

## Los Angeles Daily News

### Election-day calls link official, activist

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Staff Writer

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The Los Angeles city official who oversaw the disputed election of the Van Nuys Neighborhood Council was on the phone at least six times on election day with an activist who backed many of the winning candidates, according to city cellular phone records released Wednesday.

The records show that Herman Barahona, the Van Nuys project coordinator for the city's Department of Neighborhood Empowerment, called activist Enrique Aragon six times Feb. 8, the date of the hotly contested election for the advisory panel representing Van Nuys. A key element in complaints about the election was the contact between DONE officials and activists.

The records, released under the California Public Records Act, do not show how many times Aragon called Barahona.

DONE released the records Wednesday when City Attorney Rocky Delgadillo intervened. The Daily News has sought the records and other documents for more than two months under the state's public records law, but DONE refused to release records of its employees' use of city-paid cell phones, saying it would violate the employees' privacy rights.

Tonight, the Los Angeles City Clerk's Office is scheduled to present its findings on the validity of the Van Nuys Neighborhood Council election, which has emerged as a battleground in the city's ongoing experiment in neighborhood empowerment. Frank Martinez, the City Clerk's Office's executive officer and principal author of the report, would not say whether he reviewed DONE employees' cell-phone records.

The cell-phone bills made public Wednesday heightened suspicions among some people involved in the election that DONE took sides in the balloting for 13 seats on the panel. Aragon and DONE General Manager Greg Nelson denied any collusion.

"Everything that has been happening so far has been absolutely clean," Aragon said. Jill Banks Barad, a member of the Sherman Oaks Neighborhood Council who served as the election administrator for Van Nuys, said the pattern of cell- phone calls seems suspicious.

"That's what the perception was: that (DONE and Aragon) had been working together to create a slate," Barad said. "DONE needs to investigate this."

Barahona did not respond to a request for comment. Nelson said he instructed Barahona not to talk to the press and would speak on his behalf.

"No one has been able to come up with any sort of evidence (of collusion)," Nelson said. "Give us something other than an unsubstantiated conspiracy theory."

Aragon maintained that he called Barahona to relay concerns that some voters who turned out for the Feb. 8 neighborhood council election were turned away.

Barahona's phone records show he was on his city cellular phone for a total of 44 minutes from 8:38 a.m. to 9:32 p.m. on the date of the Van Nuys election. DONE blacked out four of Barahona's calls on the basis that they were either personal in nature or exempted by attorney-client privilege.

Barahona was on the phone with Aragon for 13 minutes in six separate calls that the DONE project manager made, the records indicate.

Aragon said he worked on behalf of several of the winning candidates on what he termed a "diversity slate." But he said he had no more access to DONE officials than any other member of the public. He said it was "absolutely inaccurate" to suggest that he worked in concert with the city.

"I would call to ask, like anybody else, when the election was and things like that," Aragon said. "It wasn't me working with anybody at DONE."

James Cordaro, who won a seat in the election but was not a part of the "diversity slate," said Barahona's cellular-phone records do suggest a level of cooperation with DONE. Aragon was the only person that Barahona called on election day from his city cellular phone for official business, according to the records released Wednesday, although Barahona did receive numerous calls.

"Enrique wasn't even in the election (as a candidate)," Cordaro said. "Why was (Barahona) contacting him? It is suspicious."

On May 12, the Daily News, invoking the California Public Records Act, requested documents from DONE in an attempt to prove or disprove allegations that DONE employees had conspired with the victorious slate and its supporters to rig the election.

On July 7, DONE released hundreds of pages of e-mail messages and written documents, none of which contained evidence of collusion between city employees and activists or candidates.

The records did contain a few e-mail messages between Aragon and DONE officials, although Aragon was writing only to obtain information or get clarification.

Since the Feb. 8 election, several losing candidates and their supporters have publicly accused DONE officials of bias in the election. The ex-candidates cite DONE's rejection of a League of Women Voters report in April that concluded that the election was flawed and should be nullified.

At a meeting scheduled for 7 p.m. today at the Marvin Braude Constituent Services Center in Van Nuys, the City Clerk's Office is scheduled to present a final report on the Van Nuys election. The neighborhood council, including members who face election challenges, voted to assign the challenges to the City Clerk's Office after the League of Women Voters' report was rejected and other agencies declined to take up the matter.

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[Note from DONE: The department did not reject the League of Women Voters report. The department had no authority to do that. The Van Nuys Neighborhood Council determined that it wanted someone to investigate the election challenges and act as a final arbiter. The League responded in writing that they did not want to perform that function before the department saw their report. The League only wanted to provide a report to the department. Once a final arbiter was found, the League's report was passed along.]