

To: Adeola Egbeyemi  
Staff Service Analyst  
Department of Fair Employment & Housing

Re: Notice of Filing of Discrimination Complaint  
DFEH Number 794009-307597 EEOC Number 37A-2018-00111-C

I am Bill Wells, Mayor of the City of El Cajon since 2013 and City Council Member from 2008-2013.

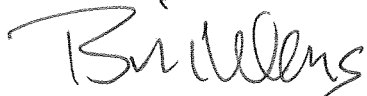
In response to the allegations listed in the complaint, I have never verbally harassed Mr. Kalasho based on his national origin. I have never used such terms as "Camel", "Foreigner", "Hey Foreigner" or "Does Ben even know the Pledge of Allegiance" ever, either privately or publicly, in reference to Mr. Kalasho or anyone else. I have no idea where this allegation stems from.

The El Cajon City Council has had two different members of Iraqi national origin since 2013, and I have never heard of such accusations prior to this complaint, nor am I aware of anyone else on the City Council making such statements.

The Department of Fair Employment & Housing should be aware that this complaint that has been filed by Mr. Kalasho is, in my opinion, intended to be a political attack against myself and Mr. Kendrick. It has no basis in fact. Mr. Kalasho is well known for using such intimidation tactics against other people. He regularly threatens the rest of the City Council with legal action, for no good reasons.

For your reference, I have attached numerous recent articles, from reputable news media outlets in San Diego, regarding the activities, behavior, and allegations surrounding Mr. Kalasho, including from the California Attorney General Office. These articles will give you a fair view of whom you are dealing with.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Wells". The signature is fluid and cursive, with the first name "Bill" and last name "Wells" clearly distinguishable.

Dr. Bill Wells, Mayor

City of El Cajon

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# State seeks more documents from El Cajon councilman's beauty pageant

The California Attorney General's Office has sent a letter to El Cajon City Councilman Bessmon "Ben" Kalasho asking for documentation and a filing fee for the Miss Middle East Beauty Pageant.



By **Jeff McDonald**

SEPTEMBER 26, 2017, 2:00 PM

**E**l Cajon Councilman Bessmon "Ben" Kalasho, whose newly organized beauty pageant organization came under scrutiny from the California Attorney General's Office in August, has been asked for more details and documentation for the tax-exempt entity.

State charity regulators in August sent Miss Middle East Beauty Pageant USA a request for certain records and a \$25 registration fee, after U-T Watchdog raised questions about why the pageant was not registered as a non-profit organization despite holding events for four years.

According to the state, Kalasho provided some of the requested documents on Sept. 18. But a new request sent the next day says that Kalasho did not fully comply and still owes the \$25. Kalasho declined to comment on the latest letter.

“The registration materials submitted to our office on 9/18/2017 were incomplete,” states the latest correspondence. “The following items must be submitted in order for this office to make a determination concerning the above captioned entity’s compliance with the law and regulations.”

The letter, which is entitled “Final Notice To Register,” requests a completed and signed registration form; the \$25 registration fee; an executed copy of the organization’s current bylaws; and a copy of its IRS determination letter regarding its tax-exempt status.

Kalasho apparently sent the state two of the items requested in the August demand letter: a copy of his IRS application and the original articles of incorporation. Those documents were requested in the first letter but not in the final notice.

The El Cajon councilman formed the stand-alone pageant organization earlier this year. In previous years, the event was presented as a project of his chamber of commerce, which was a sole proprietorship, according to Kalasho.

The Sept. 19 letter requests compliance within 30 days.

“Your failure to respond will lead to this office making a referral to the California Franchise Tax Board and may also result in your organization losing its tax-exempt status,” the letter concludes.

## Previously

- Lawsuit against El Cajon councilman alleges beauty pageant fraud
- Kalasho files cross-complaint against beauty pageant contestants
- Middle East beauty pageant ran for three years without nonprofit status
- El Cajon official who ran private chamber voted on issues affecting paying member

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**This article is related to:** El Cajon, Internal Revenue Service



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# State regulators move to revoke tax-exempt status of Miss Middle East pageant

The California Attorney General's Office has sent a letter to El Cajon City Councilman Bessmon "Ben" Kalasho asking for documentation and a filing fee for the Miss Middle East Beauty Pageant.



