

Brenda F. Harbin-Forte, Esq. SB#88167

Law Office of Brenda F. Harbin-Forte

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November 19, 2025

Tovah Ackerman, Enforcement Chief
City of Oakland Public Ethics Commission
City Hall, 250 Frank Ogawa Plaza, Room 6303
Oakland, CA 94612

RE: **Notice of Dismissal of Complaint No. 23-24 Regarding James Chanin**

Dear Enforcement Chief Tovah Ackerman:

I hereby object to your November 10, 2025 notice of dismissal of my complaint against Attorney James Chanin. I request that you perform your mandated duties and fully investigate these serious allegations.

To refresh your recollection and to fully inform the public, I am attaching hereto as Exhibit A my complaint against James Chanin. The complaint indisputably shows improper conduct on the part of Attorney James Chanin.

Your grounds for dismissal are clearly sham, and reveal the extent to which you have gone to distort the facts in order to cover up Chanin's misconduct. For example, you cite Oakland Municipal Code (OMC) section 2.25.040(E) regarding "incompatible offices." You inexplicably state: "Regarding the incompatible office, the NSA monitor position is temporary and therefore not the type of office that falls within this law." There is nothing in my complaint that alleges, or even remotely suggests, that Chanin holds the office of NSA monitor, nor that he held any incompatible offices.

You gloss over Chanin's financial conflicts of interest, while ignoring the big elephant in the room based on the fact that Chanin never disclosed to the public that he was financially benefitting from the continuation of the Negotiated Settlement Agreement.

OMC § 2.25.040, entitled "Conflicts of interests and personal gain," provides as follows in subsection (B):

Statement of Economic Interests (Form 700) Disclosure. The Mayor, City Council Members, City Administrator, City Attorney, City Auditor, ***any City board or commission member***, any candidate for City Office, and any employee or consultant designated in the City Conflict of Interest Code shall file statements of economic interests and shall disclose all required information pursuant to the California Political Reform Act and the City Conflict of Interest Code.

Chanin served almost six years on the Police Commission Selection Panel, and not once did he ever file Form 700 to disclose that the City of Oakland has been paying him from \$80,000 to \$100,000 per year since the NSA was entered into in 2023. The failure to file is itself an ethical violation. The longer federal monitoring remains in place, the more money Chanin can make from Oakland taxpayers.

Moreover, Chanin should never have been permitted to be on the Selection Panel in the first place. When he was appointed, he was the Plaintiff's attorney in "The Riders" case, the lawsuit against the Oakland Police Department that led to the NSA. The Government Ethics Act was later amended to prohibit someone in his position from being appointed to the Police Commission. The City Charter also clearly stated that no one should be permitted to serve on the Selection Panel more than five years. Despite the prohibition against Plaintiff's attorneys who have suits against OPD being appointed to the Police Commission Selection Panel, the City Attorney's office permitted Chanin to remain on the Panel long after his 5-year term limit expired.

It was not until the lawsuit was filed that Chanin was removed from the Police Commission Selection Panel. This evidence came out during the litigation you cited as a reason for diminishing the conflict of interest claims, where you gave weight to a preliminary order from the court denying a preliminary injunction. Based on my almost 30 years of judicial experience, I know that denial of a preliminary injunction does not foreclose the opportunity for a permanent injunction being issued later on in the case after more facts are developed. You should also know that the litigation was settled before trial, with provisions requiring the Police Commission Selection Panel to follow the law and not permit Selection Panel members to continue to serve after they have been termed out, as Chanin was permitted to do.

Regarding misuse of position, you are fully aware that Chanin's position as Chair of the Police Commission Selection Panel gave him no First Amendment right to lie to the public, and to make false allegations against Police Commission Chair Dr. Tyfahra Milele, other members of the Police Commission, including me. He had no right to mislead the public and to misstate the law, which he did in public on numerous occasions, or otherwise bully and abuse members of the Police Commission.

On a broader scale, I simply cannot fathom that the PEC wants to send the message to the heads of boards and commissions that they can ignore their ethical obligations, and bully, shame, embarrass and threaten volunteer members of boards and commissions and suffer no consequences.

I request that the PEC not dismiss this case, and instead do a full, fair, and complete investigation into the allegations made in my complaint. I believe that a court will grant a writ of mandate to force the PEC to follow the letter and spirit of these governing legal provisions. I fully believe that if this matter ends up in the courts, your dismissal on the stated grounds will be reversed, and you will end up having to spend more time and resources in dealing with this matter.

