

Commission on the
Status of Women

Commission on the Status of Women

Wednesday, June 19, 2024 – 7:00pm

North Berkeley Senior Center

1901 Hearst Ave, Berkeley, CA 94709

AGENDA

Mayor Arreguin:
Tiffaney Boyd

Rashi Kersarwani:
Alyssa Plese

Terry Taplin:
Saanvi Arora

Ben Bartlett:
Kameka Goodwin

Kate Harrison
Shirley Posey

Sophie Hahn
Vice-Chair Radha Seshagiri

Susan Wengraf:
Chair-Carole Marasovic

Rigel Robinson:
Keyanna Ortiz-Cedeno

Mark Humbert
Linda Oliver

All items are for discussion and possible action.

1. Roll Call.
2. Reading of Land Acknowledgment.
3. Public Comments for Items not on the Agenda.
4. Approval of the Agenda. Discussion and Possible Action.
5. Approval of the May 15, 2024 minutes. Discussion and Possible Action.
6. Reconsider Amending Minutes from the January 17, 2024 COSOW Meeting. Discussion and Possible Action.
7. Proposed Recommendation to Council Regarding Drafting and Distribution of Materials to Inform Older Homeowners, Many of Whom are Older Woman, and Minority Homeowners Vulnerable to Exploitation from Realtors, Appraisers, Mortgage Lender, Speculators, and Others. Discussion and Possible Action.
8. Proposed Letter on Support for Families Displaced from Golden Gate Fields. Discussion and Possible Action.
9. Chair Report. Discussion Only
10. Meeting Protocol. Discussion and Possible Action
11. Adjourn

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SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Manager’s Office located at 2180 Milvia Street, 5th Floor.

Commission Contact Information

*Okeya Vance-Dozier, Secretary
Commission on the Status of Women
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
510/981-7239 (Office)
510/529-5376 (Cell)
Ovance-dozier@berkeleyca.gov (email)*

Land Acknowledgement Statement

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.



Commission on the Status of Women

**Commission on the Status of Women
Regular Meeting – May 15, 2024
DRAFT MINUTES**

The meeting convened at 7:30pm with Chairperson Marasovic presiding.

ROLL CALL

Present: Seshagiri, Goodwin, Posey, Ortiz-Cedeno, Oliver, Plese, Marasovic, Boyd

Absent:

Leave of Absence:

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Comments from the Public

- Public attendance: 3
- Public comments:

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Action Items:

Item # 1:

Approval of Agenda. Discussion and Possible Action.

M/S/C: Posey, Marasovic

Ayes: Seshagiri, Goodwin, Posey, Ortiz-Cedeno, Oliver, Plese, Marasovic, Boyd

Absent:

Leave of Absence:

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Item # 2:

Approval of the Minutes from April 17, 2024 COSOW Meeting. Discussion and Possible Action.

M/S/C: Marasovic, Oliver

Ayes: Seshagiri, Goodwin, Posey, Ortiz-Cedeno, Oliver, Plese, Marasovic, Boyd

Absent:

Abstain:

Leave of Absence:

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Item # 3:

Presenter, Tech CEO on the Impact of AI on Women and Creating Economic Opportunities in Small Businesses. Discussion and Possible Action.

No Action Taken.

M/S/C:

Ayes:

Absent:

Leave of Absence:

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Item # 4:

Presenter, Healthy Black Families on Small Businesses. Discussion and Possible Action.

No Action Taken.

M/S/C:

Ayes:

Absent:

Leave of Absence:

The meeting was adjourned at 10:10pm

Respectfully Submitted,

**Okeya Vance-Dozier, Secretary
Commission on the Status of Women**



Commission on the Status of Women

**Commission on the Status of Women
Regular Meeting – January 17, 2024
DRAFT MINUTES**

The meeting convened at 7:00pm with Chairperson Marasovic presiding.

ROLL CALL

Present: Marasovic, Posey, Ortiz-Cedeno, Boyd, Goodwin

Absent: Seshagiri

Leave of Absence: Arora, Oliver

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Comments from the Public

- Public attendance: 1
- Public comments: 1

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Action Items:

Item # 1:

Approval of Agenda. Discussion and Possible Action.

Meeting began with item #5, and staff would proceed to the following items until the presenter arrives and pick up once the presentation has concluded.

M/S/C: Posey, Goodwin

Ayes: Marasovic, Posey, Ortiz-Cedeno, Boyd, Goodwin

Absent: Seshagiri

Leave of Absence: Arora, Oliver

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Item # 2:

Presentation on Title IX and Affirmative Consent with Q and A. Discussion and Possible Action.

Presenter will send an informational mail to secretary which will distribute.

M/S/C:

Ayes: Marasovic, Posey, Ortiz-Cedeno, Boyd, Goodwin

Absent: Seshagiri
Leave of Absence: Arora, Oliver

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Item # 3:
Possible Presentation on Sex Trafficking with Q and A. Discussion and Possible Action.
Presenter was not available commissioners will move to another meeting date in the future.

M/S/C:
Ayes: Marasovic, Posey, Ortiz-Cedeno, Boyd, Goodwin
Absent: Seshagiri
Leave of Absence: Arora, Oliver

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Item # 4:
Update from the Small Business Subcommittee and Possible Presentation by Small Business Owner. Discussion and Possible Action.
This will be moved to a future meeting as all commissioners on the subcommittee were not present.

M/S/C:
Ayes: Marasovic, Posey, Ortiz-Cedeno, Boyd, Goodwin
Absent: Seshagiri
Leave of Absence: Arora, Oliver

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Item # 5:
Approval of the Minutes from November 15, 2023 COSOW Meeting. Discussion and Possible Action.
All commissioners with the exception of one approved minutes, the other abstained due to her not being present at the last meeting.

M/S/C: Marasovic, Goodwin
Ayes: Marasovic, Posey, Ortiz-Cedeno, Goodwin
Abstain: Boyd
Absent: Seshagiri
Leave of Absence: Arora, Oliver

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Item # 6:
Approval of 2024 Meeting Schedule. Discussion and Possible Action.
The calendar for 2024 was set and will be distributed to commissioners in the agenda packet.

M/S/C: Boyd, Posey

Ayes: Marasovic, Posey, Ortiz-Cedeno, Boyd, Goodwin

Absent: Seshagiri

Leave of Absence: Arora, Oliver

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Item # 7:

Letter to Council on Right to Reproductive Freedom. Discussion and Possible Action.

Commission Chair verbally read aloud the drafter letter to commissions. Discussion was had to include a few edits and would be sent to the secretary to send over to the council.

M/S/C: Marasovic, Ortiz-Cedeno

Ayes: Marasovic, Posey, Ortiz-Cedeno, Boyd, Goodwin

Absent: Seshagiri

Leave of Absence: Arora, Oliver

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The meeting was adjourned at 9:45pm

Respectfully Submitted,

**Okeya Vance-Dozier, Secretary
Commission on the Status of Women**



The Redwood City home a woman said she unwittingly signed away for a fraction of its value. San Mateo County prosecutors filed criminal charges against the people accused of swindling her.

Google Street View

Over two rounds of margaritas at Applebee's, a 66-year-old school crossing guard signed a deal with a real estate agent, thinking she had rescued her \$1.7 million home in Redwood City from foreclosure.

Instead, Sara Jansohn had unwittingly sold the house for less than a third of its value. The buyer, a Hollywood actor named Justin Rodgers Hall, was working with real estate agent Tonika Miller in what prosecutors describe as an elaborate but all too familiar ruse to swindle an older adult out of her home.

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Hall flipped the house for about \$1 million a few weeks later, allegedly transferring the proceeds through numerous bank accounts. Shortly thereafter, Miller rolled up to Jansohn's house with a U-Haul, according to a declaration by a Redwood City police detective, trying to "convince" Jansohn to find a new property in Auburn.

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San Mateo County prosecutors filed criminal charges against Hall for allegedly defrauding Jansohn of her home and selling it to an investment firm that fought to evict her. His trial wrapped up Monday with closing arguments. Hall's lawyer argued he tried to honor the terms of a lawful agreement he made with Jansohn.