By Jeff McDonald

NOVEMBER 3, 2017, 3:00 PM

**A** beauty pageant charity organized by El Cajon City Councilman Bessmon "Ben" Kalasho earlier this year is being recommended for revocation of its tax-exempt status by regulators who say it failed to supply certain required records.

The California Department of Justice told Kalasho in a letter dated Tuesday that it was notifying the Franchise Tax Board to revoke the exempt status of Miss Middle East Beauty Pageant USA, a nonprofit Kalasho established in May.

According to the notice, the El Cajon councilman failed to pay a \$25 registration fee. He also did not provide a completed and signed registration form, a complete copy of the organization bylaws or a copy of the IRS determination letter. All were requested twice before by the state.

“It is important that you immediately resolve the remaining deficiencies listed above so that the disallowance of your tax-exempt status may be lifted,” the letter concludes. “The organization may not solicit charitable assets or engage in any activity until registration is completed.”

Kalasho declined to comment about the notice.

U-T Watchdog reported in August that Kalasho staged the beauty pageant for three years under the auspices of a private chamber of commerce, which sells memberships to local businesses for up to \$2,500 each. He told the U-T that the chamber’s income was reported to the IRS as an attachment to his personal income taxes.

In September, the Watchdog reported that Kalasho voted on tax liens requested by one of his chamber members, city trash hauler Waste Management Inc. The council is required to approve any additions to the property tax rolls for trash customers who do not pay their bills.

Following that report, City Attorney Morgan Foley recommended that hundreds of such liens be reconsidered, with Kalasho abstaining due to a conflict of interest. Those votes have been scheduled for Nov. 14.

## Previously

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- El Cajon official who ran private chamber voted on issues affecting paying member
- El Cajon council to retake votes on trash liens over Kalasho situation

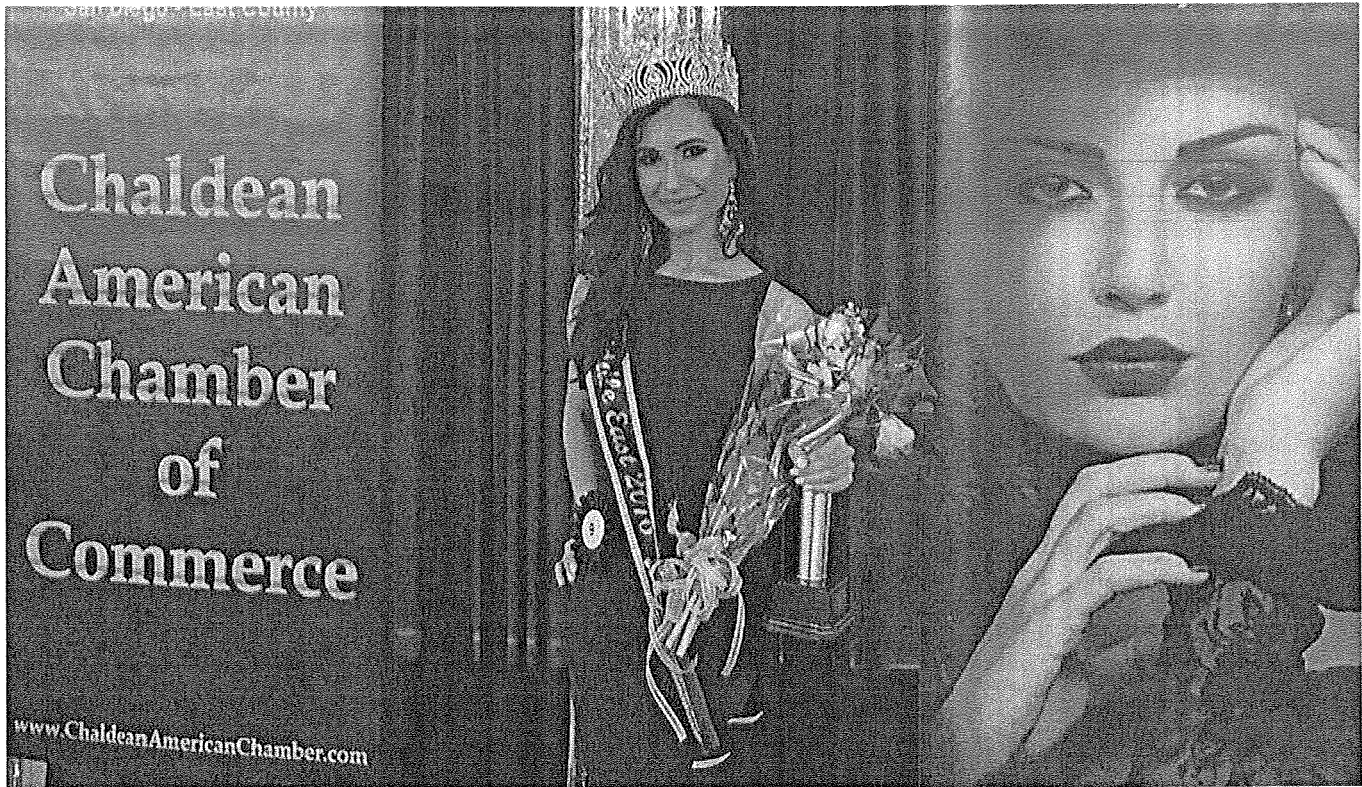
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**This article is related to:** Internal Revenue Service, El Cajon

