



**Minneapolis**  
*City of Lakes*

**Community Planning &  
Economic Development**

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November 10, 2008

Dennis Wagner  
2709 Knox Avenue North  
Minneapolis, MN 55411

Jerry Moore, Executive Director  
Jordan Area Community Council  
2507 Fremont Avenue North  
Minneapolis, MN 55411

Dear Mr. Wagner and Mr. Moore:

On July 21, 2008, Dennis Wagner filed a grievance against the Jordan Area Community Council (JACC) regarding 18 separate actions taken by, or in the name of, JACC.

In accordance with the CPED Citizen Participation Program Guidelines, this grievance was reviewed by staff within the Development Finance Division (DFD) of the City of Minneapolis. The Division presented to CPED a report of its findings on October 31, 2008. That report is attached.

I have reviewed that report and I am in concurrence with its conclusions. As summarized on pp. 10-11 of the DFD report, CPED concurs with DFD's findings that:

1. grievances 1, 9, 17, and 18 address issues which are outside the purview of the City's citizen participation guidelines; and
2. grievances 2-7, 10, 13, 15, and 16 have not been sustained, i.e. the actions described therein have not been found to be violations of current policy and guidelines; and
3. the remaining grievances 8, 11, 12, and 14 have been sustained, i.e. there have been violations of the City's citizen participation contract with JACC. Specific violations include:
  - o JACC did not adequately or appropriately deal with the grievances filed by Mr. Wagner.
  - o JACC did not provide information requested by the City.
  - o JACC did not provide information appropriately requested by its members.

Given these findings, CPED is cautioning JACC that any future violations of this sort could be cause for termination of the City's citizen participation contract with JACC. It is our expectation that JACC will take immediate actions to correct these violations; this includes making its financial records and other written information of the organization immediately available to any member that appropriately requests that information. It is imperative to maintaining both the public trust and JACC's obligations under our contract that the organization acts in an open and transparent manner.

The Development Finance Division report also recommends that the JACC Board adopt policies to more clearly detail its decision-making processes and its internal communications. I, too, would encourage JACC to do this. At a minimum, these policies should include the organization's contracting procedures and authorities, the powers and processes of the Executive Committee, documentation of the decisions and the meetings at which those decisions are made, and the processes

for informing all board members of actions taken and decisions made on behalf of the organization.

Finally, as you know, many City departments and private partners are quite active in your neighborhood, and collectively share with JACC a keen interest in helping your neighborhood to address its many challenges. However, to be successful, we need a strong neighborhood partner that can help us define, communicate, and coordinate our initiatives to make the Jordan neighborhood a thriving community. The 18 grievances addressed in the attached report and the 19 grievances currently pending before your organization are a sign that there are deep divisions within the Jordan community. We would strongly encourage JACC, after its January elections, to bring in an outside facilitator, acceptable to all parties, to provide board training and to open up a dialogue between the board and the community to find a way to move forward together.

CPED is prepared to assist in identifying potential facilitators and the resources needed to pay for this facilitation, and to work with all parties to try to make this initiative successful. This is not something that CPED can mandate. We do, however, hope that the JACC board and its members will decide jointly that this is in the neighborhood's best interest. We stand ready to help upon your request.

Sincerely,



Charles T. Lutz  
Deputy Director

cc: Jack Kryst, Director, Development Finance Division  
Bob Cooper, Senior NRP/Citizen Participation Specialist  
Jeff Schneider, CPED Manager, Special Projects and Research

Attachment



MEMORANDUM  
Finance Department  
Development Finance Division

Date: October 31, 2008

TO: Mike Christenson, CPED Director

FROM: Jack Kryst, Director, Development Finance Director

SUBJECT: **Grievance Filed Against the Jordan Area Community Council**

The Development Finance Division received a grievance dated July 21, 2008, from Dennis Wagner against certain actions of the Jordan Area Community Council (JACC). Mr. Wagner's grievance is included as **Attachment A** to this report.

Background

Dennis Wagner, between May 14, 2008, and May 20, 2008, submitted eighteen grievances to the JACC Board of Directors. These grievances are detailed in Attachment A and include allegations of conflicts of interest, actions taken without board authorization and failure to provide requested information.

In response to these grievances, the JACC Board of Directors, on June 13, 2008, sent a letter to Mr. Wagner stating that it had determined that it would take no action on the grievances. Based on this letter, Mr. Wagner then filed his grievances with the City of Minneapolis.

Given that the JACC Board had not provided a response to Mr. Wagner's grievances through its own grievance procedure, the City requested such a response in a letter dated August 1, 2008. (Please see Conclusion #1 in the Conclusions section at the end of this report.) The JACC Board Chair, Benjamin Myers, provided a response to each of the grievances in a letter dated August 14, 2008 (**Attachment B**).

The Grievance Process

The CPED Citizen Participation Program Guidelines allow for grievances to be filed against neighborhood groups. The grievance process contained in the guidelines is as follows:

Any neighborhood resident, business owner, or property owner may file a grievance against a neighborhood group with CPED if the following conditions are met:

1. the grievance is within the jurisdiction of the City's citizen participation contract with the neighborhood group;
2. the person filing the grievance is a member of, or eligible for membership in, the organization, or is otherwise directly affected by the actions of the organization; and
3. the person filing the grievance has formally brought the issue to the attention of the neighborhood group in a timely manner and given the organization a chance to respond.

A grievance must be submitted in writing to the Development Finance Division (DFD) of the Finance Department. Upon receipt of the grievance, DFD will undertake an investigation of the complaint and prepare a report of its findings for CPED. A formal response to the grievance will be issued within 45 days of its initial receipt. This response will include the findings of the investigation and a proposed resolution to the grievance.

If the person filing the grievance or the affected neighborhood group is unsatisfied with the department's findings or resolution, they may appeal the matter to the CPED Director. Such an appeal must be received within thirty days of the official response and a Dispute Resolution Meeting will be held within 14 days of the appeal.

If any party is still unsatisfied, a mutually agreed upon third party will be selected to hear the complaint.

## The Grievances

Each of Mr. Wagner's grievances is outlined below along with Mr. Myers' response and the Development Finance Divisions findings for that grievance.

1. Mr. Wagner alleges that Jerry Moore misrepresented his association with the Jordan neighborhood in the fall of 2005 in order to gain access to membership and a board position. This misrepresentation should disqualify Mr. Moore as the JACC executive director, the position that Mr. Moore currently holds.

**Finding:** The City is only able to review a grievance that is within its jurisdiction (see the grievance procedure above). It is not within the City's jurisdiction to oversee the JACC Board's weighing of the qualifications of its candidates for the JACC Executive Director position. Therefore, this is not a grievance that is appropriate for the City to review.

2. Mr. Wagner alleges that Benjamin Myers, at the November 2006 JACC Board of Directors meeting, did not disclose to the JACC Board that he had been paid by Mr. Moore and Brian Smith, then serving as JACC Chair, to act as legal counsel for matters involving Mr. Moore's employment contract with JACC.

Mr. Myers states that he was hired in October 2006 by the JACC Executive Committee, acting under board authority, to represent JACC in its dispute with NRP. Mr. Myers was not yet a JACC Board member. Mr. Myers was retained to draft a response letter to NRP. That letter was prepared on October 17, 2006.

**Finding:** Mr. Myers was duly hired by JACC, not the individuals cited in Mr. Wagner's grievance. The authority was granted the chair (Brian Smith) by the JACC Board at its meeting of September 13, 2006. (See also the Finding for Grievance #8.) This relationship did not create a conflict of interest after Mr. Myers was elected to the JACC Board on October 19, 2006. Mr. Myers job as an attorney was to draft a letter to NRP. That was completed prior to Mr. Myers election. Additionally, a conflict of interest requires that a person have divided loyalties. Since Mr. Myers was acting as JACC's attorney, his activities as an attorney did not conflict with his subsequent role as a JACC Board member.

3. Mr. Wagner alleges that Benjamin Myers, at the December 2006 JACC Board of Directors meeting, while acting as the chair of the JACC Ethics Committee, did not disclose to the JACC Board that he had been paid for legal services by JACC for matters involving Mr. Moore's employment contract. The Ethics Committee was considering the actions of Deb Wagner, a JACC Board member, in opposition to Mr. Moore's employment contract. Mr. Wagner states that this represents an undisclosed financial interest as well as a vested financial and professional interest on the part of Mr. Myers.

Mr. Myers states that he did not have an undisclosed interest in that his work as an attorney for JACC was completed on October 16, 2006. Mr. Myers also states that he was a member, but not the chair, of the Ethics Committee.

**Finding:** As in the Finding for Grievance #2 above, Mr. Myers' work as an attorney for JACC did not create a conflict of interest after Mr. Myers was elected to the JACC Board on October 19, 2006, and served on its Ethics Committee in December 2006. Further, Mr. Myers did not have a conflict of interest in defending his professional interests. Mr. Myers did not draft the initial employment contract between JACC and Mr. Moore, nor was he involved with JACC at the time that Mr. Moore was selected as JACC Interim Executive Director.

4. Mr. Wagner alleges that Benjamin Myers and Dokor Dejvongsa, at the December 2006 JACC Board of Directors meeting, did not disclose to the JACC Board that their law firm had received financial compensation from JACC for legal services relevant to Mr. Moore's employment contract. At that

meeting, the JACC Board was voting to create an Ethics Committee to consider the actions of Deb Wagner in opposition to Mr. Moore's employment contract. Mr. Wagner states that this represents a conflict of interest.