"The defendant never intended to pay Sara Jansohn anything close to the true value of her house," Deputy District Attorney Kimberly Perrotti told the jury Monday morning. She characterized Jansohn as an "unsophisticated person living a simple life," riding her bicycle to and from her part-time job as a crossing guard, caring for a husband with dementia and renting rooms in her house to various tenants. To Hall she was "an easy mark," Perrotti said.

Hall's defense attorney, Charles Smith, urged the jury not to be swayed by pity toward Jansohn, who did not respond to requests for comment.

In the midst of their dealings with Jansohn, Hall and Miller flew to Orlando, Fla., so that Miller could be a contestant on the game show “Deal or No Deal,” Perrotti said. In an email to the show’s producers that became an exhibit at trial, Hall bragged that Miller had recently closed a \$1 million transaction — apparently referring to the sale of Jansohn’s home. Smith said Hall was simply asked to prepare cute statements to present to a national audience. He accused Perrotti of being obsessed with the game show.

“This whole picture the D.A. (is trying) to sell you is false,” he said.

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Legal observers recognized the sequence of events: a property lands on a county foreclosure list; lenders and brokers who track these lists try to ingratiate themselves to the desperate homeowner; the homeowner is prone to trust anyone who seems knowledgeable and offers financial assistance.

To Darren Orr, an attorney with the Mission District nonprofit Legal Assistance to the Elderly, Jansohn’s situation serves as a cautionary tale to any homeowner in the booming Bay Area, and particularly to vulnerable older adults who have built assets but who may be medically fragile, behind on property taxes, or contending with complex end-of-life decisions.

“I wish I could say this is something unusual,” said Orr, who is currently waging a separate legal battle to keep an 81-year-old woman from losing her \$1.4 million condo in the Upper Haight.

“Seniors are targets,” Orr said, adding that many people over 60 have family homes that are worth a lot on paper, though they may be struggling to keep up on

maintenance or property taxes. “It creates a situation” in which people are in dire need of money and susceptible to undue influence from anyone presenting themselves as an expert, he said.

For Jansohn, the trouble began in July 2018, when Miller, the real estate agent, showed up at her doorstep, according to a brief filed by Jansohn’s attorney, Craig Davis, in the case against Miller.

At the time of Miller’s visit, Jansohn had defaulted on the property tax bill for her family home — a ranch-style house with a decaying picket fence and board-and-batten siding, where Jansohn lived with a tenant and her ailing husband. San Mateo County officials were set to sell her house at a foreclosure auction in early August.

Although Jansohn initially told Miller to leave, she relented a few days later, when Miller popped in a second time, uninvited, the filing said. Miller offered to help save the house with a reverse mortgage, Jansohn told investigators. In Jansohn’s understanding of the deal, Miller would pay the delinquent property tax bill, enabling Jansohn to stay in her residence and cash in on a portion of the equity she had built, to be paid back after she died.

On the afternoon of July 23, Miller and Jansohn met at a Redwood City Applebee’s. Miller ordered two margaritas for Jansohn, who later testified that after the drinks, “the papers came out. And I thought I was signing a reverse mortgage” to draw \$500,000 from her equity. Miller gave Jansohn \$1,000 cash once she signed the paperwork. Prosecutors said Hall waited outside the restaurant in a car.

Less than an hour later, a grant deed was recorded in San Mateo County official records, transferring Jansohn’s house to Rex Regum LLC, a company solely owned by Hall, then a 37-year-old actor from Van Nuys in the San Fernando Valley.

The deed claimed that Jansohn had received \$800,000 for her property, an amount so far below market value that the county recorder reported the sale to law enforcement, leading to the arrest of Hall and Miller on a raft of charges alleging grand theft and money laundering. In 2020 Miller pleaded no contest to charges of theft and forgery and served time in prison. Hall awaits a jury verdict on felony counts of forgery, fraud, perjury, grand theft and other charges. He is out of jail on a \$1.1 million bond, and sat quietly in court Monday as the prosecution and defense sparred one last time. Approached during a court recess, he declined to comment.

Smith, the defense attorney, contends the deal was fair and that Jansohn was aware of the terms.

“My client was going to pay \$500,000 within 120 days; Sara was going to get in essence a life estate” — meaning she could stay in the house until her death, while Hall covered the property taxes, Smith said in an interview. He claimed that within weeks, the parties changed the deal in writing, with Jansohn agreeing to take \$500,000 and planning to move to Auburn, Smith said. Before Hall could give her the money, police intervened, he added.

Smith balked at the district attorney’s argument that Miller had plied Jansohn with alcohol before she signed the first contract.

“No one plied her with liquor,” Smith said. “It wasn’t somebody saying, ‘Oh, here, have a drink, have a drink, have a drink,’ to get her drunk. It was her idea, ‘I want a margarita.’ ‘OK, get a margarita.’ And then, ‘I want another margarita.’ ‘Well, get another margarita.’”

On July 31, Miller appeared for the taping of “Deal or No Deal,” Perrotti said, winning \$400,000 and a Chrysler Pacifica, according to a report in the Palo Alto

Daily Post. She told CNBC she wanted to launch a nonprofit that provided affordable housing for homeless veterans and the elderly, the report said.

Reached by phone, Miller said her entire experience with Hall and Jansohn, and the prison sentence that followed, had been “severely traumatic.”

“I have nightmares about it every single day,” she said. “I’m going to try to forget about it.”

Meanwhile, Hall is waiting for a jury to decide his fate. Lion Share Investments LLC, the company that purchased the house from Hall in 2018, is suing him and Miller for damages. Jansohn has filed a cross complaint against the defendants, alleging elder abuse. Her attorney, Davis, halted Lion Share’s eviction effort.

“Ms. Jansohn never had half a million dollars in her life,” Perrotti said, underscoring the plight of a woman who can spend only a couple of hours a day as a crossing guard “because she spends the rest of her time caring for her sick husband.”

Smith parried with his own closing argument.

“She signed a document,” he said. “If she didn’t understand it, if she claims she was drunk, how come the next day she didn’t pick up the phone and say, ‘You know, I really didn’t know what I signed.’ ”

Reach Rachel Swan: rswan@sfchronicle.com

May 23, 2023 | Updated May 24, 2023 7:28 a.m.



Rachel Swan
REPORTER



SOCIETY

Oakland homeowner settles with appraiser, lender after \$300,000 lowball appraisal



By [Julian Glover](#)

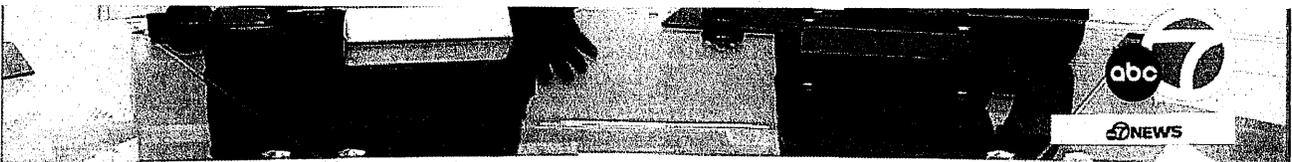
Thursday, May 9, 2024



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An East Oakland homeowner has reached a settlement agreement after receiving an appraisal that came in more than \$300,000 lower than expected.

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OAKLAND, Calif. (KGO) -- An East Oakland homeowner has reached a settlement agreement with a California appraiser and a mortgage company after receiving an appraisal that came in more than \$300,000 lower than expected. The Black homeowner alleged in a complaint with the California Civil Rights Department that she was discriminated against due to her race.

In December 2021, in the thick of the COVID-19 pandemic when home mortgage loan rates were at historic lows, the East Oakland homeowner applied to refinance her mortgage to take out money from the equity in her home to pay for home repairs.

The details of the allegations were shared by the Fair Housing Advocates of Northern California (FHANC) in a release to ABC7 News announcing the settlement agreement.

