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**San Francisco Bay Regional Water Quality Control Board**

December 12, 2016

Lawrence S. Bazel  
Briscoe Ivester & Bazel LLP  
155 Sansome Street, Seventh Floor  
San Francisco, CA 94104

**Subject: Board Chair Ruling on Dischargers' Request for Recusal**

Dear Mr. Bazel:

The Advisory Team and Board Chair have received your December 6, 2016, request for Vice Chair McGrath to recuse himself based on communications with Ian Wren, Jeffrey Finn, and Dyan Whyte. (Exhibits A, B, and C.) In addition, the Advisory Team and Board Chair have received your December 8, 2016, Additional Exhibit in Support of Request for Recusal and Request to Investigate Additional Ex Parte Communications, which contained a communication among Jeff Kafka, John Sweeney, and you. (Exhibit D.) The Board Chair, after consultation with the Advisory Team, DENIES the Request for Recusal. Below, the Advisory Team and Board Chair describe the nature of the communications, the reasons why recusal is not required, and confirms that members of the Regional Water Board and Advisory Team have not received ex parte communications.

**I. Nature of the Communications**

Three email chains are at issue. The first was initiated by Ian Wren, who forwarded comments made by Mr. Sweeney on Facebook, in which Mr. Sweeney claimed that Mr. McGrath had fined Mr. Sweeney \$30,000 for kiteboarding. (Exh. A, at p. 3.) The Dischargers agree that these comments referenced the November 17, 2016 BCDC hearing, at which the Commission, on which Mr. McGrath serves as a Commissioner, agreed to impose a \$772,000 fine against Mr. Sweeney and Point Buckler Club LLC. (Dischargers' Request for Recusal, at p. 5.) Mr. McGrath responded, "Well, it's a lie." (Exh. A, at p. 1.) Mr. McGrath then responded by quoting his own comments at the hearing, which he excerpted from the BCDC minutes. (Exh. A, at p. 1.) Thereafter, Mr. McGrath forwarded the email chain to Dyan Whyte, who forwarded the chain to Tamarin Austin, who disclosed it to all parties on November 30, 2016.

The second email chain was initiated on December 4, 2016 by Jeffery Finn, a board member of the San Francisco Boardsailing Association (SFBA). The subject line of the email was “[SFBA Board of Directors] Fw: Buckler Island controversy,” and the body of the email chain contained two links, one to the same Facebook page on which Mr. Sweeney had posted his comments, and the second to a description of the enforcement actions at Point Buckler Island on the San Francisco Estuary Partnership website, and no additional text. (See Exh. C, at p. 1.) Upon receipt of the email chain, Mr. McGrath forwarded it to Dyan Whyte, stating that he had not opened the links. (*Id.*) Ms. Whyte forwarded the email to Marnie Ajello, who disclosed the emails to all parties on December 6, 2016.

The third email chain did not involve Vice Chair McGrath. The subject of the chain was “Fwd: jeff finn,” and was initiated by a person who appears to be named Jeff Kafka, whose relationship to the parties or proceedings has not been explained, on December 6, 2016. (Exh. D, at p. 1.) Jeff Kafka emailed Mr. Sweeney, relaying that “FYI Jeff FINN contacted me and asked me to ask you to take down negative post as it if [sic] effecting [sic] his friend [sic] feelings and he can’t respond because he voted agents [sic] us and he works for the BCDC.” On December 8, 2016, Mr. Sweeney forwarded the email to Mr. Bazel, who circulated to all parties and the Advisory Team.

Vice Chair McGrath has confirmed with the Advisory Team that he did not respond to or click on the links in the email from Mr. Finn, respond further to Mr. Wren, and, other than the two email chains addressed to him, has not received any additional communications, orally or in writing, regarding Mr. Sweeney, Point Buckler Club, or the BCDC hearing with anyone other than members of the Advisory Team.