Mr. Myers states that, in addition to his earlier responses, that Ms. Dejvongsa was not elected to the JACC Board until October 19, 2006, and seated at the November 8, 2006, Board meeting. The law firm's work on behalf of JACC was completed prior to the election.

**Finding:** As in the Findings for Grievance #2 and #3 above, the work done for JACC by the law firm of Dejvongsa, Myers and Associates (the law firm for which Mr. Myers and Ms. Dejvongsa worked) did not create a conflict of interest after Mr. Myers and Ms. Dejvongsa were elected to the JACC Board on October 19, 2006.

5. Mr. Wagner alleges that Benjamin Myers and Dokor Dejvongsa, at the January 2007 JACC Board of Directors meeting, did not disclose to the JACC Board that their law firm had received financial compensation from JACC for legal services relevant to Mr. Moore's employment contract. At that meeting, the JACC Board was voting to suspend Deb Wagner for actions she took in opposition to Mr. Moore's employment contract. Mr. Wagner states that this represents a conflict of interest.

**Finding:** As in the Finding for Grievance #2, #3 and #4 above, the work done for JACC by the law firm of Dejvongsa, Myers and Associates (the law firm for which Mr. Myers and Ms. Dejvongsa work) did not create a conflict of interest after Mr. Myers and Ms. Dejvongsa were elected to the JACC Board on October 19, 2006.

6. Mr. Wagner alleges that Benjamin Myers, at the February and March 2007 JACC Board of Directors meetings, while acting as the head of the search committee for a JACC executive director, did not disclose to the JACC Board that he also was acting on Jerry Moore's behalf in a criminal case. Mr. Wagner states that this represented a conflict of interest in that Mr. Myers would have a competing interest in ensuring that Mr. Moore was selected for the position to assure financial payment for his legal services.

Mr. Myers states that Mr. Moore was cited with driving without a valid driver's license. He states that he assisted Mr. Moore on a pro bono basis and, therefore, his representation of Mr. Moore presented no conflict of interest. Mr. Myers further states that he was not the head of the search committee, but rather just a member of that committee.

**Finding:** Mr. Myers' work on behalf of Jerry Moore does not constitute a conflict of interest since the work did not involve JACC and was done on a pro bono basis.

7. Mr. Wagner alleges that Benjamin Myers and Dokor Dejvongsa, at the March 2007 JACC Board of Directors meeting, did not disclose to the JACC Board that their law firm was acting on Jerry Moore's behalf in a criminal case. The Board was voting on a new executive director at this meeting. Mr. Wagner states that this represented a conflict of interest in that Mr. Myers and Ms. Dejvongsa would have a competing interest in ensuring that Mr. Moore was selected for the position to assure financial payment for their legal services.

Mr. Myers reiterated his response to Grievance #6.

**Finding:** As in the Finding for Grievance #6, Mr. Myers' and Ms. Dejvongsa's work on behalf of Jerry Moore does not constitute a conflict of interest since the work did not involve JACC and was done on a pro bono basis.

8. Mr. Wagner alleges that Brian Smith, at the November 2006 JACC Board of Directors meeting, did not disclose to the JACC Board that he had hired the Dejvongsa, Myers and Associates law firm as a legal consultant for matters involving Jerry Moore's employment contract. Mr. Wagner states that Mr. Smith used organizational funds without approval of the board of directors.

Mr. Myers states that Dejvongsa, Myers and Associates was hired by JACC, through its Executive Committee, on October 10, 2006. He states that the JACC bylaws provide the authority to the Executive Committee to act in place of the full Board of Directors when deemed necessary for time-specific decisions.

**Finding:** The JACC Executive Committee authorized the hiring of Dejvongsa, Myers and Associates at its meeting of October 10, 2006. It did so in response to a letter that JACC received from Bob Miller, NRP Director, dated October 5, 2006. Mr. Miller required a response from JACC no later than October 20, 2006. Given the short time required for the response to NRP, the Executive Committee was acting within the authority granted to it through the JACC bylaws.

It should be noted that the JACC bylaws do not require the Executive Committee to report its actions back to the Board. Therefore, there is no requirement through the City's citizen participation contract that such a communication occur other than through the minutes of the Executive Committee meetings. It is not clear if these minutes exist; JACC did not respond to requests for the minutes of the October 10, 2006, Executive Committee meeting. (Please see Conclusion #2 in the Conclusions section

of this report.)

9. Mr. Wagner alleges that Brian Smith and Benjamin Myers, serving on the JACC Executive Committee from late 2006 and 2007, did not bring before the JACC Board the hiring of a Health Outreach Consultant. Mr. Wagner states that Mr. Smith and Mr. Myers acted without the authority of the JACC Board of Directors.

Mr. Myers states that Mr. Moore, acting in his capacity as Executive Director, was authorized by the JACC Board to make day-to-day operational decisions, including the hiring and firing of staff.

**Finding:** The job description for the JACC Executive Director does include responsibility for hiring and supervising staff and volunteers. Therefore, the authority to hire the Health Outreach Consultant would rest with the executive director, not with the board. The lack of notice of this action that Mr. Wagner alleges is not within the jurisdiction of the City's citizen participation contract with JACC.

10. Mr. Wagner alleges that Benjamin Myers and Dokor Dejevongsa, at the March 2007 JACC Board of Directors meeting, did not disclose to the JACC Board that their law firm was acting on Jerry Moore's behalf in a civil case. The Board was voting on a new executive director at this meeting. Mr. Wagner states that this represented a conflict of interest in that Mr. Myers and Ms. Dejevongsa would have a competing interest in ensuring that Mr. Moore was selected for the position to assure financial payment for their legal services.

Mr. Myers states that Ms. Dejevongsa's representation of Mr. Moore occurred in July 2007; Mr. Moore was selected for the executive director in April 2007.

**Finding:** Ms. Dejevongsa had no conflict of interest in the hiring of Mr. Moore since her representation of Mr. Moore occurred after he was hired as the JACC executive director.

11. Mr. Wagner alleges that Brian Smith and Benjamin Myers, serving on the JACC Executive Committee from January through March 2007, renegotiated Jerry Moore's employment contract with JACC without bringing that contract to the board for approval.

Mr. Myers states that the JACC Board gave Mr. Smith, then the JACC Chair, authorization to draft and negotiate Mr. Moore's interim contract. Mr. Smith's chairmanship ended in November 2006 and he was replaced by Mr. Myers.



**Finding:** The minutes of the September 13, 2006, meeting of the JACC Board reflect that the board did authorize the Board chair, Mr. Smith, to work out the contract. The board action, however, requires Mr. Smith to submit the contract to the board members by September 15, 2006. Therefore, it is not clear that the Board granted Mr. Smith authorization to execute a final agreement with Mr. Myers without, at a minimum, sharing that agreement with the full Board. (Please see Conclusion #3 in the Conclusions section at the end of this report.)

12. Mr. Wagner alleges that Brian Smith and Benjamin Myers, serving on the JACC Executive Committee from December 2006 through July 2007, in collaboration with Jerry Moore, acting in his capacity as JACC executive director, ignored requests for minutes of the JACC Ethics Committee meeting concerning Deb Wagner's actions regarding her objections to Mr. Moore's employment contract.

Mr. Myers states that the JACC Ethics Committee issued a full findings of fact and recommendation and that this report was submitted to the Board for a vote.

**Finding:** The minutes of the December 13, 2006, meeting of the JACC Board reflect that the board did meet in closed session to consider the Ethics Committee recommendations concerning Ms. Wagner. The minutes do not reflect any action taken in regard to those recommendations, nor do the minutes include or mention the report of the Ethics Committee. JACC did not respond to requests for the report of the Ethics Committee. (Please see Conclusion #2 in the Conclusions section at the end of this report.)

It also must be noted that the Citizen Participation Program guidelines state that "all written information of the organization (including books, minutes, membership lists, etc.) must be available for review by any member of the organization." This would include the Ethics Committee report of its findings of fact and recommendation. JACC should be willing to provide this report to any member of the organization that requests it. (Please see Conclusion #4 in the Conclusions section at the end of this report.)

13. Mr. Wagner alleges that Brian Smith and Benjamin Myers, serving on the JACC Executive Committee from December 2006 through July 2007, in collaboration with Jerry Moore, acting in his capacity as JACC executive director, ignored requests for minutes of the JACC Executive Director Search Committee.

Mr. Myers states that the JACC Executive Director Search Committee did not keep minutes of individual meetings, but generated a report as to the

recommendations made by the committee. The report was submitted to the Board for discussion and a vote.

**Finding:** The minutes of the March 14, 2007, meeting of the JACC Board reflect that the board did receive and discuss the report of the JACC Executive Director Search Committee. It is not inappropriate for a committee of this type to issue a report as the official record of its meetings. Therefore, the lack of minutes of individual meetings of the Executive Director Search Committee is not a violation of the City's citizen participation contract with JACC.

14. Mr. Wagner alleges that Brian Smith and Benjamin Myers, serving on the JACC Executive Committee from December 2006 through July 2007, in collaboration with Jerry Moore, acting in his capacity as JACC executive director, ignored requests for financial reports of the organization.

Mr. Myers states that financial reports were presented and distributed, if available, at each JACC Board meeting.

