

**Johnson, Amy**

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**From:** Public Records Request Tracking System [public.records.request.tracking@gmail.com]  
**Sent:** Monday, May 17, 2010 12:21 PM  
**To:** Baum, Gary; Keene, James; Council, City; HRC  
**Cc:** Burns, Dennis; Brown, Sandra; Wong, Scott; Keith, Doug; Beacom, Bob  
**Subject:** From the archives - The Dark Side of Gary M. Baum

**The Dark Side of Gary M. Baum**

WITH HONORS ... For City Attorney Gary Baum, the workday doesn't end when lights go out at City Hall. Baum, best known for advising the City Council on thorny legal matters, will receive an Access to Justice Award next week for something completely unrelated to his municipal duties — his pro bono work on behalf of victims of domestic violence.

The city of Palo Alto is a "killing field" of Mr. Baum's Victim's

The Children Theater - Scandal - Is most notable.....he had complete legal control and leadership over this symbolic massacre. .

Baum will receive the award from Associate Justice Carlos Moreno of the California Supreme Court at a Sept. 30 ceremony at Santa Clara University. This won't be the first time Baum is recognized for helping the needy in his spare time. In 2007, the Santa Clara County Bar Association gave Baum its own Pro Bono Award for handling difficult cases pro bono, particularly those including indigent women and children. On Monday, the City Council recognized Baum for his pro bono work with an enthusiastic round of applause.

# Supreme Court Case Number S174520

## ACCUSATION

## PETITION FOR REVIEW

TO THE HONORABLE CHIEF JUSTICE OF CALIFORNIA AND THE ASSOCIATE JUSTICES OF  
THE SUPREME COURT OF CALIFORNIA

MARK PETERSEN-PEREZ; In Pro Per : Case No: S174520

Petitioner, :

vs. :

THE STATE BAR OF CALIFORNIA :

Gary M. Baum (SBN # 117200) :

Respondent :

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PETITION FOR REVIEW

INTRODUCTION

Protecting our First Amendment Rights from unlawful government coercion and intrusion

Mr. Petersen-Perez we the city of Palo Alto California have decided to deny your First Amendment Rights and we have instructed your employer to terminate your employment, as the result of your “sharp attacks on government officials” because they have “an interest in knowing that its employee is acting in violation of company’s policies regarding computer use, and is using his employer’s name in activities that it would not condone.” - City government attorneys, Mr. Gary M. Baum and Donald Larkin.

You may only issue critical statements during normal city council meetings held each Monday during non-agenda items through “oral communication”. And so it has been said:

Our founding fathers designed the first amendment, not to protect popular speech. Popular speech needs no protection.

“[I]t is a prized American privilege to speak one’s mind, although not always with perfect good perfect taste on all public institution.” **Bridges v. California, 314 U.S. 252,270. (1941)**

STATEMENT OF FACTS

During the months of November and December of 2008, I sent a number of emails directed to and critical of Palo Alto City government officials using my work email address [egain Corporation] mperez@egain.com.

During this same time period I received similar emails and responses from Mr. James Keene, Palo Alto city manager. Additionally, I also sent emails to and received from Palo Alto police officers using this same email address mperez@egain.com.

All of these emails are constitutionally protected speech with the undeniable right to argue and petition "all departments of government". **Transport Company v. Trucking Unlimited (1972) 404 U.S. 508,511; BE&K Construction Company v. NLRB (2002) U.S. 516, 525.**

Prior to November and December 2008, all emails critical of city government were sent from my home computer and continue as of the writing.

I have been an outspoken critic of the Palo Alto police department since 2004 concerning what I believe to be inappropriate, discriminatory and unlawful police practices. Most notably at a city hall meeting on October 30<sup>th</sup> 2008, I asked former Palo Alto Chief Lynne Johnson a question about racial profiling.

Her answers lead to national and international publicity concerning the city's apparent intentional acts of racial profiling and ultimately to Chief Johnson's resignation.

Viewed as an outspoken critic, the city of Palo Alto alleges these emails were harassment. They even alleged that these emails were sexually explicit and sent from my company's email server throughout the course of my employment from:

September 2008 through January 2009

This information of alleged harassing and sexually explicit messages as conveyed to my employer, by the city's attorney's office were altogether false and misleading in their attempts to silence, "chill" my criticism of city government employees and my First Amendment Rights.