## **II. Recusal is Not Required Based on These Communications.**

The Dischargers claim that Vice Chair McGrath must recuse himself for two reasons: (1) the emails constitute ex parte communications; and (2) this ex parte communication gives the appearance of bias requiring recusal. The Dischargers also claim that the email from Jeff Kafka “implies that there have been ex parte communications other than those disclosed so far.” (Dischargers’ Request to Investigate, at p. 2.) The Board Chair, in consultation with the Advisory Team, rejects these contentions. The Board Chair disagrees that the email communications with Mr. Wren or Mr. Finn are ex parte for the purposes of the ACL hearing. Even if the communications were ex parte, any violation has been cured by disclosure to the parties. Neither the receipt nor the content of the communications, including, specifically, Vice Chair McGrath’s assertion that Mr. Sweeney’s online comments were “a lie,” require recusal because they do not establish actual bias or an unacceptable probability of bias. In addition, the Advisory Team confirms that the other board members and Advisory Team members have not engaged in ex parte communications.

### **A. The Communications Are Not Ex Parte Communications.**

The ex parte rules proscribe any “communication, direct or indirect,” while an administrative proceeding is pending, “regarding any issue in the proceeding, to the presiding officer from an employee or representative of an agency that is a party, or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication.” (Gov. Code § 11430.10, subd. (a).) Communications between a presiding officer and agency employees serving in an advisory role are excluded from this definition, as are communications made on the record at a hearing. (Gov Code, §§ 11430.10, subd. (b); 11430.30, subd. (a).) The Dischargers argue that two parts of the email communications fall within this definition: (1) Vice Chair McGrath’s communications with Ian Wren and Jeffrey Finn; and (2) Vice Chair McGrath’s communications with Ms. Whyte. The Advisory Team and Board Chair address each of these communications in turn.

### **1. Communications with Ian Wren and Mr. Finn**

The Board Chair, in consultation with the Advisory Team, does not dispute that Ian Wren, a staff scientist with the San Francisco Baykeeper, an environmental advocacy group that has submitted comments on ACL Complaint No. R2-2016-1001, is an “interested person” in the ACL proceeding. (See Cal. Code Regs, tit. 23, § 648.1, subd. (d) [describing “interested persons” as non-parties participating in a proceeding by, e.g., submitting written or oral comments].) Similarly, the Board Chair and Advisory Team assume that Mr. Finn, a board member of the San Francisco Boardsailing Association (SFBA), is also an interested person, even though the SFBA has not commented on the ACL. However, the Board Chair and Advisory Team disagree that Mr. Wren’s and Mr. Finn’s communications with Mr. McGrath regarded any issue in the ACL proceeding. As the Dischargers acknowledge, the forwarded comments from Mr. Sweeney related to a fine for kiteboarding that was allegedly included in the penalty imposed by BCDC at its November 17, 2016 hearing. (Dischargers’ Request for Recusal, at p. 5.) Similarly, both Vice Chair McGrath’s contention that these comments were “a lie” and his attempt to set the record straight by copying an excerpt of the minutes from the BCDC hearing, also related to BCDC’s proceeding. The Dischargers do not argue that the email chains directly referenced the ACL hearing, or that the ACL amount includes any analogous kiteboarding and/or recreation-related component. Accordingly, because the email chains related to a previous proceeding before another agency, the Board Chair, in consultation with the Advisory Team, concludes that they are not ex parte communications for purposes of the ACL hearing.

### **2. Communications with Dyan Whyte**

Similarly, the Board Chair, in consultation with the Advisory Team, concludes that Vice Chair McGrath’s act of forwarding the communications from Mr. Wren and Mr. Finn to Ms. Whyte was not a separate ex parte communication. As discussed above, the forwarded communications did not relate to the ACL proceedings, and Vice Chair McGrath did not raise any issues relating to the current ACL proceeding in his messages to Ms. Whyte. (See Exh. B, at p. 1.) Vice Chair McGrath has confirmed to the Advisory Team that his purpose in sending the communications to Ms. Whyte was to be

transparent. The fact that Vice Chair McGrath erroneously concluded that the communications were ex parte, and that Ms. Whyte was the proper person to whom to send them, did not transform the communications into impermissible communications regarding issues in the pending ACL proceeding.

