

To:
Assembly Legislative Ethics Committee
1020 N Street, Room 300
Sacramento, CA. 95814
(916) 319-3752

COMPLAINT FORM

The Assembly Legislative Ethics Committee has the power set forth in Standing Rules of the Assembly, Rule 22.5 (d) (1) and Article 3 (commencing with Section 8940) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, to investigate and make findings and recommendations concerning violations of Members of the Assembly of any provision of Article 2 (commencing with Section 8920) of Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code or any other provision of law or legislative rule that governs the official conduct of Members of the Assembly, hereafter collectively referred to as "standards of conduct."

CONTACT INFORMATION

1. Complainant's Information.

NAME: Otto Duke
President
Tenant Rights Association PAC.
FPPC: 1328440

ADDRESS: Tenant Rights Association PAC
P.O. Box 40427, San Francisco, CA. 94140.

EMAIL: tenants@yahoo.com

WEBSITE: www.sftenantpac.com

2. Provide the name, title, affiliation, business address, and telephone number of each person who committed the alleged violation(s).

Assemblymember Matt Haney, D-17
1021 O Street, Suite 5310
Sacramento, CA. 94249-0017
(916) 310-2017

Former Asm. Kenneth Cooley
c/o Phil Cooley
Cordova Neighborhood Church
10600 Coloma Rd.
Rancho Cordova, CA. 95670
(916) 635-5992

Debra Gravert
Chief Administrative Officer
Committee on Rules
P.O. Box 942849
Sacramento, CA. 94249-0124
(916) 319-2810

Describe the facts you believe constitute a violation(s). Provide as much specific information as possible, including the dates on which the alleged violations occurred and the names of the persons whom you believe violated the law or otherwise contribute to the violations of the laws.

In pursuit of justice, I am filing a verified complaint which falls within the Assembly Legislative Ethics Committee's jurisdiction pursuant to the Standing Rules of the Assembly, Rule 22.5 (f) paragraphs (1) and (2), regarding what appears to be the unethical and corrupt conduct of Assemblymember Matt Haney, Assembly District 17, San Francisco, California based on the following violations: (1) Federal Criminal Civil Rights Violation under Title 18 U.S.C. §§ 242-241. (2) California Public Records Act: Gov. Code §§ 6250-70, Cal Gov. Code §§ 34090-34090.8. (3) California's Constitution Article 4 Section 22 and citing court cases: *Screws v. United States (1945)*; *Brinegar v. the United States 338 U.S. 160 (1949)* and California Supreme Case, No. S 218066 *City of San Jose v. Superior Court (March 02, 2017)*.

I will offer an interpretive opinion and introduce as an evidentiary document dated June 01, 2022, sent via United States Postal Service to the complainant, Otto Duke, from the Assembly California Legislature; Committee on Rules, that features the official California State emblem used to authenticate official documents and embossed with KEN COOLEY, CHAIR, to establish that Assemblymember. Matt Haney; then- Assemblymember. Ken Colley, Chair, Committee on Rules, and Debra Gravert, Chief Administrative Officer, unlawfully acted in a reckless disregard of constitutional prohibitions or guarantees and "under color of any law, statute, ordinance, regulation, or custom" willfully conspired for the purpose of strategically suppressing and tightening the stranglehold on the complainant, a minority, requests for responsive documents held in Haney's *actual possession* including all digital messages existing in private electronic devices or in personal messaging accounts citing California Public Records Act §6250 and based on reasonable probable cause that is relevant and material to a probe into the violation of City's Campaign Code 1.127 which bars any sitting elected official from soliciting or accepting a contribution from anyone who has a contract or development agreement pending with the city if that individual could have a role in approving the contract during the conduct of the people's business and pursuant to Federal Law, the public has the right to "honest services" of public officials pursuant to 18 U.S.C. §§1341,1343,1346. It bears mentioning that specific intent to undermine, interfere, intimidate, obstruct, and deprived the complainant of any rights, or privileges protected by either the laws of the United States on account of race or color is a federal crime under Title 18 U.S.C. §§242-241. Enclosed is admissible evidence labeled: Documentary Evidence. Exhibit (A).Letter from Ken Cooley. Chair.Committee on Rules.

Upon information and belief, here is the statement of facts on the widespread and intentional misconduct based on violations of California Government Ethics Laws; the Federal Constitution, and laws of the United States justified by all of the following that will come out in the Assembly Legislative Ethics Committee investigation:

* Deprivation of Rights "under color of any law, statute, ordinance, regulation, or custom" is a federal criminal offense under title 18 U.S.C. §242 section 2 of the Civil Rights Act of 1866. Furthermore, 18 U.S.C. § 241, makes it a crime for "two or more persons to conspire to deprive a person of any rights based on the person's race, color or alien status protected by the laws of the United States. The complainant, a minority, will establish based on an evidentiary document dated June 01, 2022, that Asm. Matt Haney; then- Asm. Ken Cooley, Chair, of the Rules Committee, and Debra Gravert's then-Chief Administrative officer had a specific intent "under color of any law, statute, ordinance, regulation, or custom" to willfully undermine and interfere with the complainant's investigation linking Matt Haney for Assembly campaign, FPPC 1442544, to fraudulent irregularities. The FBI is well aware of Assemblymember Matt Haney's nefarious activities. Enclosed is a copy of the Statement of Probable Cause labeled Exhibit (C).

