaint of discriminatory conduct with respect to an employee of ABAG which may also implicate ABAG Executive Director Mr. Henry Gardner.

Although not legally obligated to bring this situation to ABAG's attention, our Board feels that it would be prudent to do so. The information that has been communicated to the PLAN with respect to these issues is as follows:

On December 5, 2008, it was reported to Mr. Marcus Beverly that inappropriate racial comments were made to an ABAG staff employee by an ABAG managerial employee. These comments were then passed along by Mr. Beverly to Mr. Gardner for handling and investigation. It was then reported back by the staff employee to Mr. Beverly that Mr. Gardner spoke to the employee and attempted to convince this employee that the comments made were not racial and that employee should drop any concerns or complaints regarding this incident.

The ABAG PLAN Board of Directors is passing this information on to ABAG to allow ABAG to perform a thorough independent investigation of these allegations of discriminatory conduct in the work place and to ensure Mr. Gardner responded appropriately to this situation.

Sincerely,

A handwritten signature in blue ink that reads "Laura Allen". The signature is fluid and cursive.

Laura Allen
Chair, Board of Directors, ABAG PLAN Corporation

Cc: ABAG PLAN Board of Directors
Henry Gardner, ABAG Executive Director

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



December 8, 2009

Laura Allen
City Manager
Town of Colma
Town Hall
1198 El Camino Real
Colma, CA 94014-3212

Dear Ms. Allen,

In a recent letter to you, I expressed my appreciation for bringing a “potential complaint of discriminating conduct” to the ABAG Executive Board’s attention. Also, I informed you that we would perform an independent investigation as ABAG takes seriously all allegations that may compromise our goal to provide a workplace that is free of discrimination. Accordingly, ABAG retained Carmen Plaza de Jennings of the law firm Curiale Hirschfeld Kraemer LLP to conduct the investigation.

Ms. de Jennings has extensive experience in public sector employment law and is a seasoned investigator. She has completed the investigation and presented a confidential report on her findings. The report remains confidential both as a personnel matter and a communication between attorney and client. Based on the findings of the report, Henry Gardner did not attempt to convince an employee that the comments considered racial were not and did not attempt to persuade the employees to drop the concerns or complaints the employee had raised. On this basis, ABAG is closing the investigation.

Again, thank you for bringing these matters to ABAG’s attention.

Regards,

Rose Jacobs Gibson
ABAG President