**B. Even if the Communications Were Ex Parte, Any Violation Has Been Cured.**

The receipt of an ex parte communication does not require a presiding officer to recuse himself. (Gov. Code, §§ 11430.40, 11430.50.) To the contrary, a violation of the prohibition against ex parte communications may be cured by prompt disclosure of the communication to all parties. (Gov. Code § 11430.40; 11430.50, subd. (a)(1).) Here, both email chains were promptly disclosed to all parties in advance of the hearing. (See Exh. A, B, and C; see also Dischargers' Request for Investigation, at p. 2 [acknowledging disclosure of communications].) Accordingly, the Board Chair finds that any violation of the prohibition against ex parte communications has already been cured.

**C. The Communications Do Not Demonstrate Actual Bias or a Substantial Probability of Actual Bias.**

The "standard of impartiality required at an administrative hearing is less exacting than that required in judicial proceedings," (*Today's Fresh Start, Inc. v. Los Angeles Cnty. Off. of Educ.* (2013) 57 Cal.4th 197, 214 [citing *Gai v. City of Selma* (1998) 68 Cal.App.4th 213, 219]), and administrative decisionmakers are presumed to be impartial. (*Morongo Band of Mission Indians v. State Water Resources Control Bd.* (2009) 45 Cal.4th 731, 737 [citing *Withrow v. Larkin* (1975) 425 U.S. 35, 47].) Thus, although Vice Chair McGrath is subject to disqualification on the basis of personal bias, (Gov. Code § 11425.40), the "appearance of bias" is insufficient to require disqualification under section 11425.40. (State Water Resources Control Board Order No. WR-2003-0016 [*In the Matter of Fishery Resources and Water Right Issues of the Lower Yuba River*], at pp. 29-30 [citing *Andrews v. ALRB* (1981) 28 Cal. 3d 781, 792].) The Code of Judicial Ethics is not applicable to Regional Water Board proceedings. (Cal. Code Regs., tit. 23, § 648, subd. (c) [specifically excluding Article 16 of Chapter 4.5 of the Government Code from the procedures that govern hearings before the Regional Water Boards].)

Instead, "[a] party must allege concrete facts that demonstrate the challenged judicial office is contaminated with bias or prejudice. Bias and prejudice are never implied and must be established by clear averments." (State Water Board Order No. WR 2003-0016, *supra*, at p. 30 [citing *Andrews v. ALRB, supra*, 28 Cal. 3d at p. 792]; accord *Thornbrough v. W. Placer Unified Sch. Dist.* (2013) 223 Cal. App. 4th 169, 190 n. 18.) Disqualification is also warranted where "the probability of actual bias on the part of the . . . decisionmaker is too high to be constitutionally tolerable." (*Withrow v. Larkin, supra*, 421 U.S. at p. 47; accord *Breakzone Billiards v. City of Torrance* (2000) 81 Cal. App. 4th 1205, 1236 ["unacceptable probability of actual bias"].) However, "a party's unilateral perception of an appearance of bias cannot be a ground for disqualification unless we are ready to tolerate a system in which disgruntled or dilatory litigants can wreak havoc

with the orderly administration of dispute-resolving tribunals.” (*Haas v. Cnty. of San Bernardino* (2002) 27 Cal. 4th 1017, 1034 [citing *Andrews v. ALRB, supra*, 28 Cal.3d at p. 792].)

Actual or presumed bias exists where an administrative decisionmaker has shown commitment in advance to a particular result, (see *State Water Res. Control Bd. Cases* (2006) 136 Cal. App. 4th 674, 841; *Nasha LLC v. City of Los Angeles* (2004) 125 Cal. App. 4th 470, 483), or has shown personal animosity toward a litigant, e.g., by becoming “personally embroiled” in a controversy (*Mennig v. City Council* (1978) 86 Cal.App.3d 341, 351). However, a decisionmaker’s prior “ruling against a party, even erroneously, does not show bias.” (*Thornbrough v. W. Placer Unified Sch. Dist., supra*, 223 Cal.App.4th at p. 190 n. 18 [citations omitted].) Nor do “factually bare assertions” that a decisionmaker is “cozy” with the agency with which he or she works, (*Dept. of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd.* (2002) 99 Cal.App.4th 880, 886) or evidence that a decisionmaker had received campaign contributions from an interested party in the past. (*Breakzone Billiards v. City of Torrance, supra*, 81 Cal.App.4th at p. 1235.)