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# Lawsuit against El Cajon councilman alleges beauty pageant fraud



Zhala Tawfiq (Courtesy photo)



By Jeff McDonald

AUGUST 7, 2017, 5:00 AM

**E**l Cajon City Councilman Ben Kalasho has been named in a San Diego Superior Court lawsuit alleging fraud, defamation, unfair business practices and other claims related to his fall election campaign and to a beauty pageant he runs with his wife.

The elected official did not respond to multiple telephone messages left at City Hall and on his cell phone, or to emails sent by U-T Watchdog. In a statement to the San Diego Reader, which first reported the lawsuit, Kalasho rejected the allegations and predicted victory in court.

“We will protect our brand and reputation at all costs and will not yield to publicity stunts and erroneous allegations whereby ulterior motives and a chance for fame or hunger for money are the clear and evident reasons for such dispute,” he told the weekly newspaper.

Filed in May and amended last month, the complaint accuses Kalasho and his wife, Jessica, of defaming Zhala Tawfiq, the 2016 winner of the Miss Middle East Beauty Pageant, in part by posting photos with her likeness on the bodies of naked women on social media.

The images appeared shortly after Tawfiq raised questions about the legitimacy of the pageant, and were “tagged” in order to make sure she became aware of them, the complaint alleges.

Kalasho, 35, also is accused in the lawsuit of creating fake social media profiles to publicly criticize a business that refused to display a campaign sign last fall and a lawyer who prevailed in an earlier case against him. He also allegedly rigged results of the 2016 pageant after one contestant refused his sexual advance, the lawsuit claims.

“This conduct is outrageous as detailed herein and is worthy of exemplary damages under California law,” the lawsuit contends.

The 19-page complaint was filed by Tawfiq and three other plaintiffs — pageant participant Paris Kargar, attorney Lina Charry and 3 Brothers Taco Shop Inc. The suit seeks a jury trial and unstated punitive damages.

Tawfiq, who was subsequently stripped of her crown, said in the lawsuit that she never received all of the promised contest prizes — \$2,000 in cash, clothing, cosmetic dentistry and commercial auditions, among others — and instead was handed an unreasonable and onerous employment contract.

In his statement to the Reader, Kalasho denied the charges.

