

February 8, 2018

Jennifer Schembri, Director of Employee Relations
City Manager's Office
Office of Employee Relations
200 E. Santa Clara St.
San Jose, CA 95113

Re: Tam Nguyen, District 7 City San Jose City Council

Dear Ms. Schembri,

This office represents a private citizen, Ms. Van Le, who is currently running against the incumbent, Mr. Tam Nguyen, for District 7 San Jose City Council. This letter is intended as formal notice to the Council of our intent to bring legal action against Tam Nguyen.

On March of 2017, Mr. Tam Nguyen, a sitting member of the San Jose City Council was disbarred from the privilege of practicing law for "acts of moral turpitude" and mishandling of clients' money. A review of Mr. Nguyen's record with the California State Bar indicates that he specifically, "diverted funds" from insurance companies and withheld monies from his clients' for his own personal use. The report states that he also concealed evidence.

As far we know, no actions amounting to censure or reprimand were taken by the San Jose City Council. It is unfortunate that he has faced no consequences for his unethical and unprofessional behavior. My office requests that an ethics investigation be launched into Mr. Nguyen's behavior and at a minimum, this letter be forwarded to the proper committee, commission or board charged with the responsibility to review Councilmember Nguyen's actions.

Second, Mr. Nguyen has abused his power as a sitting member of the San Jose City Council in order to push an absurd, offensive and injurious notion that my client Ms. Van Le is associated with the North Vietnamese Communist regime, the socio-militant group which is believed to have betrayed the Vietnamese cause for independence and slaughtered tens of thousands of civilians. He has employed a wide variety of shamelessly outrageous tactics in a bid to libel, slander and emotionally damage my client in order to scandalize the upcoming re-election in his favor. For example, Mr. Nguyen showed up at Ms. Le's press conference on August 15, 2016, to encourage his supporters to shout at Ms. Le and cause disruption. Further, he had the audacity to call the San Jose Police to support his unlawful behavior.

On July 22, 2017, at his press conference announcing his intention to run for reelection, Councilman Nguyen, using city resources (Community Center) directed his supporters at a public appearance to distribute a flyer clearly featuring an image of my client falsely accusing her of being a communist. *Enclosed* is a copy of the flyer publication that Mr. Nguyen has passed around. His supporters are also disseminating this flyer through email. The flyer has also been seen on YouTube and in Vietnamese local media. Examining this document closely shows an apparent cut and paste job with a strange letter head appearing to be a business card. It states on top left "Note Verbale No 7 (the number 7 is handwritten). There is no signature on this letter from any official. The letter clearly supports the display of the Socialist Republic of Vietnam flag something the community of District 7 are vehemently opposed to. This letter alone strokes the fears of the Vietnamese Community in San Jose, in America. Mr. Nguyen knows this and is using it against my client. But what is disturbing is that Mr. Nguyen is attempting to pass this letter off as an official communication from the Consulate General of the Socialist Republic of Vietnam. It appears fabricated and my office is in the process of confirming the invalidity of this letter. In addition, this publication made its way to Milpitas on September 5, 2017, where the Vice Mayor Marsha Grilli and her constituents noted that they were not aware of its existence. This office believes that this flyer—as well as any numerous other actions by Tam Nguyen and his supporters-- is in violation of ethics rules as promulgated and enforced by the Board of Fair Campaign & Political Practices.

Also, by making use of a public space and public resources in order to surreptitiously push a personal political agenda, Tam Nguyen is in violation several statutes including **Cal. Gov. Code §§ 8314, 54964, 89001, and 87406 et seq.** Tam Nguyen's actions indicate that he will abuse his office as a sitting City Council without remorse or pause. Will the San Jose City Council continue to fail to reprimand or censure Mr. Nguyen?

Our office is researching all legal remedies against Tam Nguyen with the intent to pursue them vigorously. This office is requesting a formal investigation examining why Tam Nguyen has faced no professional discipline by the San Jose City Council for "acts of moral turpitude"; and why he still continues to abuse the power of his office with impunity.

Copies of this letter and flyer attachment will be sent to the Mayor, San Jose City Council, and the media.

If you have any questions, please contact me.

Regards,



Susana Hamilton



CONSULATE GENERAL OF VIETNAM

1700 CALIFORNIA STREET, SUITE 430
SAN FRANCISCO, CA 94109
TEL: 415.922.1707
FAX: 415.922.1848 415.922.0307
Note Verbale
No. 07

TẠI SAO NHỮNG NGƯỜI NÀY CÙNG CHUNG LẬP TRƯỜNG CHÔNG NQ CẨM CỜ ĐỎ?

The Consulate General of the Socialist Republic of Vietnam in San Francisco presents its compliments to the City Council of Milpitas and has the honor to refer to the agenda of the City Council's meeting on February 21, 2017.

