

Memorandum

TO: HONORABLE MAYOR AND CITY
COUNCIL

FROM: Wesley Klimczak,
Sr. Deputy City Attorney

SUBJECT: Appeals Hearing Board Applicants
– Conflict of Interest Review

DATE: October 22, 2025

I. Background

This Office routinely reviews applications for appointment to City boards and commissions. The applications generally do not provide complete information; however, they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight major areas of known potential conflicts that are disclosed by the applications.

II. Board Duties

The Appeals Hearing Board is a quasi-judicial Board which hears code enforcement appeals of blighted conditions; illegal building activity; unsafe and unsanitary living conditions; abandoned, dismantled, and inoperable vehicles; neglected vacant houses; weed abatement liens; garbage liens; sign removal fees; utility billing and graffiti abatement fees; and traffic control devices. The Board also hears nuisance abatement appeals relating to the Housing Code, the Blight Ordinance, and acts as the relocation appeals board for the City.

In addition, the Board hears police permittee denials or revocations, which hearings have somewhat different legal standards apply than to code enforcement appeals.

The San Jose Appeals Hearing Board is principally a quasi-judicial hearing body and is not generally requested to serve in an advisory capacity to the City Council or City Administration. Among its major responsibilities, the Board acts as the hearing panel for enforcement of Administrative Compliance Orders under the City's Administrative Remedies Ordinance.

III. Legal Conflicts that May Preclude Vote or Participation

Certain positions and other financial interests may preclude a Board member from participating in a Board discussion and voting if a matter involving the entity comes before the Board. While this list is not complete, these types of conflicts generally fall within one or more of the following situations:

- An application shows entities that are “sources of income” to a potential Board member within the 12 months preceding the start of the Board term, as defined under the Political Reform Act.
- An application show sources of income to a spouse or domestic partner of a potential Board member within the 12 months preceding the start of the Board term.
- An applicant of the spouse of or domestic partner of an applicant is an officer or board member of an entity and it is foreseeable that the entity could be involved in a matter coming before the Board.
- An applicant has an interest (including community property interest) in real property, such as their place of residence or any other real property in San José that may be affected by a matter coming before the Board.

IV. Appearance of Bias

There may be facts which would not amount to a legal conflict of interest requiring a Board member to recuse him or herself from a Board vote or discussion, but the relationship could create an appearance of bias on the part of the Board member. City Council policy requires Board members to be free from bias in their decision making and may require a Board member to recuse him/herself if the facts could reasonably lead one to conclude that the applicant would be biased for or against an entity or entities.

V. Applicants

1. Ronald Cabanayan: This applicant is currently serving as a Board member on the Appeals Hearing Board and has served since 2013. The applicant is a self-employed attorney. He also is an adjunct professor at Evergreen Valley College, teaching paralegal studies. His wife is an associate faculty member at San Jose City College. He is a resident of San Jose, and lives in District 5. The applicant identifies that there are no organizations, associations, corporations, or entities of which he is employed or associated that might be affected by decisions of the Board. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant’s employer or former employers come before the Board the applicant may need to refrain from participating in the matter.
2. Genevieve Altwer: This applicant is currently serving as a Board member on the Appeals Hearing Board and has served since April 2025. The applicant is a self-employed marriage and family therapist. The applicant previously was a police officer for 14 years with the City of San Mateo. The applicant’s husband is a police officer with the City of San Mateo. She is a resident of San Jose, and lives in District 9. The applicant receives a CALPERS pension. The applicant identifies that there are no organizations, associations, corporations, or entities of which

she is employed or associated that might be affected by decisions of the Board. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant's employer or former employers come before the Board the applicant may need to refrain from participating in the matter.

3. Damon Ybarra: The applicant is currently employed as a sales associate for Yeti Coolers at Santana Row. He is also currently attending San Jose State University, studying political science and is expected to graduate in 2027. The applicant is also starting an organization with his friends called San Jose Public Transit Association, which advocates for public transit and the promotion of it within San Jose. The applicant is not married. He is a resident of San Jose, and lives in District 1. The applicant identifies that there are no organizations, associations, corporations, or entities of which he is employed or associated that might be affected by decisions of the Board. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant's employer or former employers come before the Board the applicant may need to refrain from participating in the matter, including for potentially conflicting matters associated with San Jose Public Transit Association.
4. Jaslynn Montano: The applicant is currently employed as a cashier at Marshalls. The applicant is not married. She is a resident of San Jose, and lives in District 8. The applicant identifies that there are no organizations, associations, corporations, or entities of which she is employed or associated that might be affected by decisions of the Board. The applicant discloses that she receives a pension from the State of California. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant's employer or former employers come before the Board the applicant may need to refrain from participating in the matter.
5. Ravi Pathak: The applicant is employed as the founding executive director of FinFit Life. He works from home. His wife is employed as a teacher. He is a resident of San Jose, and lives in District 8. The applicant has been associated with numerous charitable organizations in the past, including the American Heart Association and Rotary International. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant's employer or former employers, including organizations he has volunteered with, come before the Board the applicant may need to refrain from participating in the matter.
6. Kirk Buckman: The applicant is currently employed as a Code Enforcement Officer with the County of San Mateo. His wife is a sales rep at Macy's at Eastridge Mall. The applicant previously worked as a Code Enforcement Officer with the City of Belmont. The applicant teaches classes statewide for Code Enforcement Officers titled "Introduction to Code Enforcement." He is a resident

of San Jose, and lives in District 5. The applicant receives a CALPERS pension. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant's employer or former employers come before the Board the applicant may need to refrain from participating in the matter.

7. Martin Nguyen: The applicant is currently employed as an attorney and presently works as Assistant General Counsel for a company called IPSY. His wife works as a Principal for Spectrum Business Partners. He is a resident of San Jose, and lives in District 6. The applicant previously served on the Bay Area Metropolitan Transportation Commission's Citizen Advisory Board. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant's employer or former employers come before the Board the applicant may need to refrain from participating in the matter.
8. John Pedersen: The applicant is a retired criminal investigator from the Santa Clara County District Attorney's Office and receives a PERS pension. His wife is a retired management analyst with Santa Clara County and also receives a PERS pension. Prior to retiring, applicant managed the Economic and Environmental Crimes Unit of the Bureau of Investigation. The applicant also taught Hazardous Materials Investigations to code enforcement officers from around the state for 20 years. He is a resident of San Jose, and lives in District 6. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant's employer or former employers come before the Board the applicant may need to refrain from participating in the matter, particularly for matters in which the applicant previously investigated from his time as a criminal investigator with the Santa Clara County District Attorney's Office.
9. Samantha Keh: The applicant is currently unemployed and is not married. The applicant previously worked at PricewaterhouseCoopers and Cisco Systems. She is a resident of San Jose, and lives in District 3. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant's former employers come before the Board the applicant may need to refrain from participating in the matter.
10. Matthew Berry: The applicant is currently employed at JPMorgan Chase as a private client banker. He is studying for a master's in finance from an on-line program. The applicant's wife is a general manager for a home building company named Bannister Custom Homes in Morgan Hill. The applicant previously interned for a state assembly member for 9 months. He currently volunteers for a civic organization called the Freemasons. The application does not identify or disclose information that would create an incompatible office or an apparent conflict of interest. However, should a matter regarding the applicant's employer or former employers come before the Board the applicant may need to refrain from participating in the matter.

Sincerely,

NORA FRIMANN, City Attorney

/s/Wesley Klimczak

By: _____
WESLEY KLIMCZAK
Sr. Deputy City Attorney