

July 9, 2010

Elidia Duarte

Sent via facsimile: (510) 981-5480

Board of Directors: Agostino, Cox, Gale, Hunt, Moody, Norris  
Berkeley Housing Authority  
1901 Fairview St,  
Berkeley, CA 94703

**Re: RESPONSE TO TIA INGRAM'S JULY 7, 2010 LETTER SEEKING TO SILENCE AND  
OCCLUDE GOVERNMENT MISCONDUCT**  
Duarte household

Dear Board Members,

This is in response to Tia Ingram's letter dated July 7, 2010 (attached). Tia Ingram's assertions are mistaken and unsupported by the file and video tape. Her claims of professionalism fall flat when I made a file review request in February 2010, which went unanswered for nearly 6 months. Her claim is even less believable when to date she and her staff fail to take the steps to allow our disabled household to be promptly reunited since September 2008.

The "otherwise confidential" sentence from Ms. Ingram is legally deficient. The contents of my file are my own information. I have the right to access it under due process, the Information Practices Act of 1977 in Civil Code section 1798, and Gov. Code section 6250.

As indicated by our prior complaints and others to you, your staff is unprofessional, incompetent, intimidating, and less than forthright. A case in point, on February 16, 2010 in a meeting your staff Linda DeShazier and Rachel Levine raised their voices at me and claimed to have never seen the settlement agreement made between them and my counsel. I complained directly to you. Their statements were belied at my July 7, 2010 file review, where I located the October 28, 2009 settlement agreement in my file. I can only conclude that staff act according to Tia Ingram's policies and direction.

Given the hostile and less than forthright conduct of the staff to our courteous requests, it has become necessary to videotape them. We note that as a result of the videotaping your staff has backed off. It is a burden for us to have to expend resources on cameras and videotapes, but the BHA staff's misconduct leaves us no choice.

We have asked for answers to questions such as why nothing has been done to certify our family, why the files are in a shambles, and why my request for an adjustment in rent has not been forthcoming in over a year, etc. No answers are forthcoming contrary to Tia Ingram's claims.

On July 9, 2010, I brought to the Board's attention that your staff had failed to promptly correct my rent based on my file review for over a year. This is contrary to Tia Ingram's claims

Ms. Ingram mistakenly claims that my questions are combative or non-cooperative (?). I have the first amendment right to seek redress and to instruct the government. If Ms. Ingram were truly concerned, she would correct the problems promptly and would make herself present to answer questions. Since Ms.

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Ingram makes herself scarce when I ask for her, she has no first hand knowledge of the file reviews. The videotapes speak for themselves and contradict her claims.

We the people are the owners of this and all government programs. It is not incumbent upon us to act in a solicitous manner. Rather, we have the 14<sup>th</sup> Amendment right to demand and receive justice, not frivolous and dishonest treatment.

No doubt the BHA staff do not like having their dereliction and violation of my due process rights exposed. However, business as usual with them treating me with contempt is unacceptable.

Next, we turn to the contradictory and mistaken enumerated points in Ms. Ingram's letter:

- A) **The section 8 participant file.** Tia Ingram did not produce a single document; Celinda Aguilar made some copies. I did not request nor did your staff copy the complete file. I made a narrow request for documents pursuant to due process. Tia Ingram mistakenly implies that she may delay production of the documents at her whim. For records known to be disclosable, access must be provided promptly and not delayed. Gov. Code section 6253(b). Nothing "shall be construed to permit an agency to delay or obstruct the inspection or copying of public records." Gov. Code section 6253(b)-(d).
- B) **File review.** That Tia Ingram, who does not supervise her staff or act to correct problems, wants to assign someone like Celinda Aguilar, her secretary, who claims to not know anything since she is not the case worker is a waste of time. There is no law barring as many observers as I deem necessary. In fact during the Feb. 16, 2010 meeting with two of your staff, Levine and Deshazier, they threatened me with termination if I did not fill out papers on command. In fact, for transparency in government, the more observers and cameras the better.
- C) **Asking questions.** Ms. Ingram's command that I may not ask questions violates my first amendment right to instruct and seek redress and undermines her prior claims of wanting to answer questions. Her claim that she normally responds in 3 days is undermined by her failure to respond to my concerns for several months and file review request from February 2010.
- D) **Videotaping.** Ms. Ingram implies that I may not videotape your staff or the rude manner in which they treat the participants. As noted above, videotaping has encouraged your staff to back off from their intimidation. I will continue to videotape to ensure forthright treatment and protection from their loathsome behavior. Your offices might benefit from having videocameras recording how your staff conducts itself or secret shoppers.

Note that the correspondence sometimes sent to me in Spanish is incomprehensible due to grammatical problems, misspelling, and lexical problems. While I appreciate these efforts, you would never mail such work product to an English speaker.

The BHA board has received numerous complaints from me and others regarding the misconduct of staff. Replacing incompetent staff is sorely needed at the BHA. What is needed is action from motivated government employees conversant in due process not Tia Ingram's misguided efforts to cover herself.

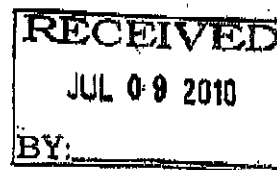
Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Elidia Duarte, Tr by José Duarte

**Berkeley Housing Authority**

1901 Fairview St., Berkeley, CA 94703  
Telephone: (510) 981 5470 Fax: (510) 981 6480



July 7, 2010

Elidia Duarte

**Re: Access to Berkeley Housing Authority Services**

**Dear Ms. Duarte:**

The Berkeley Housing Authority is a public agency, and as such, our office is accessible to the general public. As a program participant, you have further access to otherwise confidential information pertaining to your assistance while a program participant.

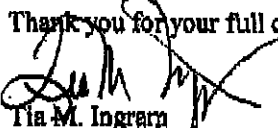
We are committed to providing quality service to all of our customers. Our staff stands ready to provide general information about our services, and to respond to specific questions about your current and prior assistance.

You, through your son Jose, continue to ask questions and request services that have been adequately addressed in the past. This unnecessarily taxes our very limited staff, and makes it difficult to serve our many other clients. In addition, the method of interacting we have observed by your family is increasingly combative, non-cooperative, and disruptive to staff and other customers.

Such that we can conduct the affairs of the BHA in a professional manner, and provide you access to documents and/or information you desire, please note:

- a. I have produced a complete copy of your Section 8 Participant File and waived the fee for copying the file. If any documents are added to the file, a copy will be mailed to you. If you request additional copies of your file or any other BHA documents, the charge is \$.10 per page, payable in advance. Please be advised that if you request copies, copies will be made promptly, but not necessarily the same day as the request.
- b. A staff person will be assigned, by me, to observe your file review, and you may be accompanied by one individual of your choice.
- c. Any questions you have during the file review must be submitted in writing and addressed to me, not to the individual staff person assigned to observe your file review. I will respond in writing, normally within 3 business days.
- d. You may continue to videotape your visits to the office, but you must maintain a respectful distance from staff and respect the privacy of other customers, who may not wish to be recorded.

Thank you for your full cooperation.

  
Lia M. Ingraham  
Executive Director

cc: Board of Commissioners