* California Public Records Act: Cal. Gov. Code §§ 6250-70; Cal Gov. Code §§ 34090-34090.8, failure to allow public access to documents related to electronically stored information.

* California's Constitution Article 4, Section 22 specifically states in pertinent parts: "the right of the people to hold legislators accountable to preserve the integrity of the legislative process."

STATEMENT OF FACTS

A. VIOLATION OF 18 U.S.C. §§ 242-241. DEPRIVATION OF RIGHTS "UNDER COLOR OF ANY LAW, STATUTE, ORDINANCE, REGULATION, OR CUSTOM.

1. On or about June 01, 2022, the complainant received a letter from Assembly California Legislature, State Capital, P.O. Box 942849, Sacramento, California, 94249-0124, Sacramento County, bearing the title: Committee on Rules, embossed with KEN COOLEY, CHAIR, that features the official California State emblem used to authenticate official documents, signed by Debra Gravert, Chief Administrative Officer in response to the complainant's letter dated on or about May 14, 2022, and May 23, 2022, mailed to the office of Assemblymember Matt Haney, requesting copies of

all digital messages existing in his private electronic devices, smartphones, and computers or personal messaging accounts (e.g. Gmail; Twitter; email) pursuant to the California Public Records Act (Gov. Code § 6250).

2. The Assembly California Legislature official letter sent from the office of then- Asm Ken Cooley, Chair, Committee on Rules signed by Chief Administrative Officer, Debra Gravert materially false and concocted with the sole purpose to thwart the complainant's request for copies of Haney's emails and digital messages to be electronically stored on his personal devices and held in his *actual possession* which arguably will provide enough evidence to sustain an investigation focusing on wrongdoing during the conduct of the public business. Enclosed is a copy of complainant's letter to Assemblymember Matt Haney dated May 14, 2022, labeled: Exhibit (B) and designated as an admissible documentary evidence.
3. Furthermore, the Assembly State Legislature letter bearing the embossed name KEN COOLEY, CHAIR to the complainant, (see Exhibit (A) is absolutely false and incorrectly states the following: "State Legislature is not subject to the California Public Records Act" citing California Public Records Act (Gov. Code § 6252 (f). Albeit, the Gov. Code §6252 (f) explicitly states:

"State agency" means every state office, officer, department, division, bureau, commission, or other state body except for those agencies provided for in Article 1V (except Section thereof) or Article VI of California Constitution.

Essentially then, Matt Haney inextricably linked Cooley and Gravert's unethical behavior as a deliberate effort to misrepresent California Public Records Act (Gov. Code 6252(f) to put a stranglehold on the complainant, a minority, probe into Haney's illegal activities violated 18 U.S.C 241 (Section 241), which makes it a crime for "two or more persons to conspire "under the color of any law, statute, regulation, ordinance, or custom" to intimidate, interfere, or oppress based on the person's race, color, or alien status....of any right or privilege secured by the Constitution or laws of the United States." It's the type of manipulative, self-serving "official action" that the Assembly Ethics Committee should declare it unethical and take enforcement action against Assemblymember Matt Haney, for his complicity in making a mockery of the California Public Records Act. (Gov. Code §6252 (f)). Indeed, Assemblymember Matt Haney's contemptuous disregard for the CPR Act § 6252 (f) besmirched the good name of the Assembly California Legislature and undermines the public's trust in our democracy. and the credibility of the Assembly of California Legislature Enclosed is admissible evidence, labeled: Documentary Evidence Exhibit (A).

4. Interestingly, the eyebrow-raising letter from then-Assemblymember Ken Cooley, Chair, of the Rules Committee addressed to the complainant (see Exhibit A), states in pertinent parts: " Please be advised that under the Legislative Open Records Act....we have no legislative records to provide in response to your request." This is truly disturbing,

totally inaccurate, and meant to benefit Haney from exposure to wrongdoings. Importantly, Assemblymember Matt Haney is the custodian of records because the requested digital messages exist in his private electronic devices (e.g. smartphones and computers) or personal messaging accounts (e.g. Gmail, Twitter) are held in Haney's *actual possession or agency*. It is established that Assemblymember Matt Haney is required to respond to the request for related digital messages existing electronically or personal messaging account by May 24, 2022, and has failed to comply with the request. Instead, Asm. Matt Haney forwarded the letter to then Asm. Ken Cooley, Chair, Committee on Rules, acknowledged by the enclosed evidentiary document, Exhibit (A), to orchestrate a scheme to willfully deceive the complainant "under the pretense of" law with the sole intention to benefit Haney from exposure to illegal activities.