“While it is an unfortunate circumstance, Tawfiq’s allegations are easily disproved and we too look forward to exposing her allegations to the bright light of proof at trial,” he wrote. “As the founder and president of the largest ethnic pageant in the world, The Miss Middle East Beauty Pageant USA, we take pride in following all the legal necessary steps of executing binding contracts, of which we have in fact in the case at bar.”

According to court records, Kalasho is represented in the case by Stephen Liosi, a family law attorney in Pasadena. Liosi did not return emails or telephone messages left by U-T Watchdog.

The amended complaint accuses Kalasho of commenting lasciviously on Kargar’s physical appearance during the 2016 Miss Middle East rehearsals. It also contends that he denied her a fair opportunity at the title after she refused to accept his invitation to join him in his hotel room.

“You stay here tonight with me and you win tomorrow,” the lawsuit contends that he told the contestant.

Kalasho also is accused of creating at least four fake profiles on social media sites, then using the accounts to criticize business rivals.

According to the complaint, Kalasho and his wife attacked 3 Brothers after an owner refused to allow a Kalasho campaign sign to be placed inside the business. Two days later, the Middle Eastern Chamber of Commerce, a business group founded by Kalasho and run by his wife, posted a poll seeking solicitations on the best local Mexican eatery, the lawsuit claims.

“On October 17, 2016, the Chamber publicly posted a large graphic with the alleged results of their 48-hour poll, ranked 15 restaurants and proclaimed 3 Brothers ‘the worst Mexican food in El Cajon’,” the complaint alleges.

Other allegedly fake social media profiles posted comments claiming they were sickened by food served at 3 Brothers, which does business as Tres Taqueria, the lawsuit claims.

“I ate at Tres and got really sick,” someone claiming to be Robert Forbes posted on the chamber Facebook page. “I don’t know how Hollywood Casino Jamul-San Diego has them in their food court area. Don’t think they will last long.”

San Diego lawyer Lina Charry alleged a similar experience after prevailing in a court case against Kalasho. Charry was singled out with a bogus poll as the worst lawyer in San Diego County, the complaint alleges.

“The Kalashos utilized their fake profile Mr. ‘George’ to further defame Charry by posting that she was seen performing fellatio in public,” the lawsuit claims.

Attorney Jimmie Parker filed the plaintiffs’ case against the El Cajon councilman, his wife and the nonprofit groups that operate the beauty pageant and chamber of commerce.

“The evidence will prove that the Kalashos have weaponized social media and used perceived online anonymity to attack and defame innocent individuals,” he told the Watchdog via email. “This conduct is antithetical to American notions of a free democracy and it is of paramount importance that the public has access to the facts regarding these claims in order for justice in this matter to be served.”

Kalasho, who was born in Iraq and migrated to San Diego County as a boy, was elected to the El Cajon City Council in November after a failed campaign in 2012.

He has not yet filed his formal response to the Superior Court complaint. The lawsuit is scheduled for a case-management conference next month.

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**This article is related to:** San Diego County, Elections, El Cajon

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# El Cajon councilman accused of beauty pageant fraud files cross-complaint against contestants



By Jeff McDonald

AUGUST 11, 2017, 4:00 PM

**T**he El Cajon councilman being sued for fraud and defamation involving a beauty pageant that he runs is counter-suing his accusers, saying he has been victimized by their unfounded charges.

The attorney for Bessmon “Ben” Kalasho, who was elected to the El Cajon City Council in November, said the plaintiffs provided no direct evidence that Kalasho was behind photographs online that had the face of former Miss Middle East Zhala Tawfiq pasted onto a naked woman.

“Perhaps, however, the individual who posted the supposed falsified nude pictures of (Tawfiq) was someone of her own culture, who took exception with her holding the Kurdish flag upside down at the pageant, which is a well-known disrespect to one’s country,” the cross-complaint states.

Jimmie Parker, who filed the lawsuit on behalf of Tawfiq and other plaintiffs, rejected the assertions in the cross-complaint and said it was improper.

“The cross-complaint filed by Mr. Kalasho is completely unfounded and is a continuation of his harassment of my clients,” Parker said. “This countersuit is worthy of sanctions and we will seek them accordingly.”

