

# GROVEMAN | HIETELLP

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March 29, 2022

## **VIA E-MAIL ONLY**

Tiffany North, General Counsel  
OFFICE OF VENTURA COUNTY COUNSEL  
County of Ventura (“County”)  
800 South Victoria Avenue  
Ventura, California 93009

Re: *Supervisor Linda Parks’ Defamatory Statement Against Resident and Property Owner of Ventura County –*

*Demand for Immediate Recusal of Linda Parks and Her Advisory Council on all Matters Concerning the 37-Acre Property in Thousand Oaks, California*

Ms. North:

This firm represents Shawn Moradian and Mason Partners, LLC (collectively “Moradian”) in regards to the above-referenced matter. This letter requests two specific items: (1) Supervisor Linda Parks (“Supervisor Parks” or “Parks”) immediate recusal of any actions by the County regarding Moradian’s property, located at the Southwest corner of Highway 101 and Borchard Road [APN 662-0-010-030] (“Property” or “Borchard Property”); and (2) the Casa Conejo Municipal Advisory Council’s (“CCMAC”) immediate recusal from any further activities concerning the Property. The reasons for such recusals are set forth below.

## **March 25, 2022 Thousand Oaks Acorn Newspaper Article**

On March 25, 2022, the Thousand Oaks Acorn (“*Acorn*”) published an article entitled “Supervisor Sues Over Crude Gift, Demands to Know Source.” See attached link to the *Acorn* article. In this article, the author, Dawn Megli (“Megli”) writes about a personal lawsuit that Supervisor Parks filed on March 15, 2022. The article states that Parks’ lawsuit was filed against a San Diego County-based company, Rain Parade LLC (hereafter “Rain Parade”). According to the article, Parks alleges in the lawsuit that she received an unwanted delivery to her home in Thousand Oaks, and that the unwanted delivery was a cardboard box containing a “five-inch

chocolate phallus with no redeeming social qualities,” along with a message in all capital letters: “EAT a (explicative).”

Further, Megli’s article goes on to state that Parks is suing Rain Parade, the company that made and sent the chocolate penis. Megli writes that Parks said “she suffered headaches and severe emotional distress, including fear, nervousness, anxiety, worry and indignity, as a result of receiving the package.” In this suit, Supervisor parks is seeking personal damages.

Megli writes in the article that Supervisor Parks is asking – via the lawsuit – for information regarding who ordered the item, as well as punitive damages and money to cover counseling and lost personal wages (not specified), among other damages. Megli writes that her paper made multiple attempts to contact Rain Parade, all unsuccessful.

Megli goes on to write that Parks told the *Acorn* that the novelty item “***crossed the line from free speech to threatening a public official with implied sexual violence.***”

This is the point in the article where matters become extremely serious. Megli writes that “at the time of the delivery, Parks was in the middle of fighting a recall campaign launched after she voted to sue local businesses for violating COVID-19 public health orders. [Parks] was also ***embroiled in a fight over rezoning and potential development of a 37-acre property near Borchard Road [the Property], having just testified in front of the T.O. City Council a week before.***”

Key, Megli then writes the following:

**“Parks said she thinks the chocolate penis may have been ‘intended to intimidate and dissuade me in performing my duties regarding decisions about the project [i.e., the Moradian’s Borchard Property].”**

**“I think its important to know the sender for purposes of transparency; for example, if the sender is a major donor in local campaigns, it may affect the person’s influence in future political campaigns.”**

Through her statements to the press, Supervisor Parks has tied the Moradian family, along with the Property itself, to her personal civil lawsuit, in which she has made serious accusations, including threats of intimidation and dissuasion of a public official, and threats of sexual violence. Supervisor Parks does not have to state our clients’ name specifically – her reference to efforts by someone to intimidate her from taking action on the project concerning the Property is a direct reference to our client. A reasonable person can make that inference.

Supervisor Parks made these allegations about a private citizen and resident of this County without a scintilla of evidence or connection to the ordering and delivery of the chocolate penis – **nothing.** Rather, she has drug our clients’ name through the mud, making these horrible accusations about a private individual, business owner, property owner and taxpayer of the

County. Without any concern whatsoever about whether her statements are true, Parks does not hesitate to state her goal to "... affect the person's (Mr. Moradian and his family) influence in future political campaigns."

Without question, Supervisor Parks is revealing an animus towards and against the Moradian family. When considering her other statements and extensive actions to stop the Moradian family from the development of the Property, there is a personal, palpable bias that cannot be acceptable, and should not be the basis for a public official (holding two public offices) directing to a member of the community exercising their constitutional rights. And, under no circumstance can this animus be allowed by a member of a public body when adjudicating land use rights, including her stated goal to use a county easement to block the lawful right to quiet enjoyment of their property.

**Demand for Immediate Recusal of Parks From All Matters Concerning the Property and the Moradian Family**

Supervisor Parks' comments about our client in the *Acorn* article are false, and among other things, inflammatory, derogatory, and defamatory to their family reputation and the economic value of their property. Ms. Parks links our client to serious allegations, including intimidation of a public official, and making threats of sexual violation against a person. Supervisor Parks makes all of these allegations without any evidence of any kind. The damages from Supervisor Parks conduct on our client, and related properties and businesses, cannot be ascertained at this time. However, one thing is for sure – Supervisor Parks has a determined and an expressed desire to devalue our client's property to have him give up and lower the sale price for acquisition by the Santa Monica Mountains Conservancy ("SMMC"). This is a clear personal bias that is threatening our client's property rights. The County's failure to address this bias will amount to the county's approval of her public and private activities.