The name of the mortgage company was not publicized as a part of the terms agreed to in the settlement. The homeowner asked ABC7 News not to share her identity.



"Our America: Lowballed" follows the story of a Black homeowner who received appraisals that were lower than expected appraisals.

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The appraiser hired by the lender appraised the homeowner's property at \$785,000--a value much lower than the homeowner expected.

"First thing I thought was he doesn't like me because of my race," the homeowner told ABC7 News. "I wasn't happy with the amount of what he valued my home at. And then I looked at the (comparable homes) in my area, and I knew something was wrong."

The homeowner asked the lender to reconsider the value in a process known as reconsideration of value (ROV).

The company sent the report back to the same appraiser who did not raise the value of the home.

"I was very hurt and disappointed and got upset and cried a little bit," the homeowner said. "He was discriminating against me because of who I was. I was single, a senior. But he felt that I, my property, wasn't of value."

MORE: Settlement reached in favor of Black Bay Area couple lowballed \$500K in home appraisal

One month later, the homeowner applied for another loan with a different lender. The subsequent appraisal came in at \$1,125,000 -- a \$340,000 difference.

After receiving the higher appraisal, the homeowner reached out to the Fair Housing Advocates of Northern California, thanks to her son who saw one of ABC7's many segments on appraisal bias.

"The important thing to do is to take action as soon as possible because these are short statute of limitations," said Julia Howard-Gibbon, FHANC supervising attorney.

The group helped the homeowner file a civil rights complaint with the state and eventually negotiated a :
both the initial appraise

The lender and the appraiser both deny wrongdoing, but agreed to make sweeping changes to their business practices, according to the release from FHANC.



The Austin family sunk \$400,000 into renovating their home, but were stunned when they barely gained any value during the appraisal process. When they had a white woman pose as the homeowner, that all changed.

The appraiser agreed to pay an undisclosed amount of money to the homeowner, not to discriminate again, and to watch the ABC7 documentary "Our America: Lowballed" that chronicles the systemic nature of appraisal bias.

The appraiser did not return ABC7's multiple requests for comment.

The lender is also changing practices.

"What we've got the lender, in this case, to do is to change the policy. So that if a homeowner says, 'I believe this appraisal came in low because of my race, or the demographics of my neighborhood,' then that has to be reviewed by a different appraiser. Not just the appraiser who did their initial report," said Howard-Gibbon.

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The settlement announcement comes days after the Department of Housing and Urban Development released new guidance on mortgages insured by the Federal Housing Authority.

MORE: 'Our America: Lowballed,' documentary exploring inequality in home appraisals, premieres in Bay Area

The changes now standardize how lenders handle appraisal bias cases after years of reporting on the issue and a task force created by President Joe Biden.

"This new policy helps equip them with the tools to make sure that consumers are better engaged, that lenders are more prepared. And on the backend, there's a lot of tracking," said Sarah Edelman, Department of Housing and Urban Development deputy assistant secretary.

The updated policies handed down by HUD now apply to two-thirds of the mortgage market between FHA, Fannie Mae and Freddie Mac.

According to an analysis of nationwide appraisal data, the FHFA reports there has been a decline in the rates of Black and Latino homeowners receiving so-called lowball appraisals -- an issue ABC7 News has led the charge reporting on.

From 2013 to 2021 Black and Latino homeowners were twice as likely compared to White homeowners to receive appraisals that came in below the contract price.

MORE: North Bay housing report finds discrimination against Latino renters in 3 counties

The lower appraisals often cause a home mortgage loan or mortgage refinance application to fall through, delaying the dream of homeownership or causing homeowners to pay higher interest rates.

Data from 2022 and 2023 show Black and Latino homeowners are one-and-a-half times more likely to

In California, Black homeowners, once twice as likely to receive low appraisals compared to White homeowners, now receive low appraisals at roughly the same rate. This marks a drastic difference.

Still, HUD continues to receive complaints of discriminatory appraisals.

"If there's an inaccurate appraisal, then state regulators should be involved. Where there's an appraisal that has some indication that it's discrimination, those complaints should be filed with HUD or with our state fair housing assistance agencies to conduct investigations," said Melody Taylor, executive director of the Property Appraisal Valuation Equity (PAVE) Task Force.

The PAVE Task Force was created in 2021 by President Joe Biden after several now-viral reports of appraisal discrimination reported by ABC7 News. Many of those stories were featured in "[Our America: Lowballed.](#)"

TAKE ACTION: Local resources to help with housing discrimination issues

"I think the 'Lowballed' documentary really helped move the conversation away from 'Is this happening?' to 'This is happening. What should we do about it?'," said Jillian White, Appraisal Insights CEO.

"Now we're moving into the phase of it's prevalent, there are lawsuits and settlements, and now also definitive action steps that need to be taken by the lenders to really ensure that they're putting up guardrails to prevent this from happening from moving forward," she said.

White recently launched [Appraisal Insights](#), and its appraisal bias certification program. The first of its kind program allows appraisal management companies and lenders to undergo continuing education to make sure that their processes regarding the reconsideration of value process are completely outlined.

The East Oakland home
glad she can move forward
the alleged act of discrimination.

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effective as of 5/24/21.

She encourages others to file complaints with state and federal agencies.

"It has to be us standing up for ourselves and letting them know we're not satisfied. We're not going to take it anymore," she said.

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JUST IN

1 HR AGO

Teen drowned in Northern California after life vest 'somehow came off'

BAY AREA

81-year-old S.F. resident sues in fight to stay in longtime Upper Haight home

By **Rachel Swan**, Reporter

Updated April 24, 2023 6:23 p.m.



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A \$1.4 million condo in the Upper Haight on Page Street in San Francisco. The condo's owner filed a lawsuit claiming she was defrauded out of her home and is facing eviction.

Santiago Mejia/The Chronicle

An 81-year-old woman is suing to keep her \$1.4 million condominium in San Francisco's Upper Haight district, saying she fell victim to a "deceptive, fraudulent and predatory scheme" that caused her to lose her home.

Rosemarie Benter filed a fraud and elder financial abuse complaint Sunday night against Redwood city mortgage adviser Laura Biche and San Carlos real estate broker Michael Bruno, accusing them of an intricate conspiracy that led to the foreclosure of an upstairs unit she purchased in 1991, in a cream-colored Victorian near the Panhandle. Benter said she lost the home after failing to pay a loan worth less than \$10,000, unaware that she had used the condominium as collateral.

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She submitted the lawsuit to San Francisco Superior Court three days after the new owner of her condominium, Eugene Gardner, taped a notice to the door, giving Benter three days to clear out.

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Gardner's attorney said he bought the home lawfully by placing a \$138,000 bid at a foreclosure sale, and that he will have to pay the balance of Benter's \$735,000

mortgage, up to \$40,000 to service the mortgage, and \$10,000 a year in property taxes and homeowner association dues, coming to about \$4,000 a month.

“My client’s intention is to live at this property,” attorney Joanna Kozubal wrote in an email, “however, if Ms. Benter wants to buy it back my client is willing to negotiate.”

Reached by phone on Monday, Biche declined to comment. A representative of Golden West Foreclosure Services cited a list of precedents for wrongful foreclosures, but did not go into detail about what might happen in Benter's case.

For Benter, the trouble began in 2007, when she took out a reverse mortgage — a type of loan that allows older homeowners to cash in on the equity they have built up, on the condition that they stay in the dwelling and pay property taxes.

Thirteen years later, a series of health issues and home maintenance costs plunged Benter into debt, and she fell behind on her property taxes. Seeking to use some of her home equity to cover her \$5,000 property tax bill, Benter reached out to Biche, who persuaded her to apply for an \$8,000 refinancing loan. Biche handled the application but Benter never secured the refinance, and in April 2021 she defaulted on her reverse mortgage when she did not pay property taxes.

