

# Dear Editor – Thomas Small’s Legacy

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Dear Editor,

City Council Member Thomas Small has concerns about how Culver City will view his legacy. He recently announced that he would not seek election to a second term, as he plans to be very involved as the Chief Executive Officer (CEO) of Culver City Forward (CCF). He states, “I am committed to successfully completing my service on the City Council [until his term expires]. ... This has been an extremely difficult decision ... as I determine how to best serve Culver City in the near and long term.” For the reasons set forth herein, even in Culver City’s ethics desert, Mr. Small should immediately resign from his position as a member of the City Council or be removed from office.

Culver City’s self-anointed Godfather—Andrew Weisman—has valuable advice. The March 23, 1986 Los Angeles Times quoted him as saying, “Culver City is entitled to the independent judgment of city council members whose impartiality is untainted.... The responsibility that the elected official has is to disclose.... [T]he individual has to be sensitive enough to mention the potential conflict[.]” (Mr. Weisman’s subsequent conduct widely missed the mark. He should have listened to his younger-wiser self.)

Furthermore, in matters involving factual determinations, City Council Members are legally required to be “impartial, noninvolved reviewer[s].” Bias—“an interest ... of such importance [] that it could have influenced [] judgment”—is verboten.

So, why does this situation require Mr. Small's immediate resignation or removal from office?

First, from, at least, March 1, 2019—when CCF was incorporated—Council Member Small improperly failed to disclose fully where his financial interests rested.

Mr. Small informs us that CCF is a “public-private partnership that will engage ... business[] and government stakeholders to address the most urgent challenges of our time. ... [CCF will] pool[] financial resources across Culver City's major corporate stakeholders....” CCF plans financial dealings with governments and major businesses, e.g., the City of Culver City, Culver City Unified School District, Sony, Amazon. Mr. Small reminds us, “My family has also sacrificed over these past years....” Surely, CCF hopes to obtain sufficient funds or profits from those stakeholders to pay its rent and the salaries of its officers—whereby ameliorating any prior financial suffering.

Second, Council Member Small's official conduct and objectivity were increasingly, negatively compromised as his launch of CCF neared.

Staff makes recommendations on all projects that come before the City Council. A City Council Member's decisions involve an assessment of Staff's competence and whether a project yields maximum benefit to the residents of Culver City. However, Mr. Small knows that Staff and project sponsors will determine CCF's success or failure. If he does not wish to compromise CCF's future, his decisions must not offend Staff and the project sponsors.

By December 2019—as Mr. Small was “making arrangements for the public launch of CCF”—Mr. Small began ignoring Staff's improprieties. During his 2016 campaign, he came to our home to address our neighbors. We had two issues of concern; one was Culver City's need for an effective fraud, waste, and abuse program and associated hotline (FWA Program/Hotline). He agreed with our assessment and said he was totally committed to support it. We believed him. Several of us contributed to his campaign and worked diligently to secure his election. At the June 12, 2019 Financial Advisory Committee meeting—when Staff committed to implement fully the effective FWA Program/Hotline under discussion—Mr. Small graciously “thanked everyone for their wok [sic] ... and [expressed] appreciation to the Greenbergs for their advocacy.” Three months later, at the September 9, 2019 City Council Meeting, Council Member Small reiterated his pleasure with the FWA Program/Hotline and voted to fully implement it. Shortly thereafter, Staff failed and, thus, refused to fulfill its commitment. In November 2019, I alerted Mr. Small to Staff's recalcitrance. To our astonishment, Mr. Small—co-Chairperson of the Ad-Hoc Subcommittee on Internal Controls and member of the City Council—totally ignored us and intentionally overlooked Staff's wrongdoing. He has continued to do so.

Don't look to City Attorney Carol Schwab for advice on this matter. The May 17, 2015 City Council Minutes reflect the City Attorney's approach to conflicts of interest and bias: “Carol Schwab, City Attorney, discussed instances where a conflict of interest arises; the

appearance of bias; and she clarified that it is up to the individual Councilmember to make the decision.” The City Attorney is willing to sit silently when untrained City Council Members make far-reaching decisions involving ethics. It appears that, while being rewarded with the big bucks from Culver City, she believes that City Council Members can do no wrong. One might suspect that Ms. Schwab attended the Kenneth Lay (Enron) School of Ethics.

Don’t look to the four other City Council Members to remove Mr. Small from office. They know that Council Member Small—CEO of soon-to-be-power-player CCF—might have cushy opportunities for them at CCF. Someone called it a revolving door. Others might label it a swamp. Will the see-nothing, say-nothing, do-nothing code-of-silence cultural of Culver City government ever change?

For all the aforesaid reasons, Mr. Small, please salvage your legacy and do the ethical thing—immediately resign. It is “how to best to serve Culver City in the near ... term.” Then, we will wish you well.

Les Greenberg, Esquire