**Finding:** The financial reports presented monthly to the JACC Board are the monthly profit and loss statements. Mr. Wagner's request was for more detailed financial information. The Citizen Participation Program guidelines state that "all written information of the organization (including books, minutes, membership lists, etc.) must be available for review by any member of the organization." The lack of a response to Mr. Wagner's request is a violation of the City's citizen participation contract with JACC. (Please see Conclusion #4 in the Conclusions section at the end of this report.)

15. Mr. Wagner alleges that Brian Smith and Benjamin Myers, serving on the JACC Executive Committee from January through March 2007, filed a grievance with NRP on behalf of JACC without the authority of the board.

Mr. Myers states that, prior to filing the grievance with the NRP Policy Board, Mr. Myers received authorization from the JACC Board of Directors.

**Finding:** The grievance that Mr. Myers, as chair of JACC, submitted to the NRP Policy Board was a request to mediate the disagreement between JACC and the NRP director over the hiring of an interim executive director. Specifically, Mr. Myers' May 9, 2007, letter to the NRP Policy Board states: "We are requesting that we have an opportunity to mediate this issue with Mr. Miller and a disinterested third party." This request for mediation would be consistent with the authority granted the Chair (Brian Smith at the time) to work out the details of the contract with Jerry Moore as the interim executive director.

16. Mr. Wagner alleges that Benjamin Myers, serving on the JACC Executive Committee, and Jerry Moore, serving as JACC executive director, claimed to represent JACC and the community in an effort to Save Big Stop in February 2007. Mr. Wagner alleges that this position was taken on behalf of JACC without the authority of the board.

Mr. Myers states that this is a mischaracterization and that the actions taken were directed toward engaging the community in a discussion about alternative uses of the Big Stop.

**Finding:** Mr. Wagner submitted an article in the Star and Tribune newspaper dated January 29, 2008, as evidence of Mr. Myers' and Mr. Moore's actions. The statements in that article attributed to Mr. Myers and Mr. Moore are consistent with Mr. Myers' claim that his and Mr. Moore's comments were aimed at engaging the community in reuse alternatives for the site. It must also be noted that people are often misquoted in newspapers, and, therefore, this is not an adequate basis on which to base or decide a grievance.

17. Mr. Wagner alleges that Benjamin Myers, serving on the JACC Executive Committee, claimed to represent JACC and the community in an effort to bully and denigrate Council Member Don Samuels in a letter dated April 1, 2008. Mr. Wagner alleges that Mr. Myers exceeded his authority by claiming to represent JACC without the authority of the board.

Mr. Myers states that the letter was a follow-up to prior meetings and discussions with Council Member Samuels on issues relevant to JACC and the Jordan neighborhood.

**Finding:** The letter to Council Member Samuels is written on JACC letterhead and Mr. Myers identifies himself as the Board Chair. However, the letter does not present itself as the position of JACC, but rather as Mr. Myers personal thoughts and positions on several issues. While the tone of the letter may indeed be inappropriate, this is an issue that should be addressed by the JACC Board or the Jordan community; it is not an issue that is within the jurisdiction of the City's citizen participation contract with JACC.

18. Mr. Wagner alleges that Benjamin Myers and Jerry Moore made misrepresentations at the February 2008 JACC Board meeting regarding the reasons for dropping an item from the Board agenda regarding the status of Big Stop.

Mr. Myers, in his response to the grievances, did not address this issue.

**Finding:** Mr. Wagner alleges that Mr. Moore showed extremely poor judgment and bad leadership in falsifying the reasons for the change in the agenda. This may indeed be true, but the oversight of a neighborhood organization's staff is not within the jurisdiction of the City's citizen participation contract.

### Conclusions

First, it must be noted that the JACC Board's decision to not respond to Mr. Wagner's grievances was not appropriate. The City's citizen participation contracts with neighborhood organizations require those organizations to have and to follow a procedure for resolving grievances. While it may be onerous and time consuming, it is not optional. The JACC Board currently has before it an additional 19 grievances. It is our expectation that the Board will fully address all 19 of those grievances.

- 1. It is the recommendation of the Development Finance Department that CPED inform JACC that it must fully address all grievances appropriately filed with the organization; failure to do so could be cause for termination of JACC's citizen participation contract with the City.**

Of the 18 grievances filed by Mr. Wagner, four (Grievances #1, 9, 17 and 18) are determined to be outside of the jurisdiction of the City's citizen participation contract with JACC.

The remaining 14 grievances are within the jurisdiction of the City's citizen participation contract with JACC. The Development Finance Division's finding in 10 of those grievances (Grievances #2, 3, 4, 5, 6, 7, 10, 13, 15 and 16) is that there has not been a violation of the terms of the citizen participation contract.

Four of the grievances (Grievances #8, 11, 12 and 14) raise concerns regarding JACC's compliance with the terms of its citizen participation contract with the City.

Grievance #8 and #12 raise significant concerns that, despite repeated requests, JACC did not submit the information requested to complete our work. These requests were for minutes of meetings and reports that were submitted to the JACC Board. JACC's lack of compliance with these requests is unacceptable.

- 2. It is the recommendation of the Development Finance Department that CPED issue a warning to JACC that any future instances in which JACC is non-compliant with appropriate requests related to its citizen participation contract with the City could be cause for termination of that contract.**

Grievance #11 raises significant issues concerning JACC's decision-making process and its internal communications. While this may not be a violation of its citizen participation contract with the City, it does raise serious concerns about whether the JACC Board and its membership are fully informed of actions taken in the name of the organization. Without this information, board members cannot fully perform the fiduciary and stewardship responsibilities of their positions, nor are the members able to easily know of and understand the actions of the organization.

- 3. It is the recommendation of the Development Finance Division that CPED strongly encourage the JACC Board to develop policies to more clearly detail its decision-making processes and its internal communications. At a minimum, these policies should include the organization's contracting procedures and authorities, the powers and processes of the Executive Committee, documentation of the decisions and the meetings at which those decisions are made, and the processes for informing all board members of actions taken and decisions made on behalf of the organization.**

Grievance #14 raises serious questions about JACC's compliance with its citizen participation contract. That contract is clear that all written information of the organization must be available to any member of the organization. Mr. Wagner's requests for more detailed financial information was reasonable, and, as a board member, was essential for his being able to fully perform his fiduciary responsibilities.

Equally troubling is the statement made in the minutes of the May 28, 2008, special board meeting (Attachment 3 to Ben Myers' response to the grievances [Attachment B to this report]). In those minutes, it is reported that the JACC Board would pursue a grievance against the NRP staff for releasing its financial reports to a JACC member.

JACC's financial records, at least as they relate to the expenditure of public funds (both the citizen participation and NRP), are public information. JACC's apparent reluctance to share this information is a violation of its citizen participation contract with the City.

- 4. It is the recommendation of the Development Finance Division that CPED direct JACC to release its financial information, and any other written information of the organization, to any member, or individual eligible for membership. Further, CPED should inform JACC that any future failure to provide this information in response to legitimate requests could be cause for termination of its contract.**

### Next Steps

In accordance with the grievance process described above, upon receipt of this report, CPED must issue a formal response to Dennis Wagner and JACC concerning the grievances filed by Mr. Wagner.

Please contact me if you have any questions concerning this report.

### Attachments:

- A: Dennis Wagner's Grievance filed with the City of Minneapolis
- B: Benjamin Myers response to the City regarding the grievances filed by Mr. Wagner

cc: Jeff Schneider, Manager, Special Projects and Research  
Bob Cooper, Senior NRP/Citizen Participation Specialist

Amended 7/21/2008  
Mr. Robert Cooper  
425 Crown Roller Mill  
105 Fifth Ave. S.  
Minneapolis, MN 55401

Sub: Grievance against Jordan Area Community Council (JACC)  
Amended as a refilled grievance from C-22433 to C-24056  
2009 James Ave. North  
Minneapolis, MN 55411

Mr. Cooper,

It is my understanding, in accordance with NRP contract C-24056, the contractor is required to comply with Citizens Participation Program Guidelines as well as other city and state ethics codes such as Section 419.80, Minneapolis code of ethics listed as Exhibit B & C in the contract.

This is a grievance against the JACC board that they are not in compliance with the CPP Guidelines and other goals and objectives set out under C-24056.

Specifically:

Section I A2, A4, A5, A7, of Exhibit C.

Vision: The community has an active and engaged staff at JACC that listens to the residents, takes action on their behalf to administer this Phase II Plan and assists in resolving problems within the community in the areas of crime safety housing environment and development.

Please also pay particular interest in Items, A2, A4, A5, A7.

A2. The organization is not representing and providing for the participation of, the interests of all segments of the entire community. Etc.

A4. The organization is not holding regular open meetings and taking positive steps to encourage all interested parties in a any issues etc.

A5. The group must also have a grievance procedure by which its members may have their concerns addressed by the organization etc.

A7. The group must have the ability to properly manage and account for all grant funds not limited to CPED.

Attached is a grievance list presented to the JACC board, of specific interest is grievance #'s 11,15, as they represent a misrepresentation to NRP of issues as they were before the JACC board.

As you review the list, you will clearly note the Staff, nor the board, is listening to residents and has instead become an entity onto itself. Potential Criminal conduct has been called out and (nothing is being done to either investigate or correct such conduct). There is a large collection of e-mail traffic to support our claims and we will be happy to vet them as you see fit.

I have also attached the board's response to the grievances. They will do nothing, despite the appearance of criminal activity.

