From:	Gordon Piper
To:	Ranelletti, Darin; Klein, Heather
Cc:	Hgardener@oaklandnet.com; Flynn, Rachel; Susan Piper; neighbors safety hiller highlands
Subject:	Status on Bentley School"s Compliance With CUP Conditions
Date:	Monday, October 20, 2014 10:40:25 PM
Attachments:	Bentley Faculty and Staff, September 2014.docx

I am writing about Bentley School's continuing non-compliance with the limitation on employees set forth in the Bentley School's Conditional Use Permit on the number of employees it may have at the School's Oakland campus, and the School's appeal of the Staff Determination of Non-Compliance in Case File No. CM04-411; REV10-003.

We requested in our July 29, 2014 emails to Deputy Director Darin Ranelletti and Planner Heather Klein:

- * The City do a fully comprehensive and independent code compliance investigation dating back to 2012 documenting actual workers by name, title, schedule, and status so there is an accurate, clear and transparent accounting of all who work on the campus;

- * The investigation should look at the school's failure to abide by the specified hours of work (Condition 1ii, iii,.iv, & v) and to "provide assigned spaces to all full and part time faculty and staff ;

- * If the school is found to have been out of compliance for 2012, 2013 and 2014, the City should seriously consider whether there are grounds for revocation of the Conditional Use Permit;

- * Staff and the Planning Commission establish sanctions for false reporting;

- * Amend the notice of noncompliance to include more precisely the number of staff who have been working on the Hiller campus in excess of the limit of 71 employees in 2012, 2013, and 2014.

We have not received any feedback on that request.

Now we are into a new school year, and we continue to observe activity that suggests that Bentley is still not complying with the CUP. We observe at least one and more often two maintenance workers bringing trash down the driveway to the dumpsters every Monday between the hours of 9 and 9:30 p.m. We have also observed similar activity on some Wednesdays between 9 and 9:30 p.m.

When Bentley provides its October 2014 list of employees, we believe the City should require a list of names, titles and work schedule for all workers on site so that City staff and the public can more easily track and evaluate who is working at the Oakland site.

We recently conducted a review online of staffing at the Oakland campus and believe based on our review that the Bentley School has substantially more than 71 employees at the Oakland campus and is continuing to be in non-compliance with Condition 14a. We will attach below a listing based on our research of potential staff members that may be working at the Oakland campus on a full-time or part-time basis. The list has over 100 individuals. Many of these individuals were found on either the Bentley Directory of faculty/staff, copies of newsletters of the School found online, or other online sources such as

Linked In where the individual was listed as a Bentley School staff member.

We believe that Bentley has been out of compliance with the limit of 71 employees set forth in the CUP during 2012, 2013 and 2014, and request a thorough investigation be conducted at this time by City staff to document the actual number of Bentley School staff on the Oakland campus during 2012, 2013, and 2014. Because of the questions concerning the accuracy of past representations, the code compliance investigation by City staff needs to go beyond just what the School reports, and include interviews, thorough record reviews, online reviews, and reviews of our documentation so there is an accurate reconciliation between what we have observed or found and reported over the years and what the school has been reporting.

As the immediate neighbors of the Bentley School, we also request the City's code compliance investigation address the continuing noncompliance by the School with the hours of operation. We regularly observe several employees of the School working after 6 p.m. on a weekly basis and on weekends in violation of the specified hours of work in the Conditional Use Permit.

We believe the Bentley School has previously provided a series of false reports to City and Planning staff and to neighbors regarding its actual number of employees. We believe the Bentley School has been in noncompliance with condition 14a in 2012, 2013 and 2014, and that there are grounds for revocation of the School's existing CUP based on the continuing non-compliance, the false reporting of actual staff, and failure to take appropriate corrective action when cited for non-compliance by City staff. We request an update from you regarding your actions and findings regarding our prior code compliance complaints about the Bentley School staffing and Condition 14a noncompliance embodied in our July 29 emails.

Thank you for your assistance in addressing these concerns. You may contact us for review of additional documentation we have gathered regarding the noncompliance by the Bentley School with condition 14a limit of 71 staff, and the hours of works.