Although my emails have in fact have incited controversy in regards to "sharp attacks on government official and public officials" *New York Times Co. v. Sullivan*, **376 U.S. 254 (1964)**

These views and conveyances are in fact protected and all complaints concerning our right to "redress" government official should remain "unfettered". **Roth v. United State 354 U.S. 476, 484 (1957)**

City attorney Gary Baum's interference, intrusion, prevention and conspiracy to withhold my First Amendment Rights, should raise serious questions concerning his behavior as an attorney and "government representative" of our constitution.

Furthermore, city attorney Gary Baum's unethical activity of "moral turpitude" and the unlawful principles of coercion, strong-arm tactics, bullying influence and intrusion defies all governing

principles and model rules of "professional conduct" as outline by the standards set forth by the American Bar Association as follows.

Rules of Professional Conduct - Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) Engage in conduct that is prejudicial to the administration of justice;
- (e) State or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or
- (f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

Whereas, commencing on December 11<sup>th</sup> 2008 – Palo Alto city attorney Gary M. Baum on multiple occasions called my management in an attempt to "Chill" my First Amendment Rights through the use of coercion and false statements in light of my activism by suggesting and implying to my employer that many of my emails were alleged to be harassing and sexually explicit in nature sent to city of Palo Alto government employees throughout the course of my employment. Again, for emphasis from:

September 2008 through January 2009

These alleged statements made to my employer at eGain Corporation, were altogether false and misleading which violates section:

- (c) – "Engage in conduct involving dishonesty, fraud, deceit or misrepresentation" – Rules of Professional Conduct.

Whereas, in a letter dated on January 14<sup>th</sup> 2009 sent by the city of Palo Alto attorney's office, city attorney and co-conspirator Donald Larkin, in behalf of Gary Baum to my attorney in reference to their attempts at explaining among other things, their interference / obstruction in contacting my employer they state the following:

"Mr. Petersen-Perez's employer [eGain Corporation] has an interest in knowing that its employee is acting in violation of company's policies regarding computer use, and is using his employer's name in activities that it would not condone."

This statement alone, strongly suggests that the Palo Alto attorney's office, Mr. Gary Baum, misused his

clout to unduly influence my employer to achieve his goal in silencing my criticism and First Amendment Rights directed at government employees absent of "Due process of law" which was knowingly available to him and all parties involved.

It is also alleged City Attorney Gary Baum conspired with city of Palo Alto Information Technology manager Dagmar Poffenroth – and John Poffenroth Information Technology manager of eagain Corporation a husband and wife team, to knowingly circumvent my First Amendment rights under the leadership and direction of city attorney Mr. Gary Baum.

"The end may be legal, but the planned means are illegal" – In the blocking or filtering of anyone's emails deemed unpopular speech. It should be our judicial system that decides and not through the merits of one single individual such as Mr. Gary Baum.

To this end, "It is well settled that, under § 37 of the Criminal Code, a conspiracy to commit an offense, when followed by overt acts, [blocking or filtering emails] is punishable as a substantive crime, whether the illegal end has been accomplished or not." **Goldman v. United States, 245 U.S. 474 (1918)**

These acts of conspiracy violate in principle section:

(e) "state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or." - Rules of Professional Conduct.

As a result of this exposure, interference and the false and misleading statements, my employment at eagain Corporation was terminated on January 22<sup>nd</sup> 2009 through what I believe to be deliberate and with willful intent to cause harm.

It is well recognized, attorneys are commissioned to defending our liberties and the pursuing of justice through jurisprudence. Not through intimidation, conspiracy or coercion as it is alleged to have occurred.

Therefore it is to my chagrin that the State Bar of California on June 16<sup>th</sup> 2009 in their letter received, has concluded that among other things, "the likelihood of a successful prosecution, it has been determined that your matter will remain closed".

I believe the previous evidence submitted to the State Bar of California is in fact "clear and compelling" which suggests the State Bar has turned a "blind eye" in not protecting the "unfettered" unalienable rights of all Americans in exercising of our "Freedom of speech" under the First Amendment of our Constitution.