Please let me know if this also must be filed in a hard copy, or if an electronic version is sufficient.

Thank you for your time and consideration

Dennis L. Wagner

Rgds  
DLW  
Jordan resident since 1984

5/14/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 1

Mr. Jerry Moore mis-represented his association with the JACC neighborhood in the fall of 2005, he did this in order to gain access to membership and a board position. Mr. Moore claimed association via the Movements Youth Club located and or association with the property at 2022 West Broadway.

Fact 1: According to Minnesota Attorney General Office, The Movements youth club is withdrawn as an organization as of completion of their fiscal tax year 8/31/2005. No tax returns were filed for fiscal 2006 beginning 9/1/06.

Fact 2: Mr. Lambert Motz (Previous Owner) ~ revealed that Mr. Moore never had a financial interest and or obligation in said property. The property was bought under Land Contract by Jesse Anderson ~ 8 Years back. The last payment was made in Dec. 06, nothing during the entire year of 07, the property has since been sold to the City of Minneapolis.

Fact 3: Mr. Moore became assigned tax payer on August 18, 2006 for 2022 West Broadway, According to Hennepin County Records

Fact 4: Mr. Moore as assigned tax payer was canceled on December 19, 2007 for 2022 West Broadway, According to Hennepin County Records. At this point no property taxes had been paid on the property during Mr. Moore's tenure as assigned tax payer.

First key point: Mr. Moore had no affiliation to Movements youth development Club and Personal Development Institute because it no longer was in operation at 2022 West Broadway when he applied for membership in the JACC organization

Second Key Point: Mr. Moore had no affiliation to 2022 West Broadway when he applied for membership in the JACC organization in the fall of 2006.

Conclusion: Mr. Moore fraudulently represented his status to the neighborhood to gain access to JACC and JACC funding.

Point of the Grievance: An ED for the organization should be beyond reproach, we appear to have an ED that is prone to misrepresentation of the facts. Is this someone the Jordan Area members want speaking on behalf of the organization?

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411



5/14/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 2:

**AMENDED**

Conflict of interest:

Mr. Benjamin Meyers did not disclose to the board at the November 2006 meeting that he had been paid by Mr. Moore and Mr. Smith (**a undisclosed financial interest** ~~unknown to the organization~~) as legal counsel for matters involving Mr. Moore's Employment contract. Mr. Meyers was in fact paid legal counsel for Mr. Moore and Mr. Smith with funds paid by the organization.

Mr. Myers is in violation of State Statute 317A.255 as well as additional 317A.361 and other 317A sub articles.

Key point: Mr. Myers clearly was not acting (in good faith) on behalf of the better interests JACC, but on behalf of Mr. Moore & Mr. Smith and the Dejvongia, Myers & Ass law firm as paid legal counsel with JACC funding.

See JACC Checkbook Check Number 3526 Dated 10/16/06 \$450 to Dejvongia, Myers & Ass.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/14/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 3:

**AMENDED**

Conflict of interest:

Mr. Benjamin Meyers did not disclose to the elected board at the December 2006 board meeting that while acting as the Ethics Committee Chair in the case concerning Mrs. Wagner's suspension (In reference to her opposition to Mr. Moore's employment contract) that he had been paid for legal services by JACC via Mr. Moore and Mr. Smith, (unknown to the organization) for legal counsel of such contract. Mr. Myers had a **undisclosed financial interest as well as a** vested financial and professional interest in the action of defending his earlier work. Mr. Myers was not acting as an independent director put as paid legal counsel to work on Mr. Moore's and Mr. Smith's behalf with funds paid by the JACC organization.

Mr. Myers is in violation of State Statute 317A.255 as well as additional 317A.361 and other 317A sub articles

Key point: Mr. Myers clearly was not acting (in good faith) on behalf of the better interests of JACC, but on behalf of Mr. Moore & Mr. Smith and Dejvongia, Myers & Ass law firm as paid legal counsel with JACC funding.

See JACC Checkbook Check Number 3526 Dated 10/16/06 \$450 to Dejvongia, Myers & Ass.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/14/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 4:

**AMENDED**

Conflict of interest:

Mr. Benjamin Meyers & Ms. Dokor Dejevongia, of Dejevongia, Myers & Ass. did not disclose to the elected board at the December 2006 board meeting that they had received financial compensation from JACC for legal services relevant to the employment contract of Mr. Moore when they voted in the affirmative to create an ethics committee. They had in fact a material financial interest **and an undisclosed financial interest** in the organization and attacking the credibility of Ms. Wagner while defending their (financially compensated work) .

Mr. Myers & Ms. Dejevongia are in violation of State Statue 317A.255 as well as additional 317A.361 and other 317A sub articles.

Key point: Mr. Myers & Ms. Dokor clearly were not acting (in good faith) on behalf of the better interests of JACC, but on behalf of Mr. Moore & Mr. Smith and the Dejevongia, Myers & Ass law firm as paid legal counsel with JACC funding.

See JACC Checkbook Check Number 3526 Dated 10/16/06 \$450 to Dejevongia, Myers & Ass.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/14/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 5:

**AMENDED**

Conflict of interest:

Mr. Benjamin Meyers & Ms. Dokor Dejevongia, of Dejevongia, Myers & Ass. did not disclose to the elected board at the January 2007 board meeting when voting on the Suspension of Ms. Wagner (in relationship to Mr. Moore's Employment contract), that they had received financial compensation from JACC for legal services relevant to the employment contract of Mr. Moore. They had in fact a material financial interest **and an undisclosed financial interest** in the organization.

Mr. Myers & Ms. Dokor are in violation of State Statute 317A.255 as well as additional 317A.361 and other 317A sub articles.

Key point: Mr. Myers & Ms. Dokor clearly were not acting (in good faith) on behalf of the better interests of JACC, but on behalf of Mr. Moore & Mr. Smith and the Dejevongia, Myers & Ass law firm as paid legal counsel with JACC funding.

See JACC Checkbook Check Number 3526 Dated 10/16/06 \$450 to Dejevongia, Myers & Ass.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/14/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 6:

**AMENDED**

Conflict of interest:

Mr. Benjamin Meyers did not disclose to the elected board at the Feb-March 2007 board meetings that as head of the search committee for a new ED that Mr. Myers was also acting on Mr. Moore's behalf in a ~~civil~~ **criminal** case and that he had a **undisclosed financial interest** ~~financial consideration~~ in assuring Mr. Moore's success in securing the ED position.

Mr. Myers is in violation of State Statute 317A.255 as well as additional 317A.361 and other 317A sub articles.

Key point: Mr. Myers clearly was not acting (in good faith) on behalf of the better interests of JACC, but on behalf of Mr. Moore in assuring financial payment of his legal services, he was clearly prejudiced in Mr. Moore's favor for the ED position. .

Register Of Actions Case No. 27-CR-07-018786  
State of Minnesota vs JERRY LAMONT MOORE  
Case Type: Crim/Traf Mandatory Date Filed: 03/23/2007 Location:  
Hennepin Criminal Ridgedale  
Party Information Lead Attorneys Defendant MOORE, JERRY LAMONT  
MAPLE GROVE, MN 55369  
MYERS, BENJAMIN EUGENE  
Retained Jurisdiction State of Minnesota  
RONDONI, FRANCIS J Charge Information Charges: MOORE, JERRY LAMONT  
Statute Level Date 1. Drivers License-Driving Without a Valid License  
or Vehicle Class/Type;  
Multiple Licenses Prohibited 171.02.1 Petty Misdemeanor 03/16/2007  
Events &  
Orders of the Court DISPOSITIONS  
04/25/2007 Plea (Judicial Officer: Porter, Charles A., Jr.)Register Of Actions Case No. 27-CR-07-018786

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.  
Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/14/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 7:

**AMENDED**

Conflict of interest:

Mr. Benjamin Meyers & Ms. Dokor Dejvongia, of Dejvongia, Myers & Ass. did not disclose to the elected board at the March 2007 board meeting when voting for a New ED (of which Mr. Moore was confirmed, both voted in the affirmative for confirmation) that their law firm was also acting on Mr. Moore's behalf in a ~~civil~~ **criminal** case and that their law firm had **a undisclosed financial interest** ~~financial consideration~~ in assuring Mr. Moore's success in securing the ED position.

Mr. Myers & Ms. Dokor are in violation of State Statute 317A.255 as well as additional 317A.361 and other 317A sub articles.

**Reference:**

Register Of Actions Case No. 27-CR-07-018786

State of Minnesota vs JERRY LAMONT MOORE

Case Type: Crim/Traf Mandatory Date Filed: 03/23/2007 Location:

Hennepin Criminal Ridgedale

Party Information Lead Attorneys Defendant MOORE, JERRY LAMONT

MAPLE GROVE, MN 55369

MYERS, BENJAMIN EUGENE

Retained Jurisdiction State of Minnesota

RONDONI, FRANCIS J Charge Information Charges: MOORE, JERRY LAMONT

Statute Level Date 1. Drivers License-Driving Without a Valid License  
or Vehicle Class/Type;

Multiple Licenses Prohibited 171.02.1 Petty Misdemeanor 03/16/2007

Events &

Orders of the Court DISPOSITIONS

04/25/2007 Plea (Judicial Officer: Porter, Charles A., Jr.)Register Of Actions Case No. 27-CR-07-018786

State of Minnesota vs JERRY LAMONT MOORE

Case Type: Crim/Traf Mandatory Date Filed: 03/23/2007 Location:

Hennepin Criminal Ridgedale

Key point: Mr. Myers & Ms. Dejvongia clearly were not acting (in good faith) on behalf of the better interests of JACC, but on behalf of Mr. Moore in assuring financial payment of their legal services, they were clearly prejudiced in Mr. Moore's favor for the ED position. They have also jeopardized the organization in that JACC may now be in violation of State and Federal hiring standards.