Here, Vice Chair McGrath’s communications with Mr. Wren and Mr. Finn do not establish actual or presumed bias in these proceedings. Vice Chair McGrath’s assertion that Mr. Sweeney’s statements were “a lie” did not demonstrate “personal animosity” toward Mr. Sweeney. Rather, this statement reflected Vice Chair McGrath’s focus on the perceived misrepresentation of his statements at the November 17, 2016 BCDC hearing, underscored by his subsequent quotation from the BCDC minutes. Mr. McGrath did not make negative comments about Mr. Sweeney, nor did he indicate that he had prejudged the ACL matter as a result of the comments. Thus, the situation here falls far short of situations in which actual bias was identified, like *Nasha, supra*, where a planning commissioner had drafted an opinion piece in opposition to a specific project on which he then voted (125 Cal.App.4th, at p. 484), or *Mennig, supra*, in which the Culver City Council was engaged in an escalating and increasingly personal conflict with the police chief (86 Cal.App.3d, at p. 351). Without such evidence of actual or substantial probability of bias, recusal is not required here.

For the foregoing reasons, the Board Chair denies the Dischargers’ Request for Recusal. In addition, the Advisory Team notes that it has confirmed with each of the other Regional Water Board members individually that none has received any ex parte communications.

Sincerely,

cc:

**Advisory Team:**

Shin-Roei Lee, Assistant Executive Officer, North Coast Regional Water Quality Control Board; [Shin-Roei.Lee@waterboards.ca.gov](mailto:Shin-Roei.Lee@waterboards.ca.gov); (707) 570-3769  
David Elias, Section Leader; [David.Elias@waterboards.ca.gov](mailto:David.Elias@waterboards.ca.gov); (510) 622-2509  
Liz Morrison, Technical Staff; [Elizabeth.Morrison@waterboards.ca.gov](mailto:Elizabeth.Morrison@waterboards.ca.gov); (510) 622-2330  
Elizabeth Wells, Technical Staff; [Elizabeth.Wells@waterboards.ca.gov](mailto:Elizabeth.Wells@waterboards.ca.gov); (510) 622-2440  
David Coupe, Attorney IV; [David.Coupe@waterboards.ca.gov](mailto:David.Coupe@waterboards.ca.gov); (510) 622-2306  
Marnie Ajello, Attorney; [Marnie.Ajello@waterboards.ca.gov](mailto:Marnie.Ajello@waterboards.ca.gov); (916) 327-4439

**Prosecution Team:**

Agnes Farres, Technical Staff; [Agnes.Farres@waterboards.ca.gov](mailto:Agnes.Farres@waterboards.ca.gov); (510) 622-2401  
Benjamin Martin, Technical Staff; [Benjamin.Martin@waterboards.ca.gov](mailto:Benjamin.Martin@waterboards.ca.gov); (510) 622-2116  
Brian Thompson, Section Leader; [BThompson@waterboards.ca.gov](mailto:BThompson@waterboards.ca.gov); (510) 622-2422  
Dyan C. Whyte, Assistant Executive Officer, [DWhyte@waterboards.ca.gov](mailto:DWhyte@waterboards.ca.gov); (510) 622-2441  
Keith Lichten, Division Chief; [Keith.Lichten@waterboards.ca.gov](mailto:Keith.Lichten@waterboards.ca.gov); (510) 622-2380  
Tamarin Austin, Attorney IV; [Tamarin.Austin@waterboards.ca.gov](mailto:Tamarin.Austin@waterboards.ca.gov); (916) 341-5171  
Julie Macedo, Attorney IV; [Julie.Macedo@waterboards.ca.gov](mailto:Julie.Macedo@waterboards.ca.gov); (916) 323-6847  
Laura Drabandt, Attorney III; [Laura.Drabandt@waterboards.ca.gov](mailto:Laura.Drabandt@waterboards.ca.gov); (916) 341-5180