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After repeatedly assuring Benter that the refinance would eventually come through, Biche convinced the plaintiff to take out a \$9,519 loan from Bruno, whom Biche described as a trusted friend, according to the lawsuit. She said that Benter could use the funds anticipated from the refinance to pay Bruno back, and “assured (the) plaintiff there was no risk of losing her home in this situation,” the lawsuit said.

“Plaintiff did not understand that her home would be used as collateral and that she would be at risk of losing her home if she failed to make payments on the loan,” the complaint said, adding that Biche facilitated all the signing of documents for the loan from Bruno’s company, Cal-West, and that Benter never met Bruno.

Biche and Bruno did not tell Benter that her home would enter foreclosure proceedings if she failed to repay the loan, the complaint said. In May of last year, Benter suffered a stroke and was diagnosed with breast cancer, which left her drowning in medical bills. By Oct. 7, her loan — with late fees and interest at an 8% rate — had ballooned to \$11,387, and her property had been transferred to Golden West Foreclosure Services.

Around this time she was “inundated with mailings,” the complaint said, mostly from scammers but one from the San Francisco Assessor-Recorder offering “loss mitigation options” to prevent the foreclosure. Biche told Benter to ignore all of them, the complaint said, and because Benter followed Biche’s advice she missed an opportunity to receive \$20,000 in homeowner assistance funds to cover her property taxes.

Her home sold for \$13,000 — less than 1% of its value — at a foreclosure auction on Feb. 2, but then was put up for sale again under a new California law that provides 45 days for tenants, owner-occupants, or affordable housing nonprofits to exceed the highest bid at a foreclosure sale, aiming to protect residents from displacement keep properties from sitting vacant.

Although the San Francisco Community Land Trust submitted a bid, the condo was eventually sold to Gardner, a 52-year-old resident of San Francisco’s West Portal neighborhood.

Gardner, who is also named as a defendant in the lawsuit, bought Benter’s home for \$138,000. He is now trying to evict her.

Benter and her lawyer, Darren Orr of the Mission nonprofit Legal Assistance to the Elderly, believe that “because the loan was void and unenforceable,” the

foreclosure was wrong. They want a judge to declare Benter the sole owner of the property.

Reach Rachel Swan: rswan@sfchronicle.com

April 24, 2023 | Updated April 24, 2023 6:23 p.m.



Rachel Swan
REPORTER



Rachel Swan is a breaking news and enterprise reporter. She joined the Chronicle in 2015 after stints at several alt weekly newspapers. Born in Berkeley, she graduated from Cal with a degree in rhetoric and is now raising two daughters in El Cerrito.

More For You



CITY

'Nothing certain' for most-vulnerable employees at Golden Gate Fields

Hundreds who live and work with horses at the race track that straddles Berkeley and Albany, mostly immigrants, seek housing and career stability.

By Nick Lozito and Ximena Natera

June 7, 2024, 11:28 a.m.



Nicolas Hernandez has lived in Berkeley for about 17 years. He came to California for the horses, moved to the Bay Area for the horses and, soon after Golden Gate Fields holds its final races Sunday, Hernandez will leave with the horses.

Like most of the 200-plus workers who live in a barn area of **Golden Gate Fields**, known as the “backstretch” of a race track, Hernandez is an immigrant. The horse groom from rural Mexico lives with his wife in a tack room, which is meant to store racing equipment but is commonly used for grooms to remain with the horses overnight.

Hernandez rarely leaves his track community, mostly just to buy groceries or go to the bank. He wakes at 4 a.m. to feed the horses, works through the early afternoon, maybe rides his bicycle in the evening and falls asleep each night around 8.

“Even I wonder, when I see that 20 years have passed, I say, what have I done? Where have I been?” Hernandez asked aloud on a recent Tuesday morning at the track. In a nearby room, his wife, Francisca, watched the children of other backstretch workers.



Nicolas Hernandez, a horse groomer, at Golden Gate Fields, tends to a horse after a race. Hernandez, who lives in the backstretch with his wife, Francisca, and Frosty, a 14-year-old barn cat, will move into an RV park at the Pleasanton race track after the last race in Berkeley on June 9, 2024. Credit: Ximena Natera, Berkeleyside/CatchLight

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You can imagine the anxiety for this workforce, which is 98% immigrant Latino — from Mexico, Central and South America.

— Oscar de la Torre

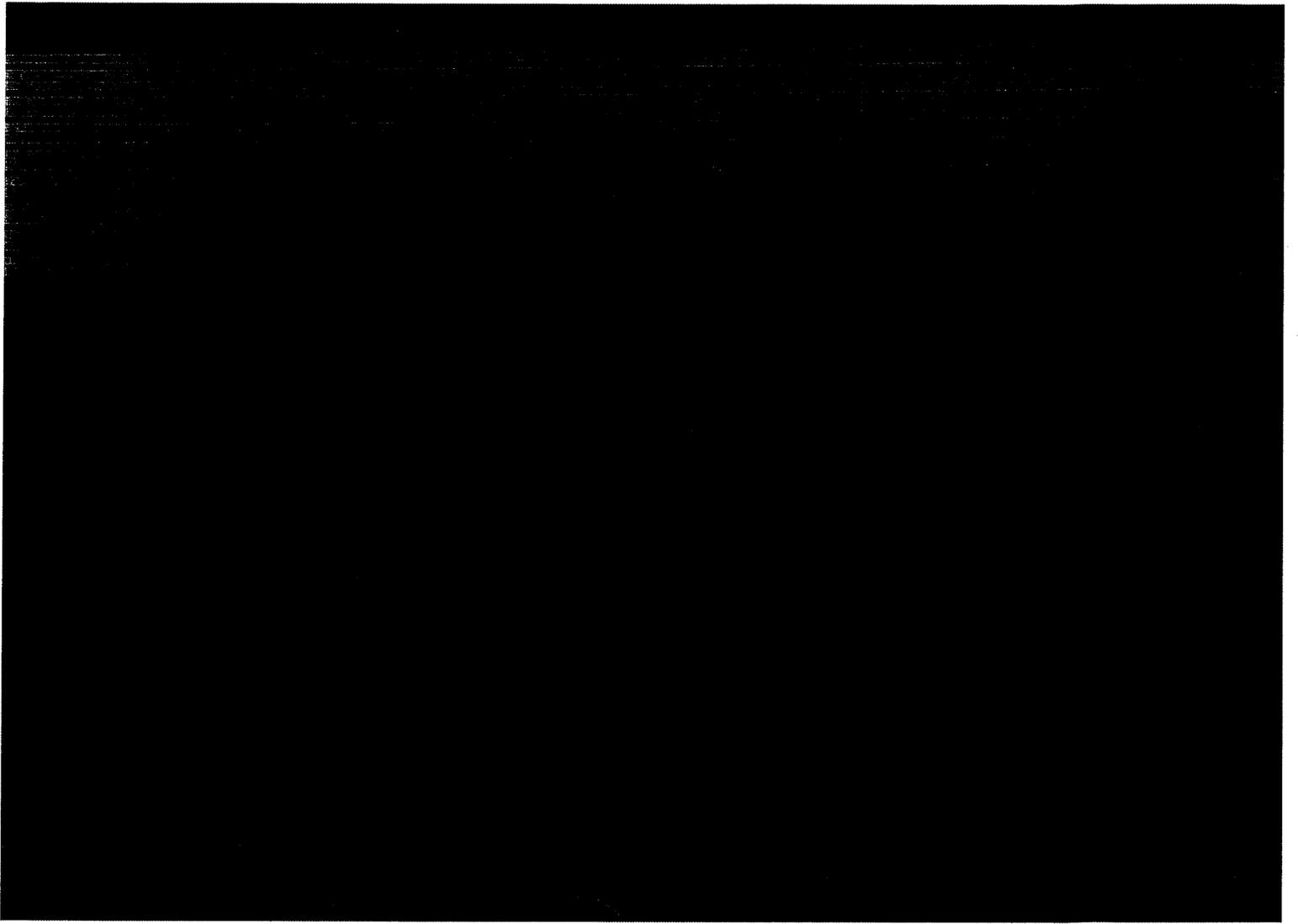
Golden Gate Fields is the only full-time track in Northern California, and its closure threatens the livelihoods of the industry’s most-vulnerable workers, many of whom cling to the hope that a proposed fall racing meet in Pleasanton will provide housing and work.