Regards

Dennis L. Wagner

2709 Knox Ave N.

MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/14/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 8:  
Standard of conduct:

Mr. Brian Smith did not disclose to the board at the November 2006 meeting that he had hired the Dejvongia, Myers & Ass law firm as legal consultant for matters involving Mr. Moore's Employment contract. With funds from the JACC organization without JACC board approval. Mr. Smith exceeded his authority and denied other members of the board their entitled vote by hiring Dejvongia, Myers & Ass law firm as legal consultant for matters involving Mr. Moore's Employment contract, without a board vote.

Mr. Smith is in violation of State Statue 317A.361, 317A.201, and possibly additional 317A sub articles.

See JACC Checkbook Check Number 3526 Dated 10/16/06 \$450 to Dejvongia, Myers & Ass.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/14/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 9:  
Standard of Conduct:

Mr. Brian Smith, and Mr. Benjamin Myers serving on the EC in late 2006 earlier 2007 did not bring before the board the hiring of an Health Outreach Consultant, at the cost to the JACC organization of \$4950. Mr. Smith & Mr. Myers exceed their authority and denied other members of the board their entitled vote by hiring Mr. Barnes without a board vote.

Mr. Smith and Mr. Myers are in violation of State Statute 317A.361, 317A.201, and possibly additional 317A sub articles.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority



**AMENDED**  
**5/20/2008**  
**JACC**  
**2009 James Ave North**  
**Minneapolis, MN 55411**

**Grievance 10:**  
**Conflict of Interest**

**Mr. Benjamin Myers & Ms. Dokor Dejevongia, of Dejevongia, Myers & Ass. did not disclose to the elected board at the March 2007 board meeting when voting for a New ED (of which Mr. Moore was confirmed, both voted in the affirmative for confirmation) that their law firm was also acting on Mr. Moore's behalf in a civil case and that their law firm had a undisclosed financial interest in assuring Mr. Moore's success in securing the ED position. Ms. Dokor Dejevongia is Mr. Moore's attorney on his non-payment of Child Support.**

**Mr. Myers & Ms. Dokor are in violation of State Statue 317A.255 as well as additional 317A.361 and other 317A sub articles. See below**

CASE No. 27-FA-000242105  
 WILSON,KAROLPREKA,I VS MOORE,JERRY L

§ Case Type: Support  
 § Date Filed: 08/17/1998  
 § Location: - Hennepin Family  
 §  
 §

PARTY INFORMATION

		Lead Attorneys		
Defendant	WILSON, KAROLPREKA I			
Plaintiff	COUNTY OF HENNEPIN BARES,		JAMES	F
	Minneapolis, MN 55401-2280			
		<i>Retained</i>		
Plaintiff	MOORE, JERRY L	DEJVONGSA,	DOKOR	AZURA
		<i>Retained</i>		

EVENTS & ORDERS OF THE COURT

DISPOSITIONS  
 09/16/1998 Closed – other (Judicial Officer: Law Judge, Admin)

OTHER EVENTS AND HEARINGS

08/17/1998	Converted Activities
08/17/1998	Converted Activities
08/17/1998	Converted Documents
08/17/1998	Converted Documents
08/17/1998	Converted Documents
08/17/1998	Converted Results
09/16/1998	Converted Activities
09/17/1998	Converted Documents
10/05/1998	Converted Documents
04/24/2000	Converted Documents
04/23/2002	Converted Documents
03/20/2004	Converted Documents
03/15/2007	Notice of Case Assignment
04/04/2007	Note of Issue
04/04/2007	Notice of Motion and Affidavit
04/20/2007	Order to Show Cause
07/23/2007	Motion Hearing (1:32 PM) (Judicial Officer Steenson DuFresne, Mary E.)
	Result: Held
07/23/2007	Order to Appear
12/13/2007	Review Hearing (1:31 PM) (Judicial Officer Steenson DuFresne, Mary E.)
	Result: Held
12/18/2007	Order-Other

Key point: Mr. Myers & Ms Dejevongia clearly were not acting (in good faith) on behalf of the better interests of JACC, but on behalf of Mr. Moore in assuring financial payment of their legal services, they were clearly prejudiced in Mr. Moore's favor for the ED position. They have also jeopardized the organization in that JACC may now be in violation of State and Federal hiring standards. By representing Mr. Moore in both his Civil and Criminal Case matter, Mr. Myers & Ms Dejevongia have a clear conflict of interest and are not acting as a supervisor of Mr. Moore, but as legal advocates.

Regards

Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/20/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 11:  
Standard of Conduct:

Mr. Brian Smith, and Mr. Benjamin Myers serving on the EC in Jan-March of 2007 re-negotiated Mr. Moore’s employment contract with JACC, and approved it with NRP (Bob Miller) without bringing the re-negotiated contract in front of the board for approval. Mr. Smith & Mr. Myers exceed their authority and circumvented the board’s authority by denying other members of the board their entitled vote to approve or disapprove the re-negotiated contract.

Mr. Smith and Mr. Myers are in violation of State Statue 317A.361, 317A.201, and possibly additional 317A sub articles.

(Until we are able to discern the contents of that contract we are not able to evaluate the financial implications, what payments were or were not authorized, an example of suspect/excessive expenditures follows: \$2750 for sprint and some associated phone use, ~ \$344/Month. This is only for 8 months of a 21 month window. JACC policy had been \$50/month, there is potential evidence here for embezzlement depending on the final financial audit.

<u>Date</u>	<u>Ck #</u>	<u>Amount</u>	<u>Payee</u>
<u>11/6/2006</u>	<u>3541</u>	<u>\$164</u>	<u>Sprint</u>
<u>11/29/2006</u>	<u>debit</u>	<u>\$181</u>	<u>Sprint</u>
<u>12/4/2006</u>	<u>debit</u>	<u>\$21</u>	<u>Palmone/Airport wireless</u>
<u>12/4/2006</u>	<u>debit</u>	<u>\$181</u>	<u>Sprint</u>
<u>12/10/066</u>	<u>debit</u>	<u>\$40</u>	<u>Head set</u>
<u>1/4/2007</u>	<u>debit</u>	<u>\$153</u>	<u>Sprint</u>
<u>2/13/2007</u>	<u>debit</u>	<u>\$191</u>	<u>Sprint</u>
<u>3/21/2007</u>	<u>debit</u>	<u>\$218</u>	<u>Sprint</u>
<u>5/1/2007</u>	<u>debit</u>	<u>\$309</u>	<u>Sprint</u>
<u>5/2/2007</u>	<u>debit</u>	<u>\$500</u>	<u>Sprint</u>
<u>6/15/2007</u>	<u>debit</u>	<u>\$348</u>	<u>Sprint</u>
<u>7/16/2007</u>	<u>debit</u>	<u>\$325</u>	<u>Comcast</u>
<u>7/19/2007</u>	<u>debit</u>	<u>\$121</u>	
<u>Total</u>		<u>\$2,750</u>	<u>8 months/phone service</u>
<u>Ave</u>		<u>\$344</u>	<u>Per month/Sprint Phone service</u>

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.  
Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/20/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 12:  
Standard of Conduct:

Mr. Brian Smith, and Mr. Benjamin Myers serving on the Executive Committee (EC) in Dec-July of 2007, with the collaboration of Mr. Moore ignored a lawful formal request for minutes of Ms. Wagner Ethics committee meeting held in December 06-January 07. Mr. Smith & Mr. Myers exceeded their authority and denied board members their legal right to review such minutes. Mr. Moore showed preferential treatment against a standing board member by not complying with the request.

Mr. Smith and Mr. Myers are in violation of State Statue 317A.361, 317A.241subd.4, 317A.251 and possibly additional 317A sub articles.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.  
Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/20/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 13:  
Standard of Conduct:

Mr. Brian Smith, and Mr. Benjamin Myers serving on the EC in Dec-July of 2007, with the collaboration of Mr. Moore ignored a lawful formal request for minutes of the ED. Search Committee Mr. Smith & Mr. Myers exceeded their authority and denied board members their legal right to review such minutes. Mr. Moore showed preferential treatment against a standing board member by not complying with the request.

Mr. Smith and Mr. Myers are in violation of State Statue 317A.361, 317A.241subd.4, 317A.251 and possibly additional 317A sub articles.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/20/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 14:  
Standard of Conduct:

Mr. Brian Smith, and Mr. Benjamin Myers serving on the EC in Dec-July of 2007, with the collaboration of Mr. Moore ignored a lawful formal request for access to the financial reports of the organization. Mr. Smith & Mr. Myers exceeded their authority and denied board members their legal right to review such reports. Mr. Moore showed preferential treatment against a standing board member by not complying with the request.

Mr. Smith and Mr. Myers are in violation of State Statue 317A.361, 317A.241subd.4, 317A.251 and possibly additional 317A sub articles.

Because of this violation an example of suspect/excessive expenditures follows: \$2750 for sprint and some associated phone use, ~ \$344/Month. This is only for 8 months of a 21 month window. JACC policy had been \$50/month, there is potential evidence here for embezzlement depending on the final financial audit.

