



July 20, 2021

John Cotti  
City Attorney  
City of Malibu  
23825 Stuart Ranch Rd.  
Malibu, CA 90265

Re: Investigation involving Bruce Silverstein, Councilmember

Dear Mr. Cotti:

Ellis Investigations Law Corporation thanks you for the opportunity to work on the investigation matter at the City of Malibu (City). We have completed the investigation. The confidential investigation report is provided under separate cover.

In brief, the Firm reviewed whether Bruce Silverstein, Councilmember, mistreated Reva Feldman, former City Manager, because of her gender and found that he did not.

As an initial matter, it was the case that Mr. Silverstein's communications and conduct toward and about Ms. Feldman were frequently hostile and unprofessional. Ms. Feldman and witnesses described Mr. Silverstein's conduct as "harassment" and a "hostile work environment." These are legal terms that, under the law, apply to conduct based on a protected category—such as age, gender, race and others. Here, Ms. Feldman indicated gender as the underlying reason for Mr. Silverstein's conduct. If Ms. Feldman's gender were a factor, then Mr. Silverstein's pattern of hostile and unprofessional conduct toward her reflected "harassment" and a "hostile work environment." The evidence, however, did not support that Mr. Silverstein's conduct involved a gender-based animus toward Ms. Feldman. Rather, it reflected Mr. Silverstein's dissatisfaction with Ms. Feldman's performance in managing the City and that they disagreed over various business issues.

Among other things, this finding was supported by: (1) the lack of evidence reflecting that Mr. Silverstein's conduct involved Ms. Feldman's gender; (2) the evidence negating that Mr. Silverstein mistreated other women; and (3) the evidence that Mr. Silverstein also engaged in critical conduct toward men.

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This finding was also supported by the evidence that Ms. Feldman and Mr. Silverstein began having conflicts over various City matters in the aftermath of the Woolsey Fire, which occurred in November 2018. There was no dispute that Mr. Silverstein's dislike of Ms. Feldman began before his election to the City Council and that he wanted her removed from her City Manager position. He readily acknowledged—and multiple witnesses and documents corroborated—that he ran on a platform that included trying to have her removed from her position. The evidence reflected that Ms. Feldman and Mr. Silverstein continued to conflict over various City matters throughout Mr. Silverstein's onboarding and after he was sworn in as a new councilmember.

Mr. Silverstein's conduct toward Ms. Feldman throughout these conflicts often reflected hostility and unprofessionalism. His conduct, however, involved various disagreements over City business having nothing to do with Ms. Feldman's gender.

Thank you again for the opportunity to handle this matter.

Sincerely,



Leslie D. Ellis  
Ellis Investigations Law Corporation