From: R Gordon Piper
To: Klein, Heather
Subject: Re: Request, Investigation of Apparent CUP Violation
Date: Thursday, March 29, 2012 11:16:48 PM

Thank you for your email and your commitment to provide me with a copy of the update list that the Bentley School will provide of its faculty and staff. If this updated list includes now the Athletic Director position, will you then make a written determination as to Athletic Director Rob Rafeh's status as a staff member and advise the Planning Commission of your latest determination, similar to your communication to them this week that he was a vendor, which appears to be contradicted by the information I've shared with you from Bentley School's own website? I believe the Planning Commission should be entitled to both accurate/updated information based on what the Bentley School shares with you. I believe the Planning Commission members might expect you as a professional and experienced City staff member working with them in the interest of objectivity to provide accurate information to them and would want to receive an update from you on this matter if the Athletic Director position is on the new list. I would like to provide you the opportunity to update them when the new list information becomes available. Gordon Piper

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From: "Klein, Heather" <HKlein@oaklandnet.com>
To: R Gordon Piper <rgpiper@sbcglobal.net>; "Angstadt, Eric" <EAngstadt@oaklandnet.com>
Sent: Thursday, March 29, 2012 3:57 PM
Subject: RE: Request, Investigation of Apparent CUP Violation

Gordon,
If you would like a copy of the license plate list please request that from either the School or DKS. As noted previously, I have asked for the School to submit the updated list and will forward that to you.

If you would like for staff to investigate whether the Athletic Director is considered staff, a visitor, or a vendor, the appropriate process is to file a Zoning Determination. You would submit a letter to the Permit Center addressed to either Scott Miller's or my attention. The fee for the determination is $300.65 per hour with the first hour due with the zoning determination application intake. We will investigate and make determination. However, prior to releasing the determination we will charge you for the remaining time needed to process the determination. That determination would then appealable by either you or the School with payment of the appeal fee.

If you have a compliant regarding compliance with the Conditions of Approval, the appropriate process is to file a complaint with Code Compliance. Or if you have substantial evidence of non-compliance and would like to request revocation of the Bentley School CUP, the appropriate process is to file for Revocation. You would need to submit a letter to the Zoning Administrator along with your evidence and a fee of $1352.91. The Zoning Administrator will review the evidence and decide whether there is substantial evidence to send to a hearing officer.

I hope this helps answer your questions about the appropriate procedures for an investigation into the alleged CUP violations.

Heather Klein, CGBP, LEED AP
Planner III
City of Oakland

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From: R Gordon Piper [mailto:rgpiper@sbcglobal.net]
Sent: Thursday, March 29, 2012 11:38 AM
To: Klein, Heather
Subject: Re: Request, Investigation of Apparent CUP Violation

I would like to chat with you some time, and can be reached at my cell at 910-2969. I spoke with the lead monitor from TKS this morning and understand that they have a list of the faculty/staff employees for the Lower School with their license plates that were provided by the Bentley School . I understand from the lead monitor that they now only monitor one hour in the morning during the active dropoff period and one hour in the afternoon during some of the afternoon pickup activity, so that they will not able to really monitor the parking on Hiller Drive and North Hill Court that might involve the Bentley School's Lower School and its faculty/staff for the time periods when much of the extended street parking occurs on Hiller Drive during school hours. For example, on Wednesday during the morning I observed 20 vehicles parking for more than 30 minutes and have identifying information on the vehicles such as license plate numbers. If you would obtain the list from the TKS monitors of the faculty/staff from the Lower School with their license plate numbers we might meet and review whether or not any of the faculty and staff at the Lower School are in violation of the TDM prohibition for parking more than 30 minutes on Hiller Drive . I identified one individual that previoously disclosed to me she was a teacher at the Lower School that appeared to violate the TDM prohibition on Wednesday, and there may be more violations that occurred. I am interested in making an informed evaluation of this, and I'm sure you want to ensure the TDM requirements are being complied with by Bentley Lower School faculty and staff. You could also determine if Athletic Director Rob Rafeh is on the list of faculty/staff given to the TKS monitors by the Bentley School , and this might help in determining his status as a faculty/staff person and whether he was in violation on Tuesday of the TDM prohibition for parking more than 30 minutes on Hiller Drive .

I look forward to talking with you about this. I appreciate your prompt feedback and providing the lists.
Gordon Piper

From: " Klein, Heather " <HKlein@oaklandnet.com>
To: R Gordon Piper <rgpiper@sbcglobal.net>; "Bondi, James" <JBondi@oaklandnet.com>
Cc: Arlene Hogan <ahogan@bentleyschool.net>; Wendi Berardi <wberardi@bentleyschool.net>; "Mudge, Annie" <amudge@coxcastle.com>
Sent: Thursday, March 29, 2012 9:40 AM
Subject: RE: Request, Investigation of Apparent CUP Violation

Gordon,
I do not have a list of the Bentley School staff's license plates. However, attached is the list of the 71 staff positions from 2010 that was approved at the April 2010 and the July meeting along with the TDM when the issue of who is staff and who is a vendor arose. I have asked the School to update the list and ensure that all of the previous 71 positions on this list are still filled and to ensure compliance with the limit of staff employed at the lower School.

Heather Klein, CGBP, LEED AP
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From: R Gordon Piper [mailto:rgpiper@sbcglobal.net]
Sent: Thursday, March 29, 2012 9:25 AM
To: Klein, Heather
Subject: Re: Request, Investigation of Apparent CUP Violation

I would like to make a Public Records request for the list of Bentley faculty and staff members and their license plate numbers that I understand the City has. Can you also clarify for me how Rob Rafeh is not considered a member of Bentley School 's staff under the previous and amended Conditions of Approval since his name appears on the Bentley website as a faculty and staff member at both the Middle School and the Upper School ? Who pays the wages or salary for Mr. Rafeh as Athletic Director, Bentley School or another company? If Mr. Rafeh works for another company, what is the name of the company and how long has he worked for that company? Is Mr. Rafeh's name on the list of Bentley School faculty and staff with their license plates? Is Mr. Rafeh one of the Bentlley School 's 71 allowed faculty and staff members? I appreciate your assistance.