5. Under the provision of Section 242, the complainant established the three elements to allow a full investigation by the Legislature Ethics Committee as follows: (1) Assemblymember Matt Haney conspires "under color of any" law to put a stranglehold on the complainant's probe into his wrongdoings during the conduct of people's business. (2) Assemblymember Matt Haney acted "willfully" and, (3) Assemblymember Matt Haney deprived the complainant of rights under California's Constitution, the U.S. Constitution, or federal law on account of the complainant's race. In the 1945 case *Screws v. United States*, the Supreme Court interpreted "willfully" meaning the act was committed voluntarily and purposely with the specific intent to do something the law forbids and with the specific intent to deprive a person of constitutional rights or with "open defiance or in reckless disregard of a constitutional requirement."
6. That said, it appears Assemblymember Matt Haney, a party to then-Asm. Ken Cooley, Chair, Committee on Rules, Debra Gravert, Chief Administrative Officer conspiracy in performing an action "under color of any law, statute, ordinance, regulation, or custom" to willfully interfere, intimidate, obstruct, and put a stranglehold on an investigation, under the pretext of the complainant, Otto Duke, relating to the complainant's request citing CRPA §6250 for Haney's digital messages existing in electronic devices (e.g. smartphones and computers) and messaging accounts (e.g. Gmail, Twitter, Instagram) held in his *actual possession or agency* between Haney; developers Simon Snellgrove, Pacific Waterfront Partners LLC, and Jon Mayeda, CEO, of Urban Land Development who has contracts or development agreements with the city, and Matt Haney, a sitting elected official role in approving their contracts during the conduct of the people's business whilst running as a candidate for the 2022 California Assembly, San Francisco, District 17. The information requested is pertinent to the complainant's inquiry to ensure proper accountability and a pretext to stop suborning elected public officials from serving the interest of wealthy developers doing business in the county. Moreover, public access laws enforce government accountability and the right to such information as a check on the arbitrary and secretive exercise of political power

7. This begs the question of what is people's business. Put simply, California Supreme Court Case No. S218066, *the City of San Jose v. Superior Court* March 03, 2017, unanimous ruling reinforces California's Statutory Constitutional commitment to a broad interpretation of laws if they further, the public's rights to access information. Suffice it to say, the decision by California Supreme Court is a binding, mandatory authority in the State of California and it is the duty of the members of the Assembly of California Legislature to enact a just law.
8. The death of George Floyd in police custody, in May 2020 "under color of" law sparked interest in the federal Code, 18 U.S.C 242 which is cited in the complainant's complaint. According to 18 U.S.C. § 242 act under " color of any law, statutes, ordinance, regulation and, or custom" includes acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority but acts are done without and beyond the bounds of their lawful authority provided that, in order for unlawful acts of any official to be done "under color of any law," the unlawful act must be done while such an official is purporting or pretending to act in his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing homes, State legislators, local and state employees, and persons who are bound by laws, statutes, ordinances, or customs.
9. The Assembly Legislative Ethics Committee is bound by the Oath of Office, whereby members solemnly swore to support and defend the Constitution of the United States, the Constitution of California, and the laws of the land. Therefore, Title 18 U.S.C. §§ 242-241 is worthy of being admitted with the evidentiary document labeled Exhibit (A) which is enclosed with the verified complaint.
10. Factual Assertion pursuant to Federal Rules of Evidence, Rule 902 will establish jurisdiction in the verified complaint and from a compliance, standpoint falls within the Assembly Legislature Ethics Committee's jurisdiction subject to applicable procedures set forth in the Standing Rules of the Assembly, Rule 22.5 (f) (1) paragraphs 2 to 6. The jurisdiction is the Assembly Rules Committee, Capital Building, 1021 O Street, Sacramento, California. 95814, Sacramento County. This is the site whereby a materially false letter featuring the official seal of the State of California, Assembly California Legislature embossed with KEN COOLEY, CHAIR, Committee on Rules was mailed to the complainant on June 01, 2022, with the sole intent to willfully interfere, intimidate, or discriminate "under color of any law, statute, ordinance, regulation, or custom" and to put a stranglehold on the complainant, a twenty-four-year-old minority person, who requested digital messages existing in Haney's personal device (e.g. smartphone or computer) or messaging accounts (e.g. Gmail. Twitter) held in his *actual possession or agency*. The purpose of the "official action "under color of any" law was mailed from the Capital Building 1021 O Street, Sacramento, California. 95814 (see a copy evidentiary document labeled Exhibit (A)). At this point, it is safe to say the complainant established the jurisdiction site is the Capital Building located in Sacramento County.