"[A] function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it . . . stirs people to anger." *Terminiello v. Chicago, 337 U.S. 1 (1949)*

The methods in which to archive and resolve disputes is not through coercion, intimidation or conspiracy to cause harm, which I believe the State Bar of California now finds such behavior as acceptable standards. Disputed issues should be resolved through our constitutional right of "free speech" and due process of jurisprudence.

Conclusion

Therefore, based on the information and arguments above, it is the petitioner's belief that the State Bar of California erred by issuing no relief of "grievance" in determining that there was no clear and convincing evidence in my complaint which suggests unethical conduct on the part of Mr. Gary Baum or any violations of the high standards as set forth by the Rules of Professional Conduct.

Thus, based on the gravamen of the offences, respondent should be sanctioned or disbarred for willfully and wantonly engaging in unethical conduct to cause harm.

Petitioner Mark Petersen-Perez; In pro per respectfully requests this court grant the petitioner a hearing before the State Supreme Court to determine the rightfulness of imposing punitive sanctions against Gary M. Baum, city government attorney, for the City of Palo Alto, California – State Bar Number 117200 pursuant to rule 9.13, subsection (a) through (f), California Rules of Court.

I declare under penalty of perjury under the Laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_, 2009

By: \_\_\_\_\_  
Mark Petersen-Perez (PETITIONER)  
In Pro Per

**Johnson, Amy**

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**From:** Meyo Marrufo [mmarrufo@robinsonrancheria.org]  
**Sent:** Thursday, May 20, 2010 10:37 AM  
**To:** HRC; letters@paweekly.com; letters@paweekly.com; letters@dailynewsgroup.com  
**Subject:** FW: Facebook Story  
**Attachments:** safe\_image.jpg

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**From:** Meyo Marrufo [mailto:mmarrufo@robinsonrancheria.org]  
**Sent:** Thursday, May 13, 2010 8:16 AM  
**To:** 'jmcevoy@pausd.org'  
**Subject:** Facebook Story

Part of Facebook article:

These girls are students at Palo Alto High School. Definitely one of the best high schools in the area, if not the state. It is a high school that turns out tops students who go on to top colleges, and enrolls children of professors, stanford employees, and other well educated silicon valley execs. To top it off, the school is literally *across the street* from Stanford. Across the street from a school that hosts the largest student run powwow in the nation for 39 years running, that is home to nearly 300 Native students, that has one of the strongest college Native communities in California.

I would like to think that the combination of those factors would equate some level of understanding, that a high school of their caliber would incorporate some type of curriculum on Native history, or at least a basic level of cultural sensitivity. Clearly, that doesn't seem to be the case.

Why did these girls think it was ok to dress up like ridiculous "Indians" to come to a Native community event? Would these girls have dressed in blackface to go to a African American community gathering? Wear a sombrero, poncho, and drawn on mustache to a Ballet Folklorico concert? No.

for full article go to link: **[When Non-Native Participation in Powwows Goes Terribly Wrong](#)**

I am unsure if these girls are really from your school...

I just wanted to offer some information on curriculum and links for books on Native Americans  
<http://heydaybooks.com/> is a link to News from Native California a magazine about California Indians  
<http://www.fourwindsindianbooks.com/> a source of Native American literature and culture  
<http://www.airos.org/> a link to Native Radio part music part talk radio of issues going on in Indian country  
<http://www.journeytothepast.com> a link to an educator specializing in Native Presentations  
and finally <http://www.cityofpaloalto.org/depts/lib/default.asp> a link to the Palo Alto Library

Meyo Marrufo, Environmental Director  
Robinson Rancheria Environmental Center  
1645 East Hwy 20  
PO Box 1580  
Nice, CA 95464  
707/275-0205 fax 707/275-0470

5/25/2010



Palo Alto Police Department  
275 Forest Avenue  
Palo Alto, CA 94301

# Press Release

Contact: Detective Brian Philip  
Phone: 650-353-0624

FOR IMMEDIATE RELEASE  
5/20/2010 10:42 AM

## ATM THIEF IN CUSTODY

PALO ALTO, CA: On Tuesday, May 18, 2010 Palo Alto Police Detectives, with the assistance of State Parole and the SJPD burglary unit, located and arrested parolee Juan Cortinas (3/26/78).

Cortinas is the primary suspect in three Stanford Federal Credit Union ATM burglaries and a related auto theft. These burglaries began in November of 2009, the last occurring on March 8, 2010. All of the ATMs have been recovered.