**Persons Not Serving on Either the Advisory or Prosecution Teams:**

Frances McChesney, Acting Assistant Chief Counsel; [Frances.McChesney@waterboards.ca.gov](mailto:Frances.McChesney@waterboards.ca.gov); (916) 341-5174  
Matthew Bullock, Deputy Attorney General; [Matthew.Bullock@doj.ca.gov](mailto:Matthew.Bullock@doj.ca.gov); (415) 703-1678

**From:** [Whyte, Dyan@Waterboards](mailto:Whyte.Dyan@Waterboards)  
**To:** [Austin, Tamarin@Waterboards](mailto:Austin.Tamarin@Waterboards)  
**Subject:** FW: [SF Kiteboarders] Jim Mcgrath a die hard windsurfer has used his...  
**Date:** Wednesday, November 30, 2016 12:57:12 PM

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Dyan C. Whyte  
Assistant Executive Officer

---

California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay St., Suite 1400  
Oakland, CA 94612

510-622-2441  
510-926-2870

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**From:** Ian Wren [mailto:[ian@baykeeper.org](mailto:ian@baykeeper.org)]  
**Sent:** Wednesday, November 30, 2016 12:54 PM  
**To:** James McGrath  
**Cc:** Whyte, Dyan@Waterboards  
**Subject:** Re: [SF Kiteboarders] Jim Mcgrath a die hard windsurfer has used his...

Thanks Jim. One of our board members will try to respond to the thread.

This guy is a real piece of work.

On Wed, Nov 30, 2016 at 12:35 PM -0800, "James McGrath" <[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)> wrote:

Ian--here's what I said, as reported in the BCDC minutes: "If this was a matter of somebody ticketing a windsurfer for windsurfing somewhere in the Bay, even somewhere arguably sensitive, I would be arguing against any penalties for that."

Sent from my iPad

On Nov 30, 2016, at 11:57 AM, Ian Wren <[ian@baykeeper.org](mailto:ian@baykeeper.org)> wrote:

That's a given. I assume he's trying to oversimplify the original fine, which was for 35 violations, at roughly \$30k each. I have no idea what he's talking about with regard to the individual \$30k fine for kiteboarding itself.

On Wed, Nov 30, 2016 at 11:53 AM, <[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)> wrote:  
Well, it is a lie.

---

**From:** "Ian Wren" <[ian@baykeeper.org](mailto:ian@baykeeper.org)>  
**To:** "Jim McGrath" <[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)>  
**Sent:** Wednesday, November 30, 2016 11:38:50 AM  
**Subject:** Fwd: [SF Kiteboarders] Jim McGrath a die hard windsurfer has used his...

Hi Jim,

I was forwarded this unfortunate posting, sent by John Sweeney, which appears to have been just circulated on the regional kiteboarding facebook group.

If there is any way we can help let me know.

Regards,

Ian

----- Forwarded message -----

**From:** **John Sweeney** <[notification+fl16ppr1@facebookmail.com](mailto:notification+fl16ppr1@facebookmail.com)>  
**Date:** Wed, Nov 30, 2016 at 11:10 AM  
**Subject:** [SF Kiteboarders] Jim McGrath a die hard windsurfer has used his...  
**To:** SF Kiteboarders <[sfkiteboarders@groups.facebook.com](mailto:sfkiteboarders@groups.facebook.com)>



[John Sweeney](#) added a photo in [SF Kiteboarders](#).



