

Michele King

From: Dhruv Khanna <dhruvkhanna2002@yahoo.com>
Sent: Wednesday, March 13, 2024 5:12 PM
To: Nai Hsueh; John Varela; Richard Santos; Rebecca Eisenberg; Board of Directors
Subject: "Potential theft" of documents

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Dear Valley Water Board of Directors,

I have noticed a recent memo authored by your CEO that refers to a "potential theft" of Valley Water's investigation-related documents that are allegedly confidential.

I offer the following observations for your consideration:

1. There is no contention that my representative Board Director Eisenberg was not entitled to view whatever documents she took home.
2. There is no contention that Valley Water lacks the ability to create more copies of the documents that Mr. CEO claims were "potentially" thieved by Ms. Eisenberg.
3. There is no contention that I'm aware of that Ms. Eisenberg has impermissibly shared the alleged stolen documents with any unauthorized person.
4. There is no allegation that I'm aware of that Ms. Eisenberg has sold the documents to a third party for money.

What I'm acutely objecting to is your CEO's casual use of the words "potential theft." These are loaded, derogatory words. If you are a CEO, you are dead sure whether or not someone has stolen something -- that is taken something of value of your organization and sold it off or used it impermissibly. I don't see why any public official cannot take home allegedly confidential documents that the official is entirely authorized to view. As a lawyer for over 37 years, I have not hesitated to take home client-confidential, attorney-client privileged documents at will. In so doing, I have not stolen from my client or my law-firm, employer. They (the client and the law firm) have benefitted from such work-at-home.

The words "potential theft" concerning actions in the past are utterly nonsensical. The act has already occurred: Ms. Eisenberg took documents she was entitled to view at Valley Water home. Is that so wrong? Could she have copied every page while viewing the documents at Valley Water on her iPhone or Android? **Either Ms. Eisenberg has stolen the documents or not. Either your CEO is alleging that Ms. Eisenberg has stolen Valley Water's property or not? Which is it? Is your CEO alleging the Ms. Eisenberg is a thief or not? What does "potential theft" mean?**

I think it means that your CEO is making "theft" allegations that are on very shaky ground. And your CEO knows it, so he has used the words "potential theft." I accordingly respectfully submit that your

CEO is potentially prevaricating, that, as a CEO and otherwise, he is potentially incompetent, that he is potentially seeking to eviscerate Ms. Eisenberg's authority; that he is potentially trying to usurp the power of the Board and potentially enslave you to his bidding.

Please see the dictionary definition of the word, "theft" at <https://www.merriam-webster.com/dictionary/theft#:~:text=%3A%20the%20act%20of%20stealing,the%20rightful%20owner%20of%20it> :

theft

noun

'theft

Synonyms of theft

a

: the act of stealing

specifically : the felonious taking and removing of personal property with intent to deprive the rightful owner of it

Has Ms. Eisenberg committed a felony. Either prove it or not. If not, fire your CEO.

Unfortunately, I am unable to attend tomorrow's meeting so I am contributing this email instead because I feel very strongly that Valley Water is wasting everyone's time, taxpayer and ratepayer money. Ms. Eisenberg is our elected representative. Your CEO uses the phrase "potential theft" as to the physical movement of allegedly confidential documents from Ms. Eisenberg's viewing pleasure at Valley Water to her home. How much more of our money are you going to waste on this? What is clear to me is that your CEO, not Ms. Eisenberg should be taken to task. "Potential theft" -- seriously? I would fire any one who worked for me that characterized an alleged misappropriation of my organization's property that has already occurred as a "potential theft" -- either Mr. CEO is alleging theft by Ms. Eisenberg or he is not -- which is it? Your CEO is making here serious allegations against a fellow Board member for "potential theft" -- whatever that means. Please proceed carefully. I think that your CEO's use of words "potential theft" speaks for itself. Thank you.

Dhruv Khanna, 742 Alester Avenue, Palo Alto.