Cortinas and his girlfriend Nicole McCabe (7/1/81) are also primary suspects in a related United States Postal Service burglary case and will be charged as such. She was arrested by SJPD, PAPD, State Parole, and USPS Inspectors on May 4, 2010. McCabe was on parole at the time of her arrest. Cortinas was also located on this same day, but he intentionally fled from police.

Cortinas was booked into the Santa Clara County Main Jail for a parole violation. Additional charges are forthcoming, consisting of multiple counts of burglary, possession of stolen property, auto theft, forgery, and evading a police officer.

-End-



**Johnson, Amy**

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**From:** Nat Fisher [sukiroo@hotmail.com]  
**Sent:** Thursday, May 20, 2010 1:47 PM  
**To:** HRC  
**Subject:** HRC: demographic data on the chopping block

This is from the **Weekly** online article on this week's Finance Committee's consideration of the police budget:

"The Police Department still stands to lose two investigators specializing in financial fraud and identity theft; a **crime analyst who collects demographic data from traffic stops**; and the officer charged with enforcing the city's leaf-blower ordinance."

All of these cuts are a mistake. However, I wish to address the demographic data collection from traffic and pedestrian stops.

Both the police auditor and the previous City Council supported the collection of demographic data on police stops. The Council had even voted to have this data continue to be collected. Perhaps some day, the City will actually hire a consultant to statistically analyze this data. Meanwhile, a resident Ph.D. (from Stanford University) statistician has been doing this for years on a voluntary basis. He has presented his analyses to both the Council and the Human Relations Commission. The data shows clearly a discrepancy on the number of stops and searches versus citations and arrests between racial groups.

The Police Dept. would love to stop having to collect this data. Both this and the prior Chief have unsuccessfully attempted to stop collecting it. However, the Council never went along with that and even the police auditor feels this collection should continue. This data base provides valuable information and once stopped is lost forever.

Natalie Fisher

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The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)

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The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)

5/25/2010



**Contact:** Palo Alto Police  
Phone: (650) 329-2413

**FOR IMMEDIATE RELEASE**

DATE: May 21, 2010

## **BUCKLE UP DAY AND NIGHT** *Seat Belt Ticket Increases to \$142*

**Palo Alto, Calif.** – If you're planning to hit the road for a late spring or early summer getaway, be sure that everyone in the car wears their seat belt on every trip, day and night. Law enforcement throughout the state, including Palo Alto Police Department will be looking for unbelted drivers and passengers as part of the 2010 *Click It or Ticket* mobilization, May 24 – June 6. This year, fines and fees have increased from \$132 to \$142 for first time adult seat belt violations. For children under 16, the fine is now \$445 for a first time offense.

"Keep your friends and family safe by buckling up no matter where you're going," said Police Chief, Dennis Burns, "We will be looking for motorists throughout the area who are not buckling up, day and night. It's not just about avoiding a ticket; it's about keeping the ones you care about alive."

Seat belt violators will receive citations – no warnings. The *Click It or Ticket* campaign relies on heavy enforcement and public education as a means to help save lives on California's roadways.

"Wearing a seat belt is just simply the easiest and most effective thing you can do on the road to protect yourself and your family," said Christopher J. Murphy, Director of the California Office of Traffic Safety. "That means buckling up day and night, on every trip."

More than 600 permanent *Click It or Ticket* highway signs, which have been up since 2005, will be updated to reflect the new 'Minimum \$142' in the coming months.

Currently California has a seat belt usage rate of 95.3 percent, but that still means over half a million people are not buckling up. Properly restrained drivers, passengers and children have a 50 percent better chance of surviving a crash than unbelted occupants. Those ejected from vehicles in crashes or roll-overs are up to 35 times more likely to die than restrained occupants.

More than 150 local law enforcement agencies statewide and the CHP will be participating in this year's *Click It or Ticket* mobilization. Funding to support California's *Click It or Ticket* campaign was provided by a grant from the California Office of Traffic Safety through the National Highway Traffic Safety Administration.