Leslie Berkler, executive director of the Women’s Daytime Drop-In Center in Berkeley, about 2 miles from the track, said she has connected with 10 families who work on the backstretch, nine who have children. The families are unsure about housing plans in Pleasanton, and were referred to the drop-in center by family counselors with Berkeley Unified School District. Some families hadn’t been told whether their trainers would be taking horses to Pleasanton, Berkler said.

“We want to prevent any families from becoming unhoused in Berkeley,” she said.

Berkler, who fears she won’t know the total impact on families until after the closure, is working with the city’s department of Health, Housing and Community Services.

“You can imagine the anxiety for this workforce, which is 98% immigrant Latino — from Mexico, Central and South America,” said Oscar de la Torre, who the California Horse Racing Board has hired on a temporary basis to assist the workers. Backstretch workers are not unionized and often work on temporary visas. “They don’t have the type of voice that other workers have within the industry,” de la Torre said.



Children's toys lay in the backstretch of Golden Gate Fields in Berkeley. Credit: Ximena Natera, Berkeleyside/CatchLight



Josefa Benitez is the only forewoman working in the backstretch at Golden Gate Fields in Berkeley. Credit: Ximena Natera, Berkeleyside/CatchLight

Workers living on the Golden Gate Fields backstretch don't pay rent. They sleep inside tack rooms that are attached to rows of barns and sheds between Interstate 580 and the San Francisco Bay shoreline. Other backstretch workers, such as exercise riders, who gallop horses in the morning; hotwalkers, who cool down the horses; and foremen and forewomen, who supervise the staff of horse trainers, live in nearby communities.

The Golden Gate Fields backstretch is beyond the south fence of the track, on the Berkeley portion of the 130-acre property (the track, grandstands and track offices are in Albany). Backstretch workers are paid by trainers — a track steward report on the state board website reveals one groom making \$100 per day. The number of workers living at the track was reported as **370 in 2020 by Berkeleyside, when more than 200 track employees** were infected in a coronavirus outbreak, both those who live at the track and those who only work there. Last July, the San Francisco Chronicle reported more than 300 workers lived at the track, watching over nearly 1,000 horses.

The workers share bathrooms, a cafeteria and recreation center. Hernandez uses an electric stove to cook outside. The California Thoroughbred Horsemen Foundation provides health and dental facilities. Another group, the Winners Foundation, assists workers who battle drug and alcohol addiction. Many families confide in Rob Cochran, the track chaplain.

“

It's a big backbone of the industry.

— Isidro Tamayo

“It’s a big backbone of the industry,” said trainer Isidro Tamayo, who lives in Pinole, of the backstretch workers. “Most of them have families and kids who go to school near the race track. Moving to Pleasanton will affect their livelihoods because they will have to change schools. They won’t see their friends. It’s causing a lot of pain, not only financially but also personally.”

Josefa Benitez has worked on the Golden Gate Fields backstretch for more than a decade. But she won’t be moving to Pleasanton, or any other track.

Benitez is the only forewoman on the backstretch, she says. The rest are foremen. Benitez’s boss, a horse trainer, is leaving Northern California. But Benitez will stay in Richmond and work as a caretaker. She shares an apartment with her 15-year-old son, a promising student. Her daughter is an economics major at UC Santa Barbara.



Josefa Benitez plans to break from horse racing after Golden Gate Fields closes and focus on her children. Credit: Ximena Natera, Berkeleyside/CatchLight

Like many backstretch workers at Golden Gate Fields, Benitez was raised in a rural part of the central Mexican state of Zacatecas. Benitez's brother-in-law helped both her and her husband find work at the East Bay track, and the couple chose to pay for a Richmond apartment rather than live for free in a tack room on the backstretch.

“We did it for the sake of our children, even if it was a very small place and we were barely making ends meet,” said Benitez, who is now divorced, of the apartment. “We wanted them to have their own space, and a bathroom, not to worry about them roaming among the horses.”

Berkeleyside reporters visited the Golden Gate Fields backstretch on three occasions this spring. On a 10-minute walk through the barn area during a Saturday meet in April, workers could be seen feeding oats to horses sticking their heads out of stalls. Some of the massive thoroughbreds were being washed after races, while others circled a motorized walker.

A row of Jarritos soda and water bottles lined the window sill of a tack room. Garments hung from a clothesline near a weather-beaten washing machine. Above, a track sign facing Interstate 580 read “WHERE THE BAY COMES TO PLAY.”

Low pay and few protections



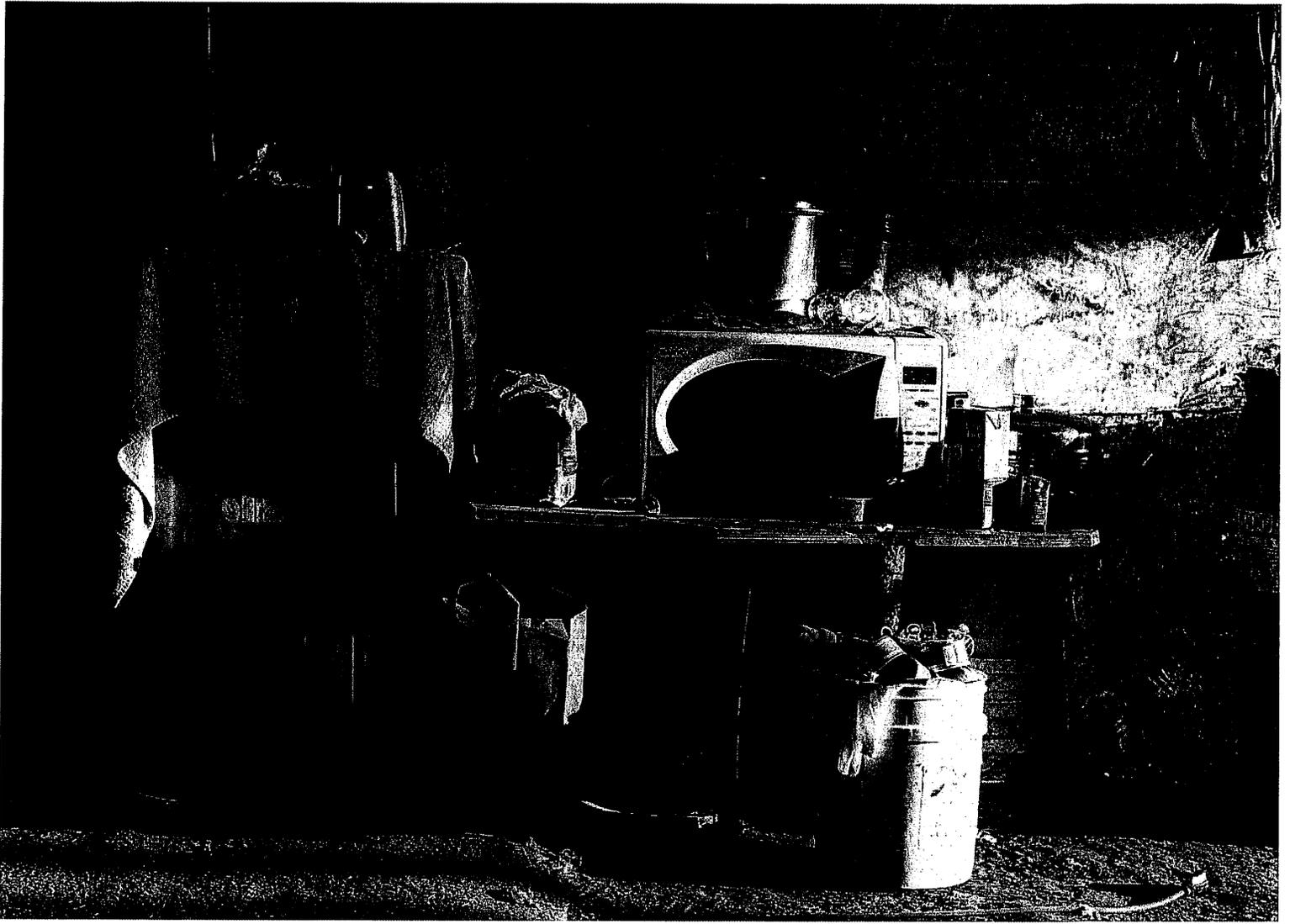
Exercise riders and gallopers take horses to the track for their morning training session ahead of this weekend's races. Usually a bustling scene, the backstretch at Golden Gate Fields was tranquil as many workers, trainers and horses had already moved out ahead of the track's closure. Credit: Ximena Natera, Berkeleyside/CatchLight

The “**Terms and Conditions of Stabling and Racing**” on the Golden Gate Fields website outline the agreement between the track operators, horse trainers and backstretch workers. The terms mostly absolve the Pacific Racing Association — which operates the track for its owners, the Stronach Group — of responsibility for the backstretch.