Tawfiq was stripped of her title midway through her year-long reign as Miss Middle East, due to a dispute with Kalasho, who runs the pageant. She claimed the beauty contest and crown were a farce.

Kalasho claimed Tawfiq breached her contract. He has also denied all of the other allegations in the lawsuit, including the claim that he promised pageant contestant Paris Kargar that she would win the crown if she agreed to spend the night in his hotel room.

“Surprisingly, after what Plaintiff Kargar allegedly experienced, including a supposed offer of sexual

intercourse for the crown, she later attended a function hosted by both defendant Bessmon Kalasho and defendant Jessica Kalasho,” the claim states, referring to his wife.

Kargar also accused Kalasho of improperly commenting on her appearance during a pageant rehearsal.

His counter-complaint says, “Plaintiff Kargar stated that she was shocked, appalled and humiliated when Defendant Bessmon Kalasho stated during a particular pageant rehearsal, ‘Your boobs are moving too much. Do it again.’ Plaintiff Kargar took this comment completely out of context and severely overreacted.”

Kalasho “was merely telling Plaintiff Kargar the correct and classy way to walk down the runway,” his countersuit says.

Bessmon and Jessica Kalasho and two organizations the councilman founded were sued in May for allegedly creating fake social-media accounts to criticize Tawfiq. The complaint was later amended to include Kargar’s allegations and claims that Kalasho used fake social-media accounts to criticize his adversaries.

One of the other defendants is San Diego attorney Lina Charry, who claimed she was targeted by Kalasho in an online poll after she prevailed in an unrelated lawsuit.

The fraud and defamation case against Kalasho alleged that fake profiles posted unflattering reviews of Charry’s legal work on the Facebook page of a Kalasho-founded nonprofit now called the Middle Eastern Chamber of Commerce.

In his cross-complaint, Kalasho said it is Charry who has an “obsessive fixation” on Kalasho, in part because she was not permitted to participate in the Miss Middle East contest for several years.

“Her reputation preceded herself,” the cross-complaint states. “That’s why. We wanted nothing to do with Lina Charry.”

Another plaintiff in the original complaint is the 3 Brothers Taco Shop, a business that alleges it was the subject of numerous negative social-media posts after one of the restaurant owners declined to allow Kalasho’s council campaign to post a political sign inside the business.

The restaurant was criticized in an online poll as serving the worst Mexican food in El Cajon. Several of the commenters also posted messages saying they were sickened after eating at the taqueria.

In his cross-complaint, Kalasho said other companies avoiding getting involved in the El Cajon City Council election and they were not targeted.



“It is hard to imagine that only one El Cajon business denied the posting of campaign signs on behalf of defendant Bessom Kalasho,” it states. “So, where are the other ‘fabricated’ polls targeting other El Cajon businesses that denied the posting of campaign signs on behalf of defendant Bessmon Kalasho?”

The 21-page cross-complaint was filed in San Diego Superior Court on Friday. In addition to attorney fees and court costs, it seeks an unspecified amount of compensatory and punitive damages.

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**This article is related to: El Cajon**

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# El Cajon councilman's beauty pageant ran for three years without nonprofit status

The California Attorney General's Office has sent a letter to El Cajon City Councilman Bessmon "Ben" Kalasho asking for documentation and a filing fee for the Miss Middle East Beauty Pageant.



By Jeff McDonald

AUGUST 29, 2017, 5:00 PM

**T**he California Attorney General's Office has sent a letter to El Cajon City Councilman Bessmon "Ben" Kalasho asking for documentation and a filing fee for a nonprofit group he recently formed.

Kalasho incorporated the Miss Middle East Beauty Pageant USA in May to "provide scholarship money for Middle Eastern women for competing in beauty pageants."

He has run the pageant since 2014, and is involved in a lawsuit and cross-complaint with two former

contestants who claim the event is fraudulent — charges he denies.

Until May, Kalasho told U-T Watchdog, the pageant was produced by the San Diego East County Chaldean American Chamber of Commerce, a trade group that represented small businesses in the Cajon Valley before it was suspended by the California Franchise Tax Board last year.

