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December 9, 2021

Paul Grisanti, Mayor
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861
(PGrisanti@malibucity.org)

Re: Report of Independent Investigation of Wagner Affidavit – Correction

Dear Mayor Grisanti:

We write to advise the City Council of an error in the report of our investigation of the Wagner Affidavit. The report incorrectly states that J. Flo (“JJ”) Katz did *not* respond to multiple requests for an interview (*see* p. 6, Part III(D)(3), p. 8, fn. 4). In fact, Ms. Katz *did* contact Mr. Newhouse by phone on July 28, 2021, on her own initiative. During the brief telephone conference that followed, Ms. Katz provided information about what she believed to be corruption in Malibu. Based on the investigation we had completed to date, as Ms. Katz lacked first-hand, direct knowledge of corrupt acts, we did not credit her assertions. For the most part, Ms. Katz heard things from others that caused her to believe that City Government was corrupt.

Mr. Newhouse and Ms. Jenness (by email, and phone, respectively) thereafter attempted to reach Ms. Katz. We were unsuccessful insofar as we used contact information for her that had been provided by another witness. That contact information turned out to be faulty. So, Ms. Katz’ failure to respond to our inquiries (while true) appears to have been caused by counsel’s reliance on bad contact information, and the statement that she failed to respond to our inquiries is incorrect.

Ms. Katz brought the error in the report to our attention after its publication. We invited her to speak with us to consider information relevant to our report, and today she had a telephone interview with Ms. Jenness. Having considered the additional information Ms. Katz presented, we do not believe that substantive changes to the report are warranted. These points are adequately addressed in our present report which we hereby affirm.

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We regret the error, and appreciate the opportunity to set the record straight. Please let us know if you would like further information regarding this or any other issue raised in our investigation and report. We thank the Council for its patience and courtesy as always.

Best regards,

LAW OFFICES OF EVAN A. JENNESS

Evan A. Jenness

Evan A. Jenness

RICHARDS CARRINGTON

George B. Newhouse, Jr.

George B. Newhouse, Jr.

Cc: City Attorney John Cotti