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**Johnson, Amy**

**From:** abjpd1@juno.com  
**Sent:** Sunday, May 23, 2010 12:54 PM  
**To:** tjames@chbrlaw.com; alphonse9947@gmail.com; seanjamesp1@gmail.com; public.records.request.tracking@gmail.com; witcoh@gmail.com; Dolorescarr@da.sccgov.org; mbuller@da.co.scl.ca.us; dtomkins@da.sccgov.org  
**Cc:** public.records.request.tracking@gmail.com; dminkler@dminkler.com; timothygray@sbcglobal.net; Council, City; claude@ezran.com; bhuang1103@gmail.com; HRC  
**Subject:** De-Bug Profiled in Sunday New York Times

<http://www.nytimes.com/2010/05/23/us/23sfpolitics.html>

## A Silicon Valley Group Gives Voice to Voiceless

By DANIEL WEINTRAUB  
 Published: May 21, 2010

Adrian Avila was a 17-year-old street graffiti artist who had a job at a local hot dog stand when he wandered into the offices of Silicon Valley De-Bug eight years ago. He wasn't sure what he was looking for. But he found it.

Today, Mr. Avila is 25, the organization's art director and the owner of a T-shirt design and production company.

"It changed my life," Mr. Avila, a Mexican national who came to this country with his mother when he was 5 and remains an illegal immigrant, said of the group. "It instilled this voice in me that I knew had to get out. All of a sudden I had an outlet to communicate my struggle, my experiences."

Although Silicon Valley De-Bug is probably unknown to much of the political mainstream, the San Jose group has been part of the valley's civic fabric for nearly a decade. It is part alternative media, part community organizer, part youth center and now is immersed in the region's criminal justice system on behalf of the accused and their families.

Through City Hall protests, membership on a city task force and behind-the-scenes negotiations, the group has played an important role in pushing the San Jose Police Department to re-examine its policies involving arrests for public intoxication, which numbers show are skewed heavily toward minorities. Under pressure from De-Bug and others, the city also began using miniature video recorders on officers' headgear as a way to resolve complaints of abuse.

De-Bug has also worked to free suspects later found to have been wrongly charged, and as an advocate for those with criminal records trying to secure employment.

SIGN IN TO  
RECOMMEND

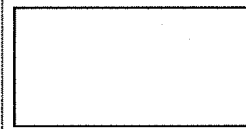
TWITTER

SIGN IN TO E-  
MAIL

PRINT

REPRINTS

SHARE



All of that is a long way from the organization's roots among workers on the assembly line at a Hewlett Packard printer plant in 2001. Raj Jayadev, one of those workers, penned a journal entry about what it was like as an entry-level employee in the booming valley, with workers trying to support their families on \$8 an hour with no health insurance, no job security and no path for advancement.

That essay and others like it eventually became the basis for a magazine called Silicon Valley De-Bug, named after the common term for the computer industry teams that tear apart a product or program to find the cause of a malfunction.

"It became sort of a symbol for people who felt left out of the Silicon Valley image, and we built a community out of that diversity," Mr. Jayadev said. "We held weekly editorial meetings where we would ask about the issues of the moment, and the people answering would be the people directly affected — young people, low-wage workers, undocumented immigrants, the formerly incarcerated, people of color."

A pivotal moment came when the group broadened its focus from "What do you want to write about?" to "What do you want to do about it?" Answering that question transformed De-Bug from an observer to a player in the South Bay's public life. And as the Silicon Valley workforce shrank and most of those low-wage jobs were sent offshore, the group turned its attention to other issues.

Sam Liccardo, a San Jose City councilman who is a former criminal prosecutor, said De-Bug "gives a voice to many members of our community that feel marginalized by the institutions in the city." The group, he said, plays an important role in "keeping public officials and public agencies accountable."

De-Bug has spawned two sister organizations for young people, one in Fresno and another in Napa, which began last week. The Napa group, Mr. Jayadev said, will "tell stories the tourists don't see when they're wine tasting," about segregation, racial tension, teen pregnancy and other issues.

All of the groups blur the traditional distinction between journalism and politics, with a magazine and an online presence but also networks of young people organized to influence public policy.

Mr. Jayadev said none of that was planned but simply evolved to meet the desires of the people who joined the group.

"We are sort of backwards," he said. "At most organizations, you leave your personal ambition or baggage at the door for the good of the collective. We said the opposite. We said, 'Come in with all your stuff and all your dreams and we'll form to be what you want to be.'"