

Alameda County District Attorney
Nancy O'Malley
1225 Oak St. 9th Floor
Oakland, California 94612
Atten: Mr. Ken Mifsud- Fraud Division
Re: Complaint of the Legal Status of **OAKLAND PROMISE**
December 18, 2019

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DISTRICT ATTORNEY
ALAMEDA COUNTY

Dear Mr. Mifsud:

On September 7, 2019, I filed a Public Records Request pursuant to Government Code 6250, requesting that the Office of the California Attorney General provide me with a copy of the Certificate of Agreement/Merger in accordance with the Corporation Code 6010(a) and 6011 between two organizations known as the EAST BAY COLLEGE FUND AND Mayor Libby Schaaf's OAKLAND PROMISE (Exhibit A)

The reason for this request was to determine the legal status of OAKLAND PROMISE as a 501 (c) 3 Non-Profit Public Benefit Corporation as it purported to be. The Attorney General responded in a letter dated September 17, 2019 (Exhibit B). It was determined in the AG's comments: "OAKLAND PROMISE has **never** filed any documentation indicating the organization is a 501 (c) 3, non-profit public benefit corporation." ; and After a **diligent** search, we found **no** documents responsive to this request.

In the CAL STATE EAST BAY TODAY posted article of June 1, 2016 it states, "OAKLAND PROMISE is now widely perceived as a **nonprofit organization** -but that has not always been the case, at least until recently." (Exhibit C) This is somewhat of an irony and contradiction, inasmuch , upon further analysis, EAST BAY COLLEGE FUND amended and restated their Articles of Incorporation on June 27, 2019 (Exhibit D) **EBCF** merely **changed** the name of the organization to **OAKLAND PROMISE**. The intent of this effort was to create the impression that the two organizations had merged as noted on the website of the California Secretary of State, that shows the name **OAKLAND PROMISE** . (Exhibit E) It should be noted, however, the corporate number C2504888 and the ruling year 2003 is that of EAST BAY COLLEGE FUND. **OAKLAND PROMISE** launch date was January 2016 (Exhibit F); so how is it reasonably practical the **OAKLAND PROMISE**

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Would have a ruling year of 2003.

Regarding **OAKLAND PROMISE'S** Fictitious Business Name(FBN), file number 545426, Date File 05/25/2018 ; note the fact that **OAKLAND PROMISE** had earlier intentions of abandoning **OAKLAND PROMISE'S** fiscal agent **OAKLAND PUBLIC EDUCATION FUND** although no date was indicated on the FBN document. It was only after the amended and restated Articles of Incorporation of the **EAST BAY COLLEGE FUND** on June 27, 2019 that **OAKLAND PROMISE** severed its ties with its fiscal agent **OAKLAND PUBLIC EDUCATION FUND** (Exhibit G).

OAKLAND PROMISE has no Business License Certificate Verification in the City of Oakland , there is however, evidence of **EAST BAY COLLEGE FUND** Business Certificate Verification in the City of Oakland. (Exhibit H)

OAKLAND PROMISE has been operating out of Mayor Schaaf's office and on the 11th floor , without having any legal status **nor** authorization from the Oakland City Council. This unauthorized activity has been going on for two years as noted in the City Auditors Investigation report of November 19, 2019. The Auditors Investigation reveals although erroneously, on page 11, "**As of June 27, 2019, Oakland Promise is a registered nonprofit as a result of EBCF changing its name to Oakland Promise modifying its articles of Incorporation, and registering with the Secretary of State.**"(Exhibit I) The City Auditor , failed to verify the accuracy of the legal status of **OAKLAND PROMISE** . Such a merger requires the approval of the California Attorney General. The first Chief Executive Officer (CEO) for **OAKLAND PROMISE** assumed her position effective July 1, 2019. This unauthorized use of One Frank Ogawa Plaza , noted in the City Auditor's Investigation has resulted in excess of \$4,000,000,000.00 million dollars of the City's general fund expenditures. In a recent article in the Blue Shield of California news letter November 4, 2019 speaking to the New Head Office being located in Oakland City Center , there was additional acknowledgement of the companies \$1,000,000,000.00 million dollar contribution to "Mayor Libby Schaaf's **OAKLAND PROMISE.**" (Exhibit J).