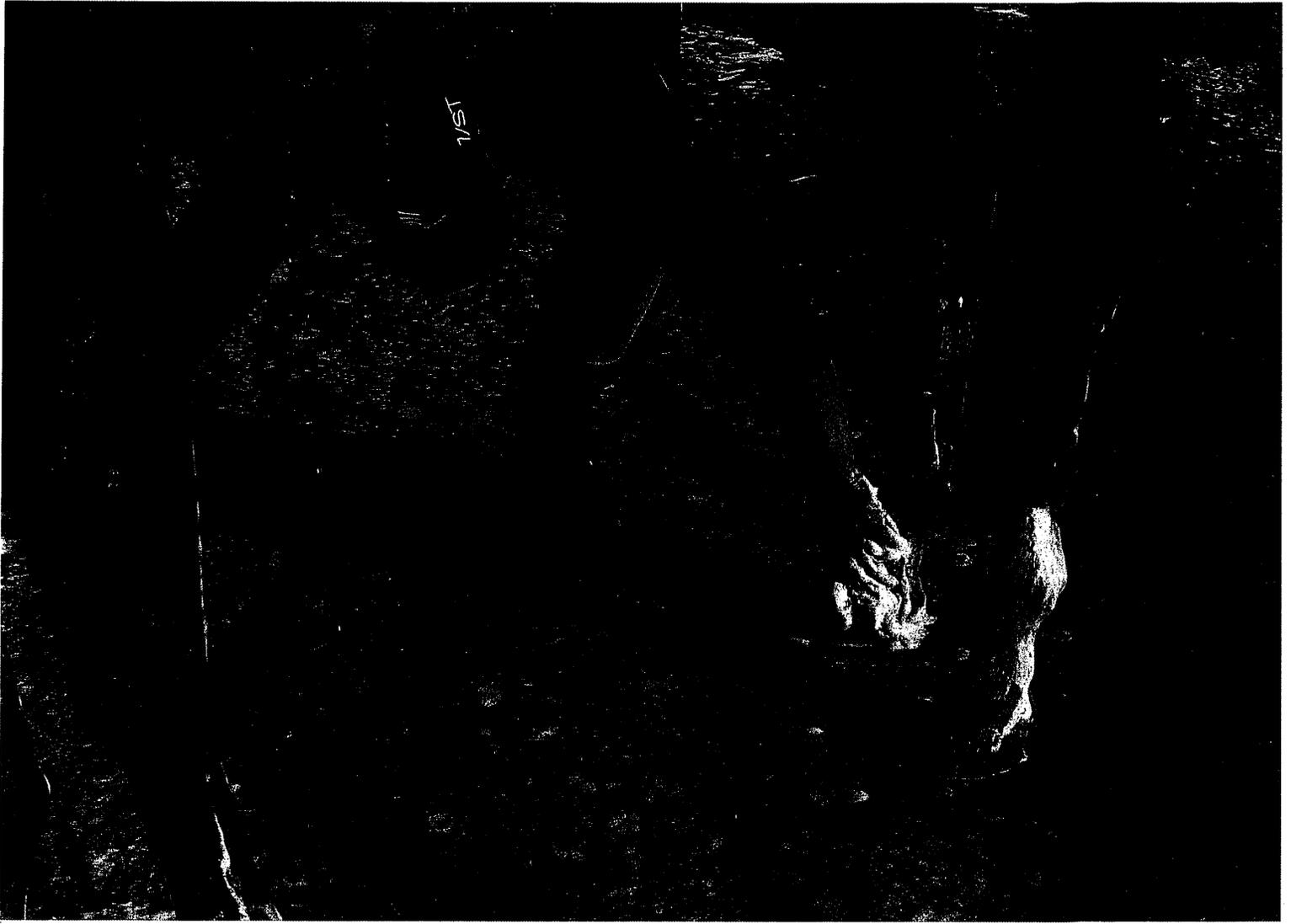
“PRA has no obligation to remedy any condition on the premises which may be caused by the negligence of, or willful conduct of, any such employees, agents, or invitees, unless it has prior written notice of the existence of such condition and has had a reasonable opportunity to repair such condition,” the 2024 stall application states.

The application says trainers must “properly supervise all of their employees, agents, invitees, and other persons known to them.” Trainers are required to hire “competent personnel to take care of (horses) at all times, cleaning and maintaining stalls” and “removing any hazardous condition from such stalls.”

The California Horse Racing Board rulebook, **found on its website**, says that backstretch housing must be inspected at least once per year. The inspections are to be conducted by a board representative “with assistance from the California Department of Housing and Community Development or a local housing authority.” The race track is required to provide “habitable rooms” that include natural light, ventilation, at least one electric light and at least 50 feet of square space with no less than 7 feet in any direction.



Workers living in the tack rooms have improvised kitchens and diner areas outside their rooms, where they are not allowed to cook for fire safety reasons. Credit: Ximena Natera, Berkeleyside/CatchLight



Lorena Robledo, a horse walker; washes a horse after training on June 6, 2024. Credit: Ximena Natera, Berkeleyside/CatchLight

The Stronach Group did not respond to multiple interview requests. An employee whose phone number was listed on the company’s “notice of mass layoff” issued April 5 gave a “no comment” when asked about Golden Gate Fields employees. She referred Berkeleyside to a media relations employee, who has not responded to an email seeking an interview.

In April, when Berkeleyside asked Golden Gate Fields about attending a Saturday meet, an employee suggested by phone that we attend a different date and said “professional cameras” were not allowed at the track. When told of the track policy, a state board member said the Stronach Group was “scared of their own shadow.”

“

The Stronach Group will now consolidate its state racing to Santa Anita Park in Arcadia.

That level of secrecy could result from a 2019 horse doping scandal that followed dozens of horse fatalities at the group's Southern California track, Santa Anita Park. The deaths led to what de la Torre called a “full-on assault by the media” on the racing industry. Dr. Greg Ferraro, a longtime director of the UC Davis Center for Equine Health, was appointed chair of the state board by Gov. Gavin Newsom.

The Stronach Group will now consolidate its state racing to Santa Anita Park in Arcadia. The group recently sold Pimlico Race Course, the Baltimore home of a triple-crown race, the Preakness Stakes, to the state of Maryland. The Stronach Group, which is chaired by Belinda Stronach, a former member of the Canadian parliament, has also been in talks about being the primary investor in a Major League Soccer team in Sacramento.

Ferraro learned of the Golden Gate Fields closure last summer when he was informed that the state was negotiating to purchase the property, he told [Thoroughbred Daily News](#). An Albany spokesperson wrote to Berkeleyside in April that the city “continues to work with all interested parties regarding the transition of the property.” A Berkeley spokesperson wrote in May there have been “informal discussions” about the land.

