

Eric Ryan - Studio Ryan

From: Tom Berg [tomberg00@yahoo.com]
Sent: Monday, June 13, 2011 3:02 PM
To: Tom"Berg; philmund@gmail.com; Philmund"Lee; Gemma"Espresion; Eric Ryan - Studio Ryan
Cc: mahina1999@yahoo.com; Celeste"Lacuesta; esouza_khmn34@yahoo.com; Evelyn"Souza; gm@HawaiiN.com; John"Bond
Subject: RE: NEW POLICY in light of what was just revealed.

Aloha-

Eric stated he would be in this morning after he takes his wife to the doctor...thus, all staff excluding John Bond are to sign the form today by 5pm and return the form signed to Gemma by that time today. If Gemma is not available, provide the form signed to Phil to hold. It is 3pm- is Eric in the office? Did Eric contact anyone to inform them he would not be coming in today?

I was expecting a powerpoint presentation done for my review by 5pm today also from Eric for the rail meeting.

The form today must be signed to work at Council One District Office. All staff are free to run the form by anyone they wish, but, if not signed today, this lack of follow through on my directive will be grounds for termination. I do not approve of any person taking photos or otherwise any electronic recordings without the subject's permission prior to and the example against Phil witnessed today has triggered this form and directive so not one more day transpires with this type of threat over any employee.

MAHALO
 Tom

--- On **Mon, 6/13/11, Eric Ryan - Studio Ryan <eric@studioryan.com>** wrote:

From: Eric Ryan - Studio Ryan <eric@studioryan.com>
 Subject: RE: NEW POLICY in light of what was just revealed.
 To: "Berg, Tom" <tberg@honolulu.gov>, "Tom Berg" <tomberg00@yahoo.com>, philmund@gmail.com, "Lee, Philmund" <plee3@honolulu.gov>, "Espresion, Gemma" <gespresion@honolulu.gov>
 Cc: mahina1999@yahoo.com, "Lacuesta, Celeste" <clacuesta@honolulu.gov>, esouza_khmn34@yahoo.com, "Souza, Evelyn" <esouza@honolulu.gov>, gm@HawaiiN.com, "Bond, John" <jbond@honolulu.gov>
 Date: Monday, June 13, 2011, 2:25 PM

I'm confused, Tom. For the sake of clarity, this is really important: Are you really saying that sleeping on the job at City Hall is part of Phil's personal life and that documenting his abuse of taxpayer resources and unfairly burdening other members of Team Berg is to "interfere with" Phil's 'personal life'? Can we all sleep for hours per week at the office during the workday without fear of being paid less or even losing our jobs? Are you saying that you want to leave each of us with no recourse of

documentation when falsely accused? Indeed, you have falsely accused me on a number of occasions. So has Phil. Are you MORE concerned that there now exists evidence of Phil's wrongdoing than the wrongdoing itself? Your staff anxiously awaits these and many other answers. Is it okay to berate building security officers and their supervisors? Is it okay to send e-mails in your name which you have no knowledge of? Is it okay to walk around half-naked in the office on a regular basis? Is it okay to repeatedly lie about and berate your co-workers and defame them to you? Where are these policies to sign? Are you busy writing them now? Those who falsely accuse others, even repeatedly, and those who speak in a loud, abusive way to others, even repeatedly, are thus far exempt from your sense of justice and fair play as a supervisor. It could be argued that you show favoritism by circling the wagons around Philmund each time he flagrantly violates HR policies right and left. Has he been asked to sign a "I'm sorry I've yelled at staff members repeatedly in the past and I promise never to do so again, otherwise I'll forfeit my job?" Has he submitted upwards of eighty vacation forms ex post facto to obtain your after-the-fact approval for his daily extended naptimes? And given the impunity you've shown for Phil's outbursts and unprofessional behavior, would you have believed me if I told you he's stealing from taxpayers and unduly burdening the other members of Team Berg without evidence? Tom, this is a poorly-advised policy which raises more questions than answers. In the course of thoughtfully answering my several questions above, I believe you will see your way clear to reconsider the routine exempting of your old pal Philmund from expectations of decency while holding others, myself included, to a higher standard of performance. Phil has been on the "attack" for some time. I've yet to see your policy about that. I assume you'll have no problem if I run your draft policy past City HR?

-----Original Message-----

From: Berg, Tom [mailto:tberg@honolulu.gov]

Sent: Monday, June 13, 2011 1:21 PM

To: Eric Ryan - Studio Ryan; Tom Berg; philmund@gmail.com; Lee, Philmund; Espresion, Gemma

Cc: mahina1999@yahoo.com; Lacuesta, Celeste; esouza_khmn34@yahoo.com; Souza, Evelyn; gm@HawaiiN.com; Bond, John

Subject: NEW POLICY in light of what was just revealed.

Aloha TEAM BERG-

I want all the attacks to stop. This is a warning to all.

As you may or may not know, at the Ewa Neighborhood Board meeting last week, a constituent was very displeased at the course of action regarding a billing dispute between Rep. Pine and another - that another has been made known to be Eric Ryan. I answered that the billing dispute was a third party- private matter and not involved with our office or duties.

TEAM BERG does not interfere with the personal lives and discourse of its members. However, in light of being informed and in receipt of Eric Ryan taking photos of Philmund Lee without Phil's permission or knowledge, at the

workplace, to then distribute that to TEAM BERG, I must now interject.

All staff are to sign a letter that they will not take photos nor make any electronic recordings of any person on our staff or employer without their permission. Gemma, please execute the following letter of which is to be returned to you by all staff (excluding John Bond) and signed by the end of the business day today:

I _____, do hereby agree that in order to be on TEAM BERG, no audio or visual recordings may be made without getting approval first; such as permission from the other party (the one being filmed, photographed, or recorded by telephone or other electronic means) prior to making such a recording. This applies to all staff hired and of party to Councilman Tom Berg's District One Office and is to include all communications made from January 18, 2011, through today and during the term of employment within the Council District One Office and upon any termination or resignation as well taking place afterwards. By signing this document, the undersigned agrees to refrain from disclosing unauthorized recordings, both during, and off-hours between all staff and employer and if such recordings were made, all recordings are to be destroyed immediately, this date of the signed letter of subject.

Any recordings made prior to the date of this signed letter, are to be destroyed including any private conversations recorded without all parties knowing they are and were being recorded and evidence lacking they or person gave such permission.

Any use, distribution, or otherwise sharing in any capacity including unauthorized, unapproved, uninformed, without permission electronic communications between parties without their consent to the public or within the Council District One Office are to be grounds for termination. Legal action may also be pursued. This includes any electronic recordings made between staff, and or employer both within, on, during, and outside of the workplace that failed to garner pre-approval from all person(s) or party being recorded. No unauthorized or distribution of any electronic communication that was made can be made public unless the person of subject and involvement, gave and gives permission to do so in advance of the recording being executed prior to it happening. Failure to agree to these terms is grounds for termination.

The undersigned admits that no other recordings (outside of the Philmund Lee incident made known June 13, 2011) were or have been made and exist that contain communications whereby all parties or persons involved, had NOT first approved of and allowed such recording(s) to take place. This contract is binding.

SIGNED _____ DATE _____