<u>Date</u>	<u>Ck #</u>	<u>Amount</u>	<u>Payee</u>
<u>11/6/2006</u>	<u>3541</u>	<u>\$164</u>	<u>Sprint</u>
<u>11/29/2006</u>	<u>debit</u>	<u>\$181</u>	<u>Sprint</u>
<u>12/4/2006</u>	<u>debit</u>	<u>\$21</u>	<u>Palmone/Airport wireless</u>
<u>12/4/2006</u>	<u>debit</u>	<u>\$181</u>	<u>Sprint</u>
<u>12/10/066</u>	<u>debit</u>	<u>\$40</u>	<u>Head set</u>
<u>1/4/2007</u>	<u>debit</u>	<u>\$153</u>	<u>Sprint</u>
<u>2/13/2007</u>	<u>debit</u>	<u>\$191</u>	<u>Sprint</u>
<u>3/21/2007</u>	<u>debit</u>	<u>\$218</u>	<u>Sprint</u>
<u>5/1/2007</u>	<u>debit</u>	<u>\$309</u>	<u>Sprint</u>
<u>5/2/2007</u>	<u>debit</u>	<u>\$500</u>	<u>Sprint</u>
<u>6/15/2007</u>	<u>debit</u>	<u>\$348</u>	<u>Sprint</u>
<u>7/16/2007</u>	<u>debit</u>	<u>\$325</u>	<u>Comcast</u>
<u>7/19/2007</u>	<u>debit</u>	<u>\$121</u>	
<u>Total</u>		<u>\$2,750</u>	<u>8 months/phone service</u>
<u>Ave</u>		<u>\$344</u>	<u>Per month/Sprint Phone service</u>

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.  
Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/20/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 15:  
Standard of Conduct:

Mr. Brian Smith, and Mr. Benjamin Myers serving on the EC in Jan-March of 2007 filed a grievance with NRP on behalf of JACC in reference to Mr. Moore's employment contract with JACC. Mr. Smith & Mr. Myers exceed their authority and circumvented the board's authority by filing the grievance on behalf of JACC without board vote or approval, denying other members of the board their entitled vote to approve or disapprove the re-negotiated contract. According to NRP officials the grievance was accepted because it was said to have been voted on by the board.

Mr. Smith and Mr. Myers are in violation of State Statute 317A.361, 317A.201, and possibly additional 317A sub articles.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/20/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 16:  
Standard of Conduct:

Mr. Benjamin Myers serving on the EC and Mr. Moore as ED did claim to represent JACC and the community in an effort to Save Big Stop, February 2007. Mr. Myers with the collaboration of Mr. Moore exceeded their authority and circumvented the board's authority by claiming representation without board approval.

Mr. Myers is in violation of State Statute 317A.361, 317A.201, and possibly additional 317A sub articles.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority



5/20/2008  
JACC  
2009 James Ave. North  
Minneapolis, MN 55411

Grievance 17:  
Standard of Conduct:

Mr. Benjamin Myers serving on the EC did claim to represent JACC and the community in an effort to bully and denigrate councilman Samuels in a letter Dated April 1, 2008. Mr. Myers claims board and community support, and exceeded his authority and circumvented the board's authority by claiming representation without board approval.

Mr. Myers is in violation of State Statute 317A.361, 317A.201, and possibly additional 317A sub articles.

Regards  
Dennis L. Wagner  
2709 Knox Ave N.  
MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority

5/20/2008

JACC

2009 James Ave. North

Minneapolis, MN 55411

Grievance 18:

Standard of Conduct:

Mr. Benjamin Myers and Mr. Jerry Moore at the February 2008 board meeting claimed the Government officials, to discuss the status of Big Stop, had to cancel from the meeting, thus the item was suppose to be taken off the agenda. Upon contacting these officials in the following days it was discovered that Mr. Moore actually called and told them the board was canceling. Mr. Moore and Mr. Myers did intentionally deceive the board and the community members that attended the meeting to voice their concerns. Mr. Myers exceeded his authority and circumvented the board's authority. Mr. Moore showed extremely poor judgment and bad leadership in falsifying the status of the government officials.

Mr. Myers is in violation of State Statue 317A.361, 317A.201, and possibly additional 317A sub articles.

Regards

Dennis L. Wagner

2709 Knox Ave N.

MPLS. MN 55411

Ref: Section 317A.165 Subd.3.

Subd. 3. Action by a corporation. The corporation may bring an action, directly or through a director member with voting rights in a representative or derivative suit, against the incumbent or former officers or directors of the corporation for exceeding or violating their authority



SENT VIA EMAIL

August 14, 2008

Mr. Bob Cooper  
Development Finance Division  
Crown Roller Mill, #200  
105 5<sup>th</sup> Avenue South  
Minneapolis, MN 55401

RE: MR. DENNIS WAGNER'S GRIEVANCES

Dear Mr. Cooper:

In your letter dated August 1, 2008, you requested responses to specific grievances filed by Mr. Dennis Wagner on May 14, 2008 and amended on May 20, 2008.

The following are the responses to each grievance listed in your letter, in the order which you requested them.

ANSWER TO GRIEVANCE #1 (regarding composition of the board):

Currently JACC is comprised of fourteen (14) Board of Directors, nine (9) of those Directors are residents of Jordan. Thus, 64% of the Board of Directors are residents of Jordan.

ANSWER TO GRIEVANCE #2:

On October 5, 2006, JACC received a letter from Bob Miller of the Minneapolis Neighborhood Revitalization Program (NRP) expressing concern about JACC's process of hiring Mr. Jerry Moore as its Interim Executive Director. [Please note that starting in September 2006, NRP withheld JACC's funding because of this issue.]

Mr. Benjamin Myers was hired by JACC executive committee members during a meeting on October 10, 2006 to represent JACC regarding its dispute with NRP. At the time of the hiring, Mr. Myers had just moved into Jordan and was not a JACC Board Director. Furthermore, Mr. Myers was not involved in the hiring process, nor was he involved in the initial drafting of the employment contract between JACC and Mr. Moore<sup>1</sup>. Mr. Myers was not hired to represent Mr. Jerry Moore or Mr. Brian Smith individually, as alleged in Mr. Wagner's grievance.

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<sup>1</sup> At a September 13, 2006 Board meeting, the majority of the Board voted to install Jerry Moore as interim executive director, and the Board, by majority vote, directed Brian Smith, as the Chair at that time, to "handle" Jerry Moore's employment contract.



On October 16, 2006, JACC paid Mr. Myers a sum of \$450.00 for the above representation. On October 17, 2006, Mr. Myers did what he was hired to do by drafting a response letter to NRP as well as telephonic follow-up. *See Attachment 1.*

During his brief engagement with JACC and seeing the importance of its mission, Mr. Myers decided to run to become a JACC Board of Director. At the JACC annual meeting on October 19, 2006, the community elected Mr. Myers, among others, to become a JACC Board of Director. Mr. Myers was seated as a JACC Board of Director at the November 8, 2006 Board meeting. At that first meeting, the Board elected Mr. Myers as the Chair of JACC.

Although Mr. Myers continued to work with NRP to try to resolve the dispute between JACC and NRP, and NRP's withholding of JACC's funding, however it was in his capacity as the Chair of JACC. The only compensation Mr. Myers ever received from JACC was the \$450.00 that was paid to his law firm of Dejvongsa, Myers and Associates on October 16, 2006.

During the short period of time that Mr. Myers acted as paid legal counsel for JACC, he was not a JACC Board of Director. He was simply a resident of Jordan. He never received any additional compensation from JACC once he became a JACC Board of Director and Board Chair.

During the relevant time period, the only Conflict of Interest Policy in place was as follows:

Members of the Jordan Area Community Council Board of Directors are prohibited from voting on any matter which directly affects their own financial interest, any family members direct financial interest or the direct financial interest of any organization which the Board members or any of their family members may be a paid board member, paid office, or employee.

Here, Mr. Myers, before becoming a JACC Board of Director, was paid by JACC to resolve a pre-existing dispute between JACC and NRP and his goal was to release JACC's funds that were being withheld by NRP. Any further work with NRP regarding this issue performed by Mr. Myers after he became a Board of Director was in his capacity as the Chair and he was not compensated. The Board was kept up to date on the progress of his attempts to have NRP release JACC's funds. The issue was finally resolved and NRP released JACC's fund in July 2007.

ANSWER TO GRIEVANCE #3:

See Answer to Grievance #2, above.

Additionally, Mr. Myers was not the chair the ethics committee that investigated Ms. Debra Wagner's alleged violation of her fiduciary duties to JACC.



There was not conflict of interest.

ANSWER TO GRIEVANCE #4:

ANSWER: See Answer To Grievance #2 and #3, above.

Additionally, the law firm of Dejvongsa, Myers and Associates was hired in October 2006 to represent JACC in its dispute with NRP concerning the process of hiring Mr. Moore as its interim executive director. At that time, neither Mr. Myers or Ms. Dejvongsa were on the JACC Board. Both Mr. Myers and Ms. Dejvongsa were seated as JACC Board of Directors at the November 8, 2006 JACC Board of Directors meeting.

ANSWER TO GRIEVANCE #5:

See Answers to Grievance #2, 3, and 4, above.