Golden Gate Fields is not alone. According to [horseracingwrongs.com](#), 45 tracks have closed across the nation since 2000, including Bay Meadows in San Mateo in 2008, which left Golden Gate Fields as the last full-time track in Northern California. Alameda County Fairgrounds in Pleasanton has applied to replace Golden Gate Fields as the hub of Northern California racing, and has proposed to house the families of backstretch workers in residential vehicles rather than tack rooms.



Jerome Hoban, left, and Larry Swartzlander, right, led a proposal to bring horse racing to the Alameda County Fairgrounds in Pleasanton in March. Credit: Nick Lozito

In March, the Stronach Group urged the state board to deny 26 dates to Pleasanton, writing in a letter that the current model of racing in California is “simply unsustainable.” Many trainers and breeders believe Northern California racing won’t survive without a full-time track. And its demise could be a boon for Southern California if more trainers take their horses south and create bigger and more competitive racing fields with larger purses. But industry insiders say most horses who race at Golden Gate Fields wouldn’t be able to compete against higher-level competition at the Southern California tracks.

The board unanimously granted the dates to Pleasanton, but still must approve the race application. Larry Swartzlander, executive director of the California Authority of Racing Fairs, would operate the Pleasanton meet under Golden State Racing branding. The Pleasanton race track, built in 1858, is one of the oldest in the nation and already holds a summer fair meet in June and July. Swartzlander hopes to attract crowds of 2,500-3,000 fans for the longer fall meet.

De la Torre called the plan a “lifeline” to backstretch workers.

A matter of ‘social justice’



“I never, ever imagined I would work with horses, but I love it. They are like us,” said Flor Benitez, a walker at Golden Gate Fields for 22 years who will move to Pleasanton next week. Credit: Ximena Natera, Berkeleyside/CatchLight

The Santa Monica council member said 62 backstretch workers attended a town hall at the Golden Gate Fields recreation center in April. He also holds weekly Zoom meetings. De la Torre calls his advocacy for the workers an issue of “racial, economic and social justice.” He says their main concerns are housing security, enrolling their children in new schools and knowing which trainers are taking horses to the Pleasanton meet. A smaller number of horses are expected to move to the Cal Expo race track in Sacramento. Horses must leave Golden Gate Fields stalls by June 19, the track’s April layoff notice stated.

However, bloodhorse.com, a horse racing industry publication, reported Wednesday that Golden Gate Fields would **keep open its equine hospital**, perhaps delaying the closure of the track’s entire backstretch. “Perimeter security will be required to discourage squatters. Water and power must be

continued for fire prevention and safety,” the website reported, referring to “track management” as their source.

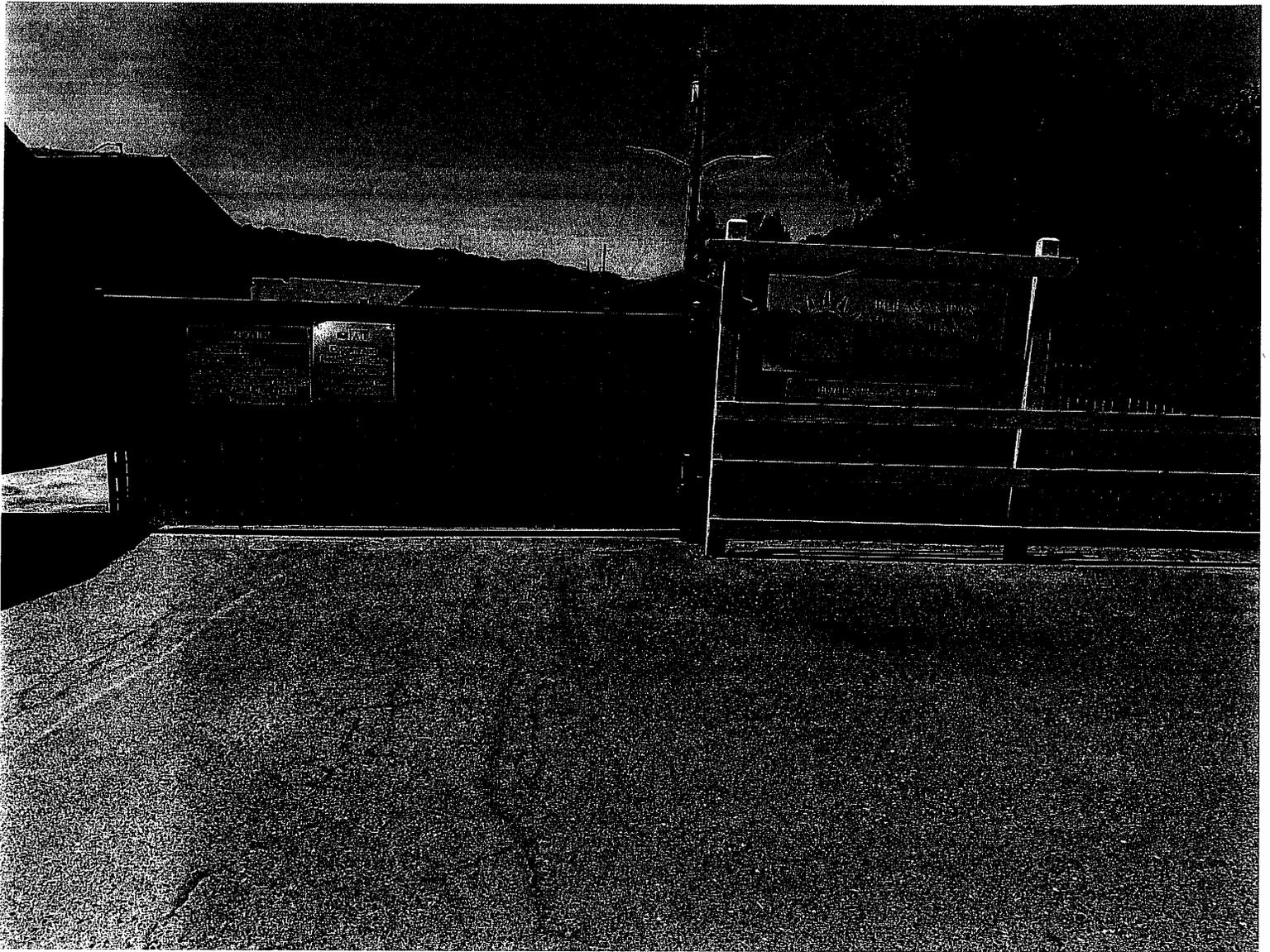
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The living conditions (in Pleasanton), I think, would be an improvement to the tack rooms at Golden Gate Fields.

— Oscar de la Torre

Swartzlander expects 60-70 trainers to bring horses to Alameda County Fairgrounds, creating jobs for 350-400 backstretch workers, he wrote in an email to Berkeleyside. Swartzlander and de la Torre told Berkeleyside in separate interviews that Pleasanton has approximately 40 spaces for residential vehicles. They would be sold to workers at “reduced rates,” Swartzlander said. The housing plan presented by Swartzlander to the state board in March stated that 150 residential vehicle spots are in inventory at Pleasanton, and that “rental and purchases are the responsibility of the trainer/owner.”

Swartzlander said families of backstretch workers would not be allowed to live in tack rooms, which he said are for racing personnel only.



Gateway to the horse racing stables at the Alameda County Fairgrounds in Pleasanton. Credit: Pamela Turntine

“The living conditions (in Pleasanton), I think, would be an improvement to the tack rooms at Golden Gate Fields,” de la Torre said. “Knowing you’re going to close something, there isn’t a high level of investment.”