**[John Sweeney](#)**

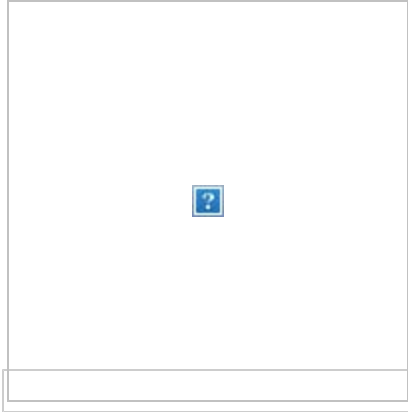
November 30 at 11:10am

Jim McGrath a die hard windsurfer has used his Board seat at Bay Conservation Development District (BCDC) to attack kiteboarding. He has succeeded in getting the act of kiteboarding in public waters a fine of \$30k. That's right Mr McGrath voted to punish Point Buckler Island for the simple act of kiteboarding in the delta! His vote fined the Island 30k at the last BCDC meeting. Jim has pushed hard for windsurfing access all over the bay but now he's



against kiteboarding off a private island or maybe Crissy next. This clown needs to be stopped. Kiteboarding like windsurfing is never a crime or a violation. And agencies like BCDC should not be fining any sailor for enjoying the bay or delta. Point Buckler will of course take BCDC to court over the fine, but seriously 30k for the act of kiteboarding in State Waters.

[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)



Jim Mcgrath a die hard windsurfer has used his Board seat at Bay Conservation Development District (...)



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**Ian Wren** | Staff Scientist

San Francisco Baykeeper, 1736 Franklin St., Suite 800, Oakland, CA 94612

Email: [ian@baykeeper.org](mailto:ian@baykeeper.org) Direct: (510) 735-9700 x.108 Cell: (415) 810-6956

*Protecting San Francisco Bay from pollution since 1989*

[www.sfbaykeeper.org](http://www.sfbaykeeper.org) | @sfbaykeeper

**From:** [Whyte, Dyan@Waterboards](mailto:Whyte.Dyan@Waterboards)  
**To:** [Austin, Tamarin@Waterboards](mailto:Austin.Tamarin@Waterboards)  
**Subject:** FW: [SF Kiteboarders] Jim Mcgrath a die hard windsurfer has used his...  
**Date:** Wednesday, November 30, 2016 12:45:09 PM

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Please advise ☺

Dyan C. Whyte  
Assistant Executive Officer

---

California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay St., Suite 1400  
Oakland, CA 94612

510-622-2441  
510-926-2870

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**From:** macmcgrath@comcast.net [mailto:macmcgrath@comcast.net]  
**Sent:** Wednesday, November 30, 2016 11:57 AM  
**To:** Whyte, Dyan@Waterboards  
**Subject:** Fwd: [SF Kiteboarders] Jim Mcgrath a die hard windsurfer has used his...

Dyan--I believe this is now an ex parte communication that now has to be on the record. Please forward to Marnie and anyone else as appropriate. It is not remotely what I said at the BCDC hearing, which is of record.

Jim

---

**From:** "Ian Wren" <[ian@baykeeper.org](mailto:ian@baykeeper.org)>  
**To:** "Jim McGrath" <[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)>  
**Sent:** Wednesday, November 30, 2016 11:38:50 AM  
**Subject:** Fwd: [SF Kiteboarders] Jim Mcgrath a die hard windsurfer has used his...

Hi Jim,

I was forwarded this unfortunate posting, sent by John Sweeney, which appears to have been just circulated on the regional kiteboarding facebook group.

If there is any way we can help let me know.

Regards,

Ian

----- Forwarded message -----

From: **John Sweeney** <[notification+fl16ppr1@facebookmail.com](mailto:notification+fl16ppr1@facebookmail.com)>

Date: Wed, Nov 30, 2016 at 11:10 AM

Subject: [SF Kiteboarders] Jim Mcgrath a die hard windsurfer has used his...

To: SF Kiteboarders <[sfkiteboarders@groups.facebook.com](mailto:sfkiteboarders@groups.facebook.com)>



[Facebook](#)

[John Sweeney](#) added a photo in [SF Kiteboarders](#).