Sincerely,

Hon. Brenda Harbin-Forte (Ret.)

cc: Dr. Tyfahra Milele
James Chanin

BRENDA HARBIN-FORTE'S ATTACHMENT TO ETHICS COMPLAINT AGAINST JAMES CHANIN

Attorney James Chanin (Chanin) has violated his duties as the Chair of the Oakland Police Commission Selection Panel in a number of respects.

Chanin is the attorney for the plaintiffs in the Delphine Allen v. City of Oakland action, the federal court case that resulted in a Negotiated Settlement Agreement (NSA) that placed the Oakland Police Department under court oversight. The oversight has been ongoing for the past 20 years. The City of Oakland has been paying Chanin attorney's fees for his work on the NSA during the entire period of federal court monitoring. It is estimated that he now receives from \$80,000 to \$100,000 each year from the City for this work. The longer federal monitoring continues, the longer Chanin receives money from the City. Chanin thus has a financial interest in extending the life of the NSA as long as possible, and a professional obligation to seek continuance of the NSA as long as *his plaintiffs clients*, not the City nor the citizens nor the Police Commission of Oakland, see fit.

The problem is that Chanin also holds public office in that he is Chair of the Oakland Police Commission Selection Panel. He has been on the Selection Panel for several years now, holding the District 2 seat. The Selection Panel is entitled to five seats on the Oakland Police Commission, and fills vacancies in those seats as they occur. Thus, Chanin as plaintiffs' counsel has a role and duty *adverse* to the City of Oakland, which includes the Selection Panel *and himself* as a public official of the City of Oakland.

In addition, the Oakland Police Commission has been working diligently to end federal court monitoring but has been met with resistance in that goal by Chanin. Chanin has undermined the Police Commission by calling for the removal of members, falsely stating that the Commission has acted contrary to provisions of the City Charter, misleading the public about the law, publicly complaining about decisions that the Police Commission has made that are contrary to his personal financial interests, suborning the violation of the Police Commission's Rules of Order and Code of Conduct by inviting commissioners other than the Chair to appear at Selection Panel meetings to make presentations on behalf of the Police Commission, and falsely suggesting that the Police Commission is dysfunctional, all in an effort to undermine the Police Commission's abilities to do its job, which includes the obligation under the Charter to assume oversight of the Oakland Police Department should the City ever exit from the NSA.

Chanin's animosity and anger toward members of the Police Commission, particularly its Chair, Dr. Tyfahra Milele, reflect insurmountable bias. He is unable to render, or lead the Selection Panel to render, fair and objective decisions about who should be appointed or reappointed to the Police Commission. As a member of the Selection Panel, he has a fiduciary duty to ensure selection of the most qualified candidates to fill vacancies who will carry out the duties of the Commission as required by the Charter. In breach of that duty, and in pursuit of his own financial interests, he has shown that his goal is clearly to appoint Police Commissioners who will aid him in continuing federal oversight.

Put simply, Chanin's conflicts of interests and unethical conduct can be listed as follows:

1. He cannot be on both sides of a lawsuit;
2. To the extent he advocates and works vigorously to extend the NSA he is representing the NSA plaintiffs but is acting contrary to his fiduciary duty to appoint well qualified Commissioners who will perform their duties under the Charter,

including working to end the NSA and implement full civilian oversight of the Oakland Police Department as soon as possible;

3. To the extent he advocates and works vigorously to appoint independent Commissioners who will perform their duties under the Charter, including working to end the NSA and implement full civilian oversight of the Oakland Police Department as soon as possible, he will be working against the interests if not desires of his plaintiff clients in the Delphine Allen v. City of Oakland action;
4. He has a direct and personal financial interest in continuing the NSA as long as possible which is fundamentally inconsistent with his duty as a member, much less as Chair, of the Selection Panel;
5. He has continuously engaged in a public course of conduct demonstrably advocating for continuance of the NSA, all in furtherance of his personal financial interests as well as the presumed interests of his plaintiffs clients, but contrary to the interests of the City of Oakland, the interests and duty of the Selection Panel, and prompt and full implementation of civilian oversight of the Oakland Police Department; and
6. His conduct has included repeated and public displays of animosity toward the current majority of the Police Commission, and its Chair, and former Commissioner Harbin-Forte in particular, who have been working vigorously to fully implement civilian oversight of the Oakland Police Department.

Chanin's demonstrated and personal bias, in addition to the conflicts of interest cited above, preclude him from continuing to serve on the Selection Panel in general and participating in considering the appointment or reappointment of Commissioners in particular, and especially Police Commission Chair Tyfahra Milele and Vice Chair David Jordan.