State records show the chamber was incorporated as a tax-exempt nonprofit organization in 2013, with the stated public-benefit purpose of educating Chaldean American businesses.

Kalasho said he never followed through on the original nonprofit filing, and the chamber actually was a for-profit entity that he ran from his home. He said he paid taxes for the group using a Schedule C for sole proprietorships, as an attachment to his personal income taxes.

“When we first set up the chamber, we planned on being a nonprofit,” Kalasho said. “We never completed that paperwork. We never operated a true nonprofit or completed that filing.

“The taxes were paid on my personal Schedule C as the Chaldean Chamber was a sole propriety operated out of my house.”

A state tax board spokesman said the chamber was suspended June 1, 2016, for failing to pay fees. It remained registered as a nonprofit at the time of suspension.

In addition to forming the pageant as a stand-alone organization this year, Kalasho says he has now also created a new business group, the Middle Eastern Chamber of Commerce, which promotes itself as “the largest ethnic chamber in the world.”

A black-tie affair held June 29 at the La Jolla Marriott touted the chamber event as a re-branding of the former group. At the same gala event, Parand Biranvand was crowned Miss Middle East USA 2017.

Paperwork for the newly organized chamber described by Kalasho is not yet available for public review at the California Secretary of State’s Office.

The Secretary of State does have documentation of the newly independent pageant organization. The group has not filed certain required paperwork and filing fees with the Attorney General’s Office, which regulates nonprofits. The AG’s office asked for the paperwork in a letter on August 18.

Under state and federal tax laws, programs operated by nonprofits are required to disclose their revenue and spending, along with their board members and executive officers as well as the salaries and benefits paid to top employees.

Kalasho, 34, also owns and operates the Go Car Wash in Santee and a nearby gas station. He was elected

to the El Cajon City Council on his second try in November, with just over 8,000 votes.

He said he made a conscious decision to close the former chamber as part of a restructuring.

“I simply abandoned the Chaldean chamber because we knew that we were undergoing structural changes including name change,” he said.

Kalasho has estimated the chamber has as many as 500 members. Its galas were attended by hundreds of people, according to videos of the events posted on the pageant’s social media accounts. Applications for Miss Middle East USA start at \$200 and pageant tickets are \$50.

Gala sponsorships were priced as high as \$5,000. Two sponsors — Cox Communications and Waste Management Inc. — have significant contracts with the city of El Cajon. As an elected member of the El Cajon City Council, Kalasho would be called upon to consider penalties for delinquent trash customers or amendments to utility franchise agreements.

Another event hosted by Kalasho is the annual Royals Masquerade Ball, an adults-only costume party that raises money to help homeless people in San Diego. Attendees are required to donate a gift card worth at least \$10 from any well-known retail establishment. The 4th annual Royals Masquerade Ball is scheduled Sept. 21 at the Horton Grand Hotel, with private tables for 8 being marketed for \$1,000.

According to a video posted on Facebook, proceeds from the Royals Masquerade Ball last September were handed out by Kalasho and others to people living on the streets of downtown San Diego.

“I’m sure some of you are aware that we held one of the largest gift card drives in San Diego and it was a fun event and we were able to collect so many gift cards that we’re going to be passing out and documenting them,” Kalasho says in the video. “A lot of these people have interesting stories as to why they are in the street and so we are just doing our part to help our community. We love San Diego and thanks everybody for tuning in.”

Kalasho made news earlier this month, after he was sued for fraud and defamation. Among other things, he was accused of using fake social-media profiles to criticize two former beauty pageant participants, along with a local attorney and restaurant.

One of the women accused Kalasho of offering to award her the 2016 crown in exchange for sex. Another plaintiff claimed he photoshopped her face onto pictures of naked women and posted them online.

Kalasho denied all of the allegations and counter-sued each of the plaintiffs.