OAKLAND PROMISE continues to operate its solicitation campaign and fundraising events with **impunity**, although the California Attorney General's letter of September 17, 2019 states, **OAKLAND PROMISE** has **never** filed any

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documentation indicating the organization is a 501 (c) 3, non-profit public benefit corporation.” Nor, is there any documentation indicating a merger with **EAST BAY COLLEGE FUND**.

Dr. Michael McAfee, President , Board of Directors **OAKLAND PROMISE** also misrepresents the **legal status** of **OAKLAND PROMISE** , “I am thrilled to announce that **OAKLAND PROMISE** and **EAST BAY COLLEGE FUND** will merge into one unified organization named **OAKLAND PROMISE**. (Exhibit K).

The **merger** narrative continues to be publicly espoused as though it’s a fact. On December 11, 2019 a fundraising letter (Exhibit K) **OAKLAND PROMISE** | Supporting Oakland’s Children from Cradle to Career” from Susan Stutzman, former Chairperson of the Board of Directors of **EAST BAY COLLEGE FUND** and whose signature is on **EAST BAY COLLEGE FUND** amended Articles of Incorporation of June 27, 2019, states, “when **EAST BAY COLLEGE** voted to **merge** with **OAKLAND PROMISE** last July...Now as a **merged** organization”.(Exhibit L) This statement is in direct conflict with the California Attorney General’s legal finding of **OAKLAND PROMISE**.

OAKLAND PROMISE is not listed on Guidestar, a website designed to provide “the highest-quality, most complete nonprofit information available. (Exhibit M)

Because of the compelling evidence provided by the California Office of the Attorney General regarding the legal status of **OAKLAND PROMISE**, it would be legally prudent that the Alameda County District Attorney issue an order to **OAKLAND PROMISE** to **CEASE** and **DESIST** any further solicitation and fundraising events, until the Office of the Alameda County District Attorney is able to determine if Civil or Criminal action is warranted against **OAKLAND PROMISE** for raising funds without the appropriate documentation.

See [[cleanoakland.com/Gene’s blog](http://cleanoakland.com/Gene's%20blog)] for additional information regarding **OAKLAND PROMISE**.

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Respectfully submitted,



Gene Hazzard

genehazzard@gmail. Com

cc: California Attorney General

Alameda County Grand Jury

Oakland City Attorney, Barbara Parker

Oakland City Auditor, Courtney Ruby

Public Ethics Commission, Kellie Johnson

Oakland City Council President, Rebecca Kaplan

EXHIBITS FOR COMPLAINT OF THE
LEGAL STATUS OF OAKLAND PROMISE

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ALAMEDA COUNTY

- A. FORM SUBMISSION FROM : ONLINE REQUEST
- B. CALIFORNIA ATTORNEY GENERAL LETTER – SEPTEMBER 7, 2019
- C. CAL STATE EAST BAY NEWS LETTER
- D. EAST BAY COLLEGE FUND AMENDED AND RESTATED ARTICLES OF INCORPORATION JUNE 27, 2019
- E. CALIFORNIA SECRETARY OF STATE – ALEX PADILLA WEBSITE
- F. OAKLAND PROMISE **LAUNCH DATE**- JANUARY 2016
- G. OAKLAND PROMISE FICTITIOUS BUSINESS NAME [FBN]
- H. EAST BAY COLLEGE FUND BUSINESS CERTIFICATE VERIFICATION IN THE CITY OF OAKLAND- BUSINESS LICENSE DIVISION
- I. CITY AUDITOR'S INVESTIGATION OF OAKLAND PROMISE
- J. BLUE SHIELD'S NEWS LETTER NOVEMBER 4, 2019- CONTRIBUTION OF \$1,000,000,000.00 MILLION DOLLARS TO OAKLAND PROMISE
- K. DR. MICHAEL McAFEE, PRESIDENT, BOARD OF DIRECTORS OAKLAND PROMISE, STATEMENT OF **MERGER** WITH EAST BAY COLLEGE FUND.
- L. SUSAN STUTZMAN, FORMER CHAIRPERSON OF BOARD OF DIRECTORS EAST BAY COLLEGE FUND, STATEMENT REGARDING **MERGER** WITH OAKLAND PROMISE
- M. GUIDESTAR PLATFORM FOR NON-PROFITS -*OAKLAND PROMISE **DOES NOT** APPEAR