Under the common law doctrine, an elected official has a fiduciary duty to exercise the powers of office for the benefit of the public. See *Nussbaum v. Weeks*, 214 Cal. App. 3d 1589, 1597-98 (1989).

Linda Parks bias against the Moradian and the legal rezoning of the Property is now crystal clear. In addition to these most recent (and false and personally biased accusations to the press), Parks has also been caught admitting its her "fantasy" that the Property be turned into a wetland. She also, as your office well knows, conspired with the SMMC in an attempt stop the up-zone of the Property, including the infamous email in which the SMMC employee, Paul Edelman, wrote to Parks stating that the agency would make the Moradian "suffer more," in order to get the Moradians to sell the Property for pennies on the dollar. She urged that and urged Parks "that all levels of the County holds firm," on this position, even though there is not even a proposed project at this time. The County Counsel is, and has been for some time, in possession of all of these materials.

In addition to all of this, Supervisor Parks has weaponized her CCMAC to obstruct lawful development of the Property. Specifically, Parks, who controls and oversees the CCMAC, has

empowered the agency to expand its jurisdiction to include the Property, without any notice, review or authorization by the Board of Supervisors. Parks has also overseen and participated in the CCMAC creation of an “ad hoc” committee specifically for the Property. The records of the CCMAC public meetings are replete with CCMAC Board members making false statements about the status of the Property, not allowing Moradian to comment, and other derogatory and potentially slanderous comments. All of this is under the direct oversight and control of Supervisor Parks.

California law is clear: When an elected official is biased, that official should not participate in a decision concerning a proposed project. See, e.g., *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152 (1996) (“*Clark*”).<sup>1</sup>

But we should not have to cite California case law to make the point – this is common sense. The County has a rogue supervisor carrying around a personal vendetta against a private citizen, property owner and taxpayer. The number of facts demonstrating Supervisor Parks and the CCMAC unlawful conduct is overwhelming. The County is expected to enforce good policy, not ratify poor conduct.

We therefore demand that the County carefully review this matter at the next Board of Supervisor’s public meeting and that Linda Parks be recused from any further deliberations concerning the Moradian’s or any of their properties, including the Borchard Property. We also request that the Board of Supervisors be provided a copy of this letter.

### **Parks is Using Campaign Money to Fund Her Civil Lawsuit**

It is important to note that, although not related to our clients, Megli writes that Parks told the *Acorn* that Parks “decided to go ahead with the complaint after recently receiving authorization from the Fair Political Practices Commission (FPPC) to pay for the lawsuit using unspent funds she raised to fight the recall campaign.”

Specifically, Megli writes that Parks “received over \$57,000 in donations between January and September of last year, \$4,000 of which she has returned, according to campaign finance disclosures. As of the most recent filing, she had around \$53,000 left. California law states that unused campaign funds can be spent on expenses associated with the election of a candidate or for expenses associated with holding that office. The law specifically states that campaign donations

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<sup>1</sup>The *Clark* court held specifically: In applying this statutory principle, courts have recognized that “an individual has the right to a tribunal `which meets ... standards of impartiality.’ ... Biased decision makers are ... impermissible and even the probability of unfairness is to be avoided.... The factor most often considered destructive of administrative board impartiality is bias arising from pecuniary interests of board members.... ***Personal embroilment in the dispute*** will also void the administrative decision ..., although neither prior knowledge of the factual background which bears on a decision nor prehearing expressions of opinions on the result disqualifies an administrative body from acting on a matter before it.... [¶]... Our Supreme Court has declined to fix rigid procedures for the protection of fair procedure rights ..., but it is inconceivable to us that such rights would not include impartiality of the adjudicators.” See also, *Applebaum v. Board of Directors* 104 Cal. App.3d 648, 657-658 (1980). (Emphasis added.)

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may be used to pay for legal services if ‘the litigations arises directly out of a candidate or elected officer’s activities, duties, or status as a candidate or elected officer.’”

Megli further writes:

**“The FPPC’s letter to Parks states that campaign funds cannot be used to pay for a lawsuit that seeks ‘substantial personal benefit.’ Asked about the language and the fact that her suit seeks financial damages, Parks refused to comment on the record.”**

It is convenient that when asked about important use of campaign funds, and whether they are appropriate, Supervisor Parks takes the non-transparent approach, and refuses to comment on the record. However, she has no problem linking private citizens and their property to totally false statements of intimidation and implied sexual violation.

We demand that the County recuse Supervisor Parks from any further actions or adjudication of any right or interest of the Moradian family and their properties (including the Borchard Property).

Please be advised that if the County does not take immediate action to protect our client’s civil rights from this continued and deliberate harassment, defamation, and abuse of power campaign, we will be seeking injunctive relief in addition to any other remedies and/or damages available to our client to ensure this uncontainable behavior is brought to an end.

We look forward to your prompt response regarding this highly time-sensitive matter.

Very truly yours,

*Ryan Hiete*

K. Ryan Hiete  
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Attachment: [Link to Acorn Article](#)

cc: Clerk of the Board, County Board of Supervisors  
Sevet Johnson, Interim Chief Executive Officer, County of Ventura  
Mike Pettit, Assistant Chief Executive Officer, County of Ventura  
Thousand Oaks City Council  
Andrew Powers, City of Thousand Oaks City Manager  
Tracy Noonan, City Attorney, City of Thousand Oaks  
Kyle Jorrey, Editor, Thousand Oaks Acorn  
Dawn Megli, Thousand Oaks Acorn  
Mike Harris, Ventura County Star

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