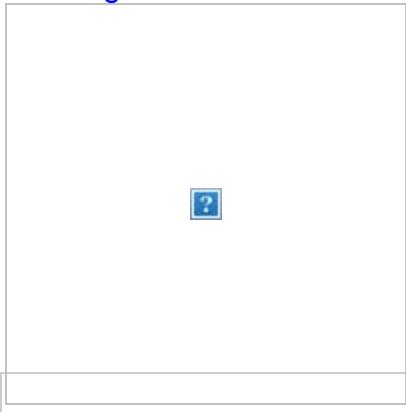


**John Sweeney**

November 30 at 11:10am

Jim Mcgrath a die hard windsurfer has used his Board seat at Bay Conservation Development District (BCDC) to attack kiteboarding. He has succeeded in getting the act of kiteboarding in public waters a fine of \$30k. That's right Mr Mcgrath voted to punish Point Buckler Island for the simple act of kiteboarding in the delta! His vote fined the Island 30k at the last BCDC meeting. Jim has pushed hard for windsurfing access all over the bay but now he's against kiteboarding off a private island or maybe Crissy next. This clown needs to be stopped. Kiteboarding like windsurfing is never a crime or a violation. And agencies like BCDC should not be fining any sailor for enjoying the bay or delta. Point Buckler will of course take BCDC to court over the fine, but seriously 30k for the act of kiteboarding in State Waters.

[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)



Jim Mcgrath a die hard windsurfer has used his Board seat at Bay Conservation Development District (...)

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**From:** [Whyte, Dyan@Waterboards](mailto:Whyte.Dyan@Waterboards)  
**To:** [macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)  
**Cc:** [Ajello, Marnie@Waterboards](mailto:Ajello.Marnie@Waterboards)  
**Subject:** RE: [SFBA Board of Directors] Fw: Buckler Island controversy  
**Date:** Monday, December 05, 2016 10:51:22 AM

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Hi Jim – You should communicate directly with Marnie on these matters.

Dyan C. Whyte  
Assistant Executive Officer

---

California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay St., Suite 1400  
Oakland, CA 94612

510-622-2441  
510-926-2870

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**From:** macmcgrath@comcast.net [mailto:macmcgrath@comcast.net]  
**Sent:** Sunday, December 04, 2016 1:32 PM  
**To:** Whyte, Dyan@Waterboards  
**Subject:** Fwd: [SFBA Board of Directors] Fw: Buckler Island controversy

I've not followed the link.

---

**From:** "Jeffrey Finn" <[1956madworld@gmail.com](mailto:1956madworld@gmail.com)>  
**To:** "SFBA Board of" <[directors@lists.sfba.org](mailto:directors@lists.sfba.org)>  
**Sent:** Sunday, December 4, 2016 11:44:26 AM  
**Subject:** [SFBA Board of Directors] Fw: Buckler Island controversy

**From:** [Jeffrey Finn](#)  
**Sent:** Sunday, December 4, 2016 11:44 AM  
**To:** [Bill Robberson](#)  
**Subject:** Buckler Island controversy

<http://www.sfestuary.org/buckler/>

<https://www.facebook.com/groups/sfkiteboarders/>

Jeffrey Finn  
375 Catalina Blvd Apt 102

San Rafael CA. 94901  
415-456-4216 landline  
510-684-5013 cell

---

Directors mailing list

[Directors@lists.sfba.org](mailto:Directors@lists.sfba.org)

<http://lists.sfba.org/listinfo.cgi/directors-sfba.org>

**Lawrence S. Bazel**

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**From:** john sweeney <[john@spinnerisland.com](mailto:john@spinnerisland.com)>  
**Sent:** Thursday, December 08, 2016 9:52 AM  
**To:** Lawrence S. Bazel; Max Rollens  
**Subject:** Fwd: jeff finn

Begin forwarded message:

**From:** jeff Kafka <[jeffkafka8@gmail.com](mailto:jeffkafka8@gmail.com)>  
**Subject:** jeff finn  
**Date:** December 6, 2016 at 9:26:59 PM PST  
**To:** John Sweeney <[john@spinnerisland.com](mailto:john@spinnerisland.com)>

John,  
FYI Jeff FINN contacted me and asked me to ask you to take down negative post as it if effecting his friend feelings and he can't respond because he voted agents us and he works for the BCDC.

I told him I will not do that and he know less than 1/2 the story.

What a bunch of bull shit!!!!

cheers,  
jeff