ANSWER TO GRIEVANCE #6:

Mr. Moore was cited with driving without a valid driver’s license in March 2007, a petty misdemeanor.

This was a private matter that had nothing to do with JACC. Mr. Moore did not use JACC funds to retain an attorney. Furthermore, Mr. Myers assisted Mr. Moore with this petty misdemeanor charge on a pro bona basis. It was a very brief representation that required very little work. Mr. Moore paid \$125.00 to the State and his driver’s license was reinstated.

Even if Mr. Myers was paid by Mr. Moore in connection with this petty misdemeanor charge, Mr. Myers cannot reveal information relating to client representation to outsiders without Mr. Moore’s informed consent. This would be a violation of the Minnesota Rule of Professional Conduct, Rule 1.6(a), which prohibits lawyers from “knowingly reveal information relating to the representation of a client.” Comment 4 to Rule 1.6 further states:

Paragraph (a) prohibits a lawyer from revealing information relating to the representation of a client. This prohibition also applies to disclosures by a lawyer that do not in themselves reveal protected information but could reasonably lead to the discovery of such information by a third person. A lawyer’s use of a hypothetical to discuss issues relating to the representation is permissible so long as there is no reasonable likelihood that the listener will be able to ascertain the identity of the client or the situation involved.

Lastly, Mr. Myers was part of the search committee for the hiring of the new executive director. However, he was not designated as the chair or the head of that committee.



There was no conflict of interest. Mr. Myers assisted Mr. Moore with a minor traffic citation on a pro bono basis. The representation concerned a private matter that had nothing to do with JACC or the executive director appointment. Mr. Myers did not have a financial interest in assuring that Mr. Moore was successful in securing the Executive Director position. Mr. Myers' only interest was securing the most qualified person as Executive Director of JACC.

It should be mentioned that Mr. Myers got on the executive director search committee based on a recommendation of Board Member Deanna Borske during the January 10, 2007 Board meeting and the Board approved.

ANSWER TO GRIEVANCE #7:

See Answer to Grievance #6.

ANSWER TO GRIEVANCE #10:

Mr. Moore was hired as JACC's executive Director in April 2007. In July 2007, Ms. Dokor Dejvongsa appeared as Mr. Moore's attorney in a family law matter. Again, this matter had nothing to do with JACC or the executive director appointment. And, the representation was post executive director appointment.

Again, for Ms. Dejvongsa to disclose her legal representation of a client to the JACC Board on matters not related to JACC would be a violation of Minnesota Rules of Professional Conduct.

ANSWER TO GRIEVANCE #8:

Dejvongsa, Myers and Associates was hired by JACC, through its executive committee, in October 10, 2006 to assist JACC in resolving its dispute with NRP concerning the hiring of its interim executive director.

Pursuant to JACC Bylaws, Article V, Section 4: "The Executive Committee shall . . . act in place of the full Board of Directors when deemed necessary for time-specific decisions, and other duties which normally fall to Executive Committee."

Bob Miller/NRP's letter to JACC was dated October 5, 2006. In that letter, Mr. Miller required a response to that letter from JACC no later than October 20, 2006.

Under these circumstances, the Executive Committee was required to act in place of the full Board in order to meet a fast approaching deadline. The Executive Committee's action was well within the guidelines of the JACC Bylaws.



Lastly, as mentioned in Answers to Grievance #2 through #5, above, the law firm of Dejvongsa, Myers and Associates acted as paid counsel for JACC prior to Mr. Myers and Ms. Dejvongsa joining JACC as Board of Directors.

Therefore, Mr. Smith acted reasonably as the Board Chair at that time.

ANSWER TO GRIEVANCE #9:

According Mr. Moore’s job description and in his capacity as Executive Director, he was authorized by the Board to make day-to-day operational decisions, including hiring and firing of staff and volunteers.

Additionally, JACC received funding from Otto Bremer for the purpose of adding a health outreach worker to the JACC staff.

ANSWER TO GRIEVANCE #11:

As mentioned above, the Board gave Mr. Smith, the Chair of JACC, authorization to draft and negotiate Mr. Moore’s interim contract with NRP. Mr. Smith’s chairmanship terminated in November 2006 and he was replaced by Mr. Myers.

After months of good faith discussion between JACC and NRP in attempts to resolve this issue, NRP still refused to release JACC’s funds. Instead, Mr. Miller requested that additional language be inserted into the Interim contract concerning unemployment compensation. At that point in time, Mr. Myers, with the Board’s authorization, filed a grievance against Mr. Bob Miller for wrongfully withholding of JACC funds.

The NRP Policy Board found that Mr. Miller’s withholding of JACC funds was inappropriate and ordered the funds to be released.

In no way was Mr. Smith nor Mr. Myers acting beyond their authority.

ANSWER TO GRIEVANCE #15:

JACC filed a grievance against Mr. Bob Miller, Director of NRP, for wrongfully withholding JACC’s funding in connection with the hiring of Mr. Moore as Interim Executive Director. Prior to filing this grievance, Mr. Myers received Board authorization.

ANSWER TO GRIEVANCE #16:

The allegation set forth in the above referenced grievance is a complete mis-characterization. Mr. Myers did not engage in efforts to “Save Big Stop”. Mr. Myers’ public statement on this



issue was in directed towards engaging the community in a discussion about other alternative uses of the Big Stop, other than simply destroying it.

ANSWER TO GRIEVANCE #17:

In his capacity as the Chair of JACC, Mr. Myers' April 1, 2008, letter to City Council Member Don Samuels was a follow-up to prior meetings and discussions with Mr. Samuels on issues relevant to JACC and Jordan. *See Attachment 2.*

The letter had a firm tone, but was not of a bullying or denigrating in nature. Mr. Myers copied the Board and others on that letter.

ANSWER TO GRIEVANCE #12:

With regard to Ms. Debra Wagners' ethics violation, the ethics committee issued a full findings of fact and recommendation. This was submitted to the Board for a vote.

ANSWER TO GRIEVANCE #13:

During the ED Search Committee, there were no individual minutes taken. A report was generated and submitted to the full board as to the recommendation made by said committee.

The applicants and the interview process was in fact discussed with the full Board. The Board voted and decided as to the direction the organization should go as it pertains to personnel.

ANSWER TO GRIEVANCE #14:

At each JACC Board meeting, as part of our agenda, JACC presents and distribute financial reports, if available, to JACC Directors and members. Mr. Wagner was a Director up until his resignation sometime in March 2007 and has attended many of the meetings held by JACC after his resignation. Typically, and as a result of Mr. Myers' administration, JACC has been proactive in having emailed copies of JACC's financial reports sent out to the Directors prior to the meetings. This is usually done by either the Executive Director, a volunteer, or an employee.

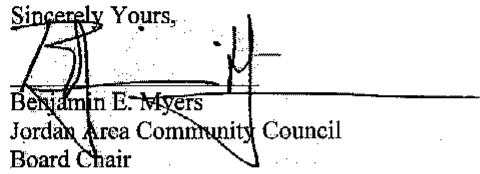
Furthermore, it should be noted that JACC recently underwent a formal financial and compliance audit. The audit was conducted by Michael Wilson and Associates. This audit and the auditing firm were at the direction of NRP. During a May 2007 JACC Board meeting copies of the audit was made available to Directors and members. Additionally, the auditing firm presented the audit and went through the audit page by page.



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I hope the above responses sufficiently addresses your concerns. If you have any further questions, please feel free to contact me or Mr. Jerry Moore.

Sincerely Yours,



Benjamin E. Myers  
Jordan Area Community Council  
Board Chair

Cc: Jordan Area Community Council

**DEJVONGSA  
MYERS & ASSOCIATES, LLC**

**ATTORNEYS AT LAW**  
2110 NICOLLET AVENUE SOUTH  
SUITE 101  
MINNEAPOLIS, MN 55404  
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DOKOR DEJVONGSA  
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BENJAMIN MYERS  
ATTORNEY AT LAW  
BENJAMIN@DEJVONGSA-MYERS.NET

October 17, 2006

NRP Director Robert D. Miller  
425 Crown Roller Mill  
105 Fifth Avenue S.  
Minneapolis, MN 55401

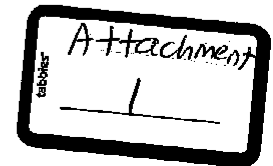
Greetings,

The above mentioned firm has been retained for the sole purpose of addressing a recently received letter dated October 5, 2006. This letter is intended to be a direct response from the Jordan Area Community Council (JACC) to the Minneapolis Neighborhood Revitalization Program (NRP) in the hopes of calming whatever, if any, tension between JACC and the NRP.

The letter from the NRP has caused significant strife, frustration and sadness among the Jordan Area Community Council and the residents of the Jordan neighborhood. In our attempts to reverse these community feelings we wish to address each point raised by your letter in kind.

1. JACC is extremely proud of its recent hire. Jerry Moore is an experienced, thoughtful, and most importantly, an appropriate hire for the position of Interim Director. Mr. Moore, has previously served in multiple non-profit and managerial roles as illustrated in his attached resume. He brings a heightened level of professionalism and assertive view-point that is not only needed but required in the position of Interim Executive Director.