The Consulate General would like to deplore any request that opposes the display of the flag of the Socialist Republic of Vietnam. The Consulate General would like to assert that the relationships between the Socialist Republic of Vietnam and the United States of America have been growing in all fields since diplomatic establishment in 1975, regardless of Democratic Republic of Vietnam or the Socialist Republic of Vietnam flag. Furthermore, the right to display the flag is a national right nationwide. Both the flags of the United States and the Socialist Republic of Vietnam are the symbols of the struggle for national independence and freedom, therefore, strongly rejects and opposes any request to limit the display of the flag of the Socialist Republic of Vietnam.

Any request opposing the display of the flag of the Socialist Republic of Vietnam would go against our efforts to heal the wounds of war and build a better future for the next generations. Provocation, in the interests of good relations, is not in the interests of good relations with the Socialist Republic of Vietnam.

The Consulate General would like to request that the City Council members to refuse the request and support our country.

The Consulate General of Vietnam would like to take this opportunity to renew to the highest consideration.

CSVN: Viết Thư Phản Đối Nghị Quyết Cẩm Cờ Đỏ

Honorable: Mayor Sam Licardo, City Council members, City Manager and Attorney:

My name is Van Le and I am a community activist that attended the rules committee meeting and public hearing related to the resolution "opposing the display of the flag of the Socialist Republic of Vietnam". I appreciate the time and effort you invested in making resolution 3.8 possible. Unfortunately, resolution 3.8 created a large degree of controversy in the Viet-American community.

The controversy stems from the difference between section 2 of resolution 3.8 created by the city of San Jose and 8.1 created by the city of Westminister in Southern California. The city of Westminister adopted the resolution to include city limits in its resolution. Below is city of Westminister resolution item #3.8 adopted and approved on December 14, 2016 and the resolution item #3.8 of city San Jose was adopted on January 24, 2017:

City of Westminister: (December 14, 2016)

SECTION 1: The Major and city council hereby reaffirm the city's prior recognition of the former Republic of Vietnam flag as the official flag of the Vietnamese Nation and that it may be displayed on any city-owned property at any city-control or sponsored Vietnamese American event subject compliance with the city's standard permitting requirements.

SECTION 2: The major and city council further expressed that they are opposed to the display of the flag of the Socialist Republic of the Viet Nam within Westminister City limit. This flag historically and continually served as a symbol dictatorship and tyranny and for this reason, the Major and Council further resolved that it should not be displayed by the City on any of its property.

LÊ CẨM VÂN: Cũng viết thư phản đối Nghị Quyết Cẩm Cờ Đỏ

SECTION 1: The city hereby reaffirms its prior recognition of the Vietnamese Heritage Freedom Flag as the official flag of the Vietnamese American community in San Jose

SECTION 2: The city expresses opposition to the display of the flag of the Socialist Republic of Vietnam of any city owned flag pole.

We request all city council members take the time to revisit the comparison of two resolutions. We know if we could amend San Jose's resolution to match that of the city of Westminister. If the city is unable to modify San Jose Section 2, we suggest that you completely remove section 2. Voice of opposition to the display of the flag may give rise to opposition groups outwardly displaying the flag in much greater proportion than previously demonstrated.

We look forward to hearing your response on this issue.

Regards,

Van Le
Community activist



CHRIS LE



KIEM AI



VO TU DAN



LE CAM VAN



For immediate release: February 8, 2018

Contact: Mark Tiernan (408) 582-3782

Van Le Files Ethics complaint against San Jose City Councilmember

Complaint charges Nguyen with Stealing from clients, Libel, Slander and Misuse of city facilities

Nguyen disbarred by State of California in March 2017

San Jose- San Jose city Councilmember Tam Nguyen, an attorney who was disbarred by the State of California Bar Court in March of 2017, is the subject of an Ethics complaint filed by Van Le.

Ms. Le, a candidate for San Jose City Council in District 7, and her attorney Susana Hamilton submitted a letter of complaint to the city of San Jose Director of Human Relations Jennifer Schembri on Thursday February 8, 2018.

The disbarred attorney Nguyen was found guilty of withholding evidence and stealing from his clients on several occasions. In March of 2017 the State of California Bar Court disbarred Nguyen from the privilege of practicing law for “acts of moral turpitude, misuse of client’s money, and concealing evidence”.

“I think it is a shame that District 7 residents are represented by a councilmember who has been disbarred by the State of California Supreme court from practicing law because he cheated his clients financially and concealed evidence several times. If he can’t be trusted to protect his clients’ money, how can we trust him to protect the tax payer’s money?”, stated Ms. Le.

Nguyen, who was also suspended from the practice of law in 2004 by the State of California, faces charges of libel, slander, misuse of city facilities and violating several state government statutes.

Ms. Le remarked, “We can’t find any record of any censure or disciplinary record by the city of San Jose against Mr. Nguyen for his shameful actions. Our elected officials must be held accountable for their actions. It’s time for Mr. Nguyen to be held accountable for his own shameful acts against our community.”

Van Le, a successful small business owner and a community volunteer for over 30 years, is currently serving her second term as a member of the East Side Union High School District Board of Trustees. She is a candidate for San Jose City Council in District 7.