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## El Cajon official who ran private chamber voted on issues affecting paying member

### ADVERTISEMENT

The California Attorney General's Office has sent a letter to El Cajon City Councilman Bessmon "Ben" Kalasho asking for documentation and a filing fee for the Miss Middle East Beauty Pageant.



By Jeff McDonald

SEPTEMBER 11, 2017, 5:00 PM

**I**n late January, El Cajon Councilman Bessmon "Ben" Kalasho sent a \$2,500 invoice to the city trash hauler, Waste Management Inc., for its 2017 membership in his business group, the San Diego East County Chaldean American Chamber of Commerce.

The company quickly sent a check.

Unlike other chambers of commerce, Kalasho's East County group was not run as a nonprofit

organization. Its taxes were filed as part of Kalasho's personal income taxes using a Schedule C attachment for sole proprietorships, the councilman told The San Diego Union-Tribune.

At a February meeting of the City Council, Kalasho joined his colleagues in authorizing the clerk to place liens on property owners who failed to pay their trash bills, the minutes show. He cast a similar ballot in June.

State conflict-of-interest laws require public officials to abstain from voting on issues that affect individuals or companies with which they have direct financial interests. One definition of financial interest used by state ethics regulators is "an individual or an entity from whom the official has received income or promised income aggregating to \$500 or more in the previous 12 months."

Kalasho declined to comment on his votes related to Waste Management or to explain how he separates his personal business from public service. He has since reorganized his business group as the Middle Eastern Chamber of Commerce.

Waste Management withdrew its membership in Kalasho's group earlier this month, after the Union-Tribune reported that the entity was being sued for fraud and was not operating as a nonprofit. In the lawsuit, contestants claim that a beauty pageant run by the chamber was run fraudulently — something denied by Kalasho in a counter-suit.

"Due to the uncertainty and controversy surrounding the organization, we decided to withdraw from the chamber of commerce," Waste Management spokeswoman Eloisa Orozco said by telephone. "We no longer find it meaningful or a good fit for us."

Cox Communications, another chamber member that has a contract with the city of El Cajon, said it would reconsider its standing when the current membership expires.

"We have a small business membership to the chamber like we do across many other chambers," Cox spokeswoman Ceanne Guerra said by email. "We were not aware of its status when joining. Every year, we review memberships and sponsorships with organizations, and we will review this membership, as well."

Kalasho denied in his response that Waste Management had withdrawn its membership and that Cox Communications would revisit its status. But both companies confirmed their positions when the Union-Tribune double-checked.

El Cajon City Attorney Morgan Foley said he found out the chamber was a for-profit business by reading the Union-Tribune. He said he has not spoken to Kalasho about his council votes related to the city trash hauler.

“We will look into whether this affects the decisions that were made relative to the Waste Management and solid waste liens approved by the City Council,” Foley said.

Jay Wierenga of the California Political Fair Practices Commission, which enforces the state’s Political Reform Act, said public officials who conduct personal business with contractors should avoid voting on matters that affect those partners.

“If someone receives income from a source that does business with the jurisdiction they represent, that could obviously lead to potential conflicts of interest,” said Wierenga, speaking generally and not specifically about Kalasho. “Also, once sponsors promise or make payments to the business, as sources of income to the official, the council member would be prohibited from any further governmental decisions affecting the sponsors.”

Kalasho, 34, was elected to the City Council in November.

His votes on Waste Management’s liens underscore a larger problem confronting El Cajon’s newest council member and the city at large.

Specifically, Kalasho solicits money from companies across the Cajon Valley for membership in his Middle Eastern Chamber, but does not report which businesses join or how much they pay him.

The state economic interest form that he filed in January indicates the chamber collected between \$10,001 and \$100,000 in revenue last year, but it does not disclose individual members.

The Middle Eastern Chamber markets annual memberships for \$500, \$1,000 and \$2,500, depending on the level of benefits selected by the company. The Union-Tribune asked for a list of members, and Kalasho declined.

Political experts say the arrangement is worth a closer look by state or local officials.

“There should definitely be some transparency because he’s getting a direct cash value for those membership fees,” said Carl Luna, a Mesa College