B. VIOLATION OF CALIFORNIA PUBLIC RECORDS ACT § 6250.

11. The participation of Asm. Matt Haney with then Asm. Ken Cooley, Chair, of the Committee on Rules (see Exhibit A) "Open the door" and allows for the introduction on or about May 14, 2022, the complainant Otto Duke, President, of the Tenant Rights Association PAC mailed a letter to Assemblymember Matt Haney requesting all digital messages existing in Haney's private electronic devices (smartphones & computers) or in personal messaging accounts (Gmail, Twitter, Yahoo) related to two San Francisco contractors' donations to Matt Haney for the Assembly campaign FPPC 1442544 between the period December 16, 2021, and March 30, 2022, citing the California Public Records Act § 6250 (attached is a copy of the letter titled: Request For Documents). The deadline for Asm. Matt Haney to comply with the complainant's request was May 24, 2022. It should be noted that over the course of ten months, Assemblymember Matt Haney's artful moves and failure to comply are without a doubt, outright contempt of the California Supreme Court's decision on March 02, 2017, Case, No. S218066; *City of San Jose v. Superior Court of Santa Clara*, March 03, 2017, put simply the court made it crystal clear that communications on private accounts by public officials are public records and thus subject to disclosure under the California Public Records Act § 6250.

12. Needless to say, it appears that Haney's refusal to comply with the request for documents related to email & text messages undoubtedly is a breach of the law and admittance of malfeasance which in this instant, arguably suggests Haney's involvement in receiving illegal contributions for Matt Haney for Assembly campaign FPPC 1442544 via electronic transfer across Stateline which is a federal criminal offense. Indeed, the FBI is well aware of Asm. Matt Haney's wrongdoings (see attached copy titled: Statement of Probable Cause - Search Warrant received by an FBI Special Agent on October 21, 2022). Furthermore, Haney's dastardly attempt in the faint hope to circumvent California Public Records Act § 6250 is such a willful and wanton disregard for the Rule of Law that provides enough justification for the introduction of a Motion or Resolution for the expulsion of Assemblymember Matt Haney from the California Assembly.

C VIOLATION OF CALIFORNIA'S CONSTITUTION ARTICLE 4, SECTION 22.

13. California's Constitution Article 4, Section 22 lays out quite plainly in pertinent parts: "the right of the people to hold legislators accountable to preserve the integrity of the legislative process." Notably, It is the job of legislators to uphold the Bill of Rights and California's Constitution. Absurdly, Asm. Matt Haney's failure to carry out his duty to uphold California's Constitution warrants a recommendation from the Assembly Legislature Ethics Committee for the expulsion of Assemblymember Matt Haney to the Floor. Succinctly, the California Public Records Act § 6250 declares that access to information concerning the conduct of the people's business is fundamental and necessary

right of every person in the state. The spotlight is on the Assembly Legislature Ethics Committee's decision on whether legislators should be held not just the same but to a higher standard of accountability than ordinary citizens or suspend California's Constitution and allow Assemblymember Matt Haney, (District 17 San Francisco) a lawmaker lacking a moral compass to serve the interests of wealthy developers and purposely ignoring California's Constitution and the laws. The constituents of Assembly District 17 - San Francisco must have an honest and accountable representative in the Assembly California Legislature.

14. Importantly, the court favored a flexible approach to viewing Reasonable Cause as a "practical non-technical standard. The verified complaint of the reasonable cause should be noted, in *Brinegar v. United States* 338 U.S. 160 (1949) approved the authorization based on the FBI to have within the minimum range (30-50 percent) likelihood under the theory of reasonable suspicion but less than beyond a reasonable doubt that an offense has been committed. This ruling allows the Assembly Legislative Committee to make decisions in favor of the complainant.

D UNITED STATES PRESIDENT JOE BIDEN: NO ONE IS ABOVE THE LAW

15. Signaling calls for accountability in a speech, on March 16, 2023, President Joe Biden stated: "No one is above the law". This speech supports the complainant's verified complaint against Assemblymember Matt Haney, District-17, San Francisco, California. A copy of the verified complaint with the evidentiary documents will be mailed to the U.S. President Joe Biden requested his support to have the United States Department of Justice monitor the Assembly Legislature Ethics Committee investigation to protect the complainant's rights under the United States Constitution and the laws of the land. Fundamental values are at stake here. This is where we stand up for the values Americans fought for in past wars.

SWORN COMPLAINT

I hereby swear or affirm, under the penalty of perjury and other penalties established by California law, that the information provided in this complaint is true, correct, complete, and of my own personal knowledge, I believe the information to be true.



Date: 04/28/2023