Another area of concern raised by your letter is that of compensation in which Mr. Moore is receiving for his service as the Interim Executive Director. Please find attached all records in JACC's possession that identifies compensation to previous Executive Directors. Moreover, please note that Mr. Moore's compensation at \$35.00 per hour at a cap of thirty (30) hours per week, no benefits, and status as an independent contractor is competitive with prior Executive Director in the history of the Jordan Area Community Council. Additionally, we have enclosed comparables of surrounding area neighborhoods that are readily available through the Minnesota Attorney Generals website that will show that the salary afforded



Mr. Moore is not only justified but is significantly less than surrounding area Community Organizations.

2. After speaking to the Jordan Area Community Council Board of Directors regarding Mr. Moore's employment status it appears that the entire board was made aware of Mr. Moore being installed both into his position as Interim Director as well as agreeing upon Mr. Moore's rate of pay, benefits package and employment status an Independent Contractor.

Mr. Moore's status as Independent Contractor is more of an aspirational declaration than an actual determination. The Board's reasoning for Mr. Moore being classified as an Independent Contractor is two-fold. First,

The Minnesota Supreme Court, the Minnesota Department of Employment and Economic Development and the Minnesota Department of Labor and Industry has provided for a five factor test in order to determine whether an employee is categorized as either an Independent Contractor or, conversely, an Employee. In *Boily v. Commissioner of Economic Security*, 544 N.W.2d. 295, citing *Guhke v. Roberts Truck Lines*, 268 Minn. 141, 143, 128 N.W.2d 324, 326 (1964), the Minnesota Supreme Court identified five factors that must be look at and considered in determining whether an employee is truly an Employee or an Independent Contractor. Those factors are

- (1) The right to control the means and manner of performance;
- (2) the mode of payment;
- (3) the furnishing of material or tools;
- (4) the control of the premises where the work is done; and
- (5) the right of the employer to discharge.

These same five factors have been codified into Administrative code and identified as MN ADC 3315.0555.

Finally, I would like to address the issue in regards to having the Internal Revenue Service make a determination as to whether Mr. Moore is an Employee or an Independent Contractor for Federal Tax purposes. The factors used on a state level are similar to those used on a Federal level. However, I believe that your office is requesting whether or not JACC submitted and/ or has received any information consistent with a filing of a form SS-8 *Determination of Worker Status for Purposes of Federal Employment Taxes*. To my knowledge and having spoken to all board members who would be privy to this information, it is my understanding that no such submission has been made. Typically, an SS-8 is only submitted when it is believed that an employee's position is questionable as to whether or not he/ she is an Independent Contractor or Employee. In Mr. Moore's situation it would appear that he does qualify as an Independent Contractor in respect to both state and Federal taxation.



SENT VIA EMAIL

April 1, 2008

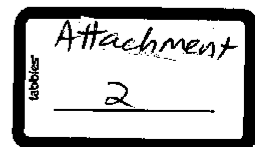
Don Samuels Minneapolis  
Fifth Ward City Council Member  
350 South 5<sup>th</sup> Street  
Room 307 City Hall  
Minneapolis, MN 55415-1383

RE: Public Safety Pilot Program

Greetings,

I am writing as a follow up to our recent meeting held on March 31, 2008. I understand your concern for the five (5) to seven (7) individuals that have spoken to you regarding the current JACC board. At the same time that these individuals are complaining to you I would hope that you would address the cries by the other nine thousand (9,000) residents of our local community that are begging you for help that, as a result of your recent decision not to fund additional security to them, are seeking. As a result of our recent discussion, I agree with you that the only people I have to report to is the Jordan populous. I understand from your prospective that they are not as rich and influential as the residents in South Minneapolis or the individuals that fund the PEACE foundation, but the Jordan and Hawthorne neighborhoods are made up of wonderful hardworking people that want the same security and peace that you advocate so diligently for in South Minneapolis. I would urge you to re-assess your decline to provide additional security for the Jordan area. JACC is in a position of making great change; however we cannot do that without support from our City Council members. I am asking that you spearhead this initiative so that someone that truly reflects this neighborhood does more than talk about change, and actually assists in perfecting it. Like I advised you during our meeting, if this initiative fails then I am more than happy to take the blame; if it succeeds then please, feel free to take all the credit that comes with such success, my sole desire is to make sure that the residents have safety and security in the area they call "home".

Secondly, I had a chance to review my notes from our meeting and I wanted to inquire as to what portions of the by-law changes appeared to be exclusive of the community. I have advised Ms. Dokor Dejvongsa, Esq. and she was extremely concerned about your comment and requests an answer to the above referenced question. Additionally, I informed the Executive Committee and many of the board of Directors are equally concerned regarding your comments regarding exclusive behavior. Please advise us as to how and why you believe we are engaging in such "illusive" behavior".



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Thirdly, I had a brief moment to review some notes taken from our meetings regarding the *Weed and Seed* program that was suppose to assist in the safety of Jordan and other Northside neighborhoods. It was my understanding that I among many other board chairs were suppose to serve on the Steering Committee for this block grant but I have yet to hear anything regarding this program. If you or Barbara Johnson could provide me with a status update on this issue that would be greatly appreciated.

Next, I appreciate your attempt to discuss the matter regarding our Executive Director, Jerry L. Moore, I have disclosed this information to our Exccutive Committee and they have responded with a few concerns that they would like addressed.

1. What is your intent in bringing this issue up?
2. Are you alleging that our Exccutive Director has done something "inappropriate"?
  - a. If yes, then what specifically?
  - b. If no, then what is your point in bringing this matter to our attention?
3. Since you bring up past issues, as a city council member is their anything you should bring to our attention that may be contained within a public document that may need to be brought to the attention of not only the JACC board of Directors but the entire ward in which you represent and serve?
4. Moreover, have you engaged in any behavior that has created a financial detriment to the constituents in which you serve?

Please respond in writing to the Jordan Area Community Council. If you have any questions please contact me directly.

Sincerely



Benjamin E. Myers, Esq.  
Jordan Area Community Council  
Board Chair

Cc:  
Jordan Area Community Council  
Minneapolis City Council  
Barbara Johnson, City Council President

2009 James Avenue North, Minneapolis, MN 55411



Special Board Meeting Minutes  
MAY 28, 2008  
5:30 PM  
Chair: Ben Myers

Attendees: Ben Myers, Dokor Dejvongsa, Bob Scott, Terry Kirksey, Lynda Baker, Michael Browne, PJ Hubbard, Keith Reitman, EB Brown, Daniel Rother, Brian Smith, Robert Wilson, and Jerry Moore

Ben Myers called the meeting to order at 5:30pm.

Grievances filed by Mr. Dennis Wagner

Michael wanted to know who set the agenda. The chair set the agenda with staff support.

Dan wanted a public forum. Some other Board members expressed disagreement.

Keith wanted to settle the matter in a fair way.

Michael is concerned that if someone in the community has been publicly grieved, we have to provide transparency.

He does think that we need a private grievance, and not necessarily public – need to set a standard and what constitutes a folly.

Content of Grievance:

Is there a motion to take it to the public or the board?

What is our responsibility?

Jerry said we have 45 days to respond.

Keith: if allegation is directed at a person, should that person respond? The accused has a right to respond.

Lynda: she was an ethics committee member on Mr. Wagner's previous grievances. When Mr. Wagner had the opportunity to present, he presented and the city knocked it down.

Michael and Keith think we should look at all allegations.

EB – wants no committee and do not address alleged grievances – would not hope to see another placate of this again.

Bob agrees not to create committee – do not give time and energy on each grievance.

Mr. Wilson reflected on the fact that this was his third year on the board and we are wasting valuable time on issues of the Wagner's: Disrespectful and mud slinging.

Bob said we are new on the Board we are not a passive organization.

Ben - we should submit in 45 days and address each grievance; Michael disagreed (he wanted committee empanelled).

Brian said the overall question is what should we be spending time our time on as organizational leaders.

Brian –feels we are playing as puppets if we answer everything that is brought to this board. We have to go about the business of taking care of this organization in a fiscally responsible way.

EB Motion – (after having reviewed the grievances prior to meeting) the board shall take no action at this time.

1

2009 James Ave N Minneapolis, MN 55411  
612-886-3202 (Voice) 612-886-3201 (Fax)



The motion was seconded by Brian

Discussion:

Michael – Is in Objection

PJ – Is in Objection

Keith- asked what the minimum we can do?

Jerry – minimum we should do is respond

Bob called a vote of EB's motion.

5 Yes; 3 Nays (Michael, Dan, and PJ); and 4 Abstentions (Ben, Dokor, Keith, and Brian)

#### Financial Records

There is belief that there has been a breach of our financial records by Stacey Sorenson and NRP. Ben requested that we no longer provide our full journal logs to NRP and has alerted Judy and Bob Miller of that fact.

Jerry -JACC full journal has been provided for the past 5 years. They have scrutinized every line item since having a African American chair.

Keith – thinks we should reduce Stacey Sorenson to a grievance.

Ben – would like a new project manager.

Jerry – We are working on getting a new manager. Draft audits were sent out to 3<sup>rd</sup> parties without the Board's approval. And recent events with former JACC director Dotty Titus receiving financial records only provided to NRP.

Keith – Motion – ask staff to draft 2 grievances – breach of confidentiality and inequitable treatment.

2<sup>nd</sup> motion by Terryl Kirksey

Dan – Abstain

Nays –Michael and PJ

Harassment policy –allegations that PJ has been harassing Bob - spread the harassment policy.

Bob does not want to discuss the issue/allegation. Ben brought to my attention any board member who is having a meeting – no response – PJ called Bob

Meeting adjourned.