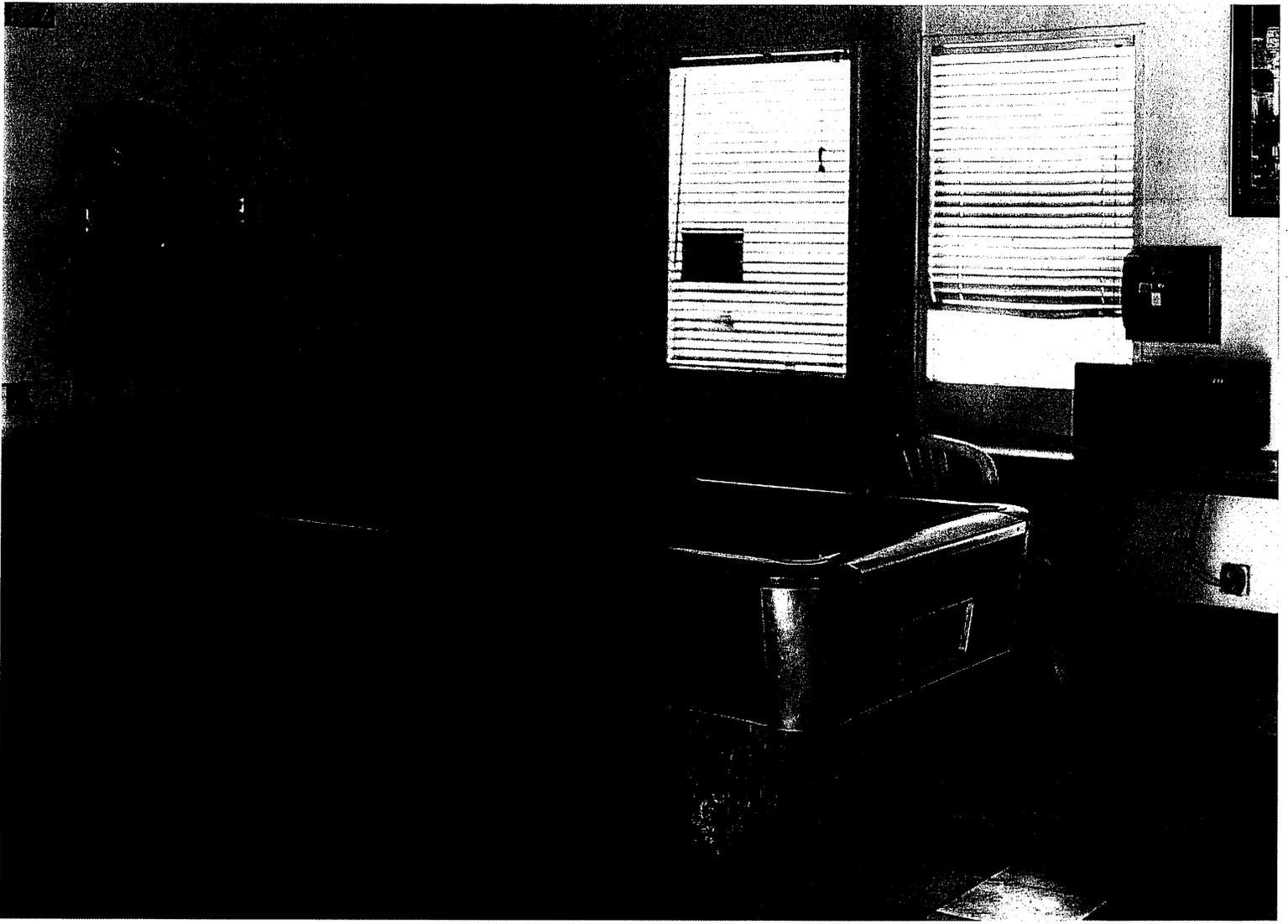
The Stronach Group issued a “mass layoff” notice to the Alameda County Workforce Development Board in April, as required in the termination of 75 or more workers. The notice for 201 employees, many of whom are represented by unions (including janitors, carpenters, bartenders and one track announcer), didn’t include backstretch workers, however, because they work for independent horse trainers.

The office for Berkeley councilmember Rashi Kesarwani, whose District 1 includes the Golden Gate Fields backstretch, directed Berkeleyside to the Office of Economic Development when asked to speak in late April about the track closure and its workers. The Office of Economic Development forwarded questions to a city spokesperson. When asked how Berkeley is assisting track employees, the

spokesperson replied in an email that “you’d have to talk to the operators of the facility. They are the employer.”



After a groomer left for Southern California last month, he left a fridge behind and the workers living in the same stable turned his room into an improvised pantry and eating area. Credit: Ximena Natera, Berkeleyside/CatchLight



A map of Mexico hangs on the wall of the recreational center, where there are a few TVs, vending machines, a pool table and sofas. Credit: Ximena Natera, Berkeleyside/CatchLight

Kesarwani was not available for comment when her office was again contacted Wednesday and Thursday. In a statement following the track's announced closure in July, Berkeley Mayor Jesse Arreguín wrote that the "priority right now must be on ensuring that workers are made whole and supported and that the horses are given proper care and relocation during the closure."

Former Councilmember Kate Harrison, during a July phone interview with Berkeleyside, addressed "low-wage workers" at the race track. "The job situation is a concern," she said. "I would look forward to them being retrained and finding jobs that are safer."

Last June, Harrison proposed an ordinance to establish a "race horse protection policy" that would limit the hours that horses could stay in stalls. Harrison has since resigned from the City Council and is now running for mayor. Golden Gate Fields, which has a synthetic and turf track, has had six horse deaths through May 11 of this year, according to data on the state racing board website.

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*At the end of the day, we are a family and we will
fight it out and try to survive.*

— Isidro Tamayo

The dirt race track at Alameda County Fairgrounds in Pleasanton had five horse deaths during its 2023 summer meet. This year's Pleasanton summer meet will run from June 14 to July 7. The fair racing circuit then heads to Cal Expo in Sacramento, Ferndale and Fresno. Assuming the state board accepts Pleasanton's fall meet proposal, the circuit would then return to Alameda County Fairgrounds from Oct. 16 through Dec. 25.

“At the end of the day, we are a family and we will fight it out and try to survive,” said Tamayo, whose horses have won 600 races and earned more than \$10 million over the past eight years, **according to his racing profile on equibase.com**. “We can try our best to continue racing in NorCal and try to support it.

“You want to stay positive.”

Hernandez, the groom, says “there is nothing certain for anyone” about Pleasanton — similar to when he joined his uncles at a Southern California track in the early 1980s.



Nicolas Hernandez, his wife Francisca, and Iker, one of the children she babysits, pose for a portrait in the backstretch. Credit: Ximena Natera, Berkeleyside/CatchLight

“I was 15,” recalls the oldest of 10 siblings from the village of Cerro Chino in Zacatecas. “It was different,” Hernandez said of working with race horses in California, compared to in Mexico, where horses are used more for agricultural work. “More sophisticated. We learned here, and we stayed here.”

When he arrived, there were few immigrants in stables. Now, they are the majority.

“I think it’s a job that doesn’t need school,” he explains. “From my experience, you just have to want to work and get ahead. I came for six months. The truth is, I do like what I do. So, no, no, I can’t imagine having done anything else.”

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A slog to the finish for historic Golden Gate Fields



'Take him home, baby!' The final wagers at Golden Gate Fields horse race track



Golden Gate Fields, Northern California's only horse racing track, will close

Internal

From: Friedrichsen, Sharon <SFriedrichsen@berkeleyca.gov>

Sent: Friday, April 26, 2024 5:11:11 PM

To: Berkeley Mayor's Office <Mayor@berkeleyca.gov>; Williams-Ridley, Dee <DWilliams-Ridley@berkeleyca.gov>

Cc: Cardwell, Anne <ACardwell@berkeleyca.gov>; Oyekanmi, Henry <HOyekanmi@berkeleyca.gov>; Gilman, Scott <SGilman@berkeleyca.gov>; Bellow, LaTanya <LBellow@berkeleyca.gov>

Subject: RE: Availability of 4.9 million in unobligated ARPA funds; community agency allocation funding

Internal

Good evening,

The difference is related to timing in terms of what is reported to the US Treasury regarding spent or encumbered expenditures. From the budget perspective, the ARPA funds have been committed. We have allocated ARPA funding to the specialized care unit. HHCS intends to fully encumber the remaining ARPA funds into the SCU contract before the end of this calendar year. Please let me know if you have any other questions or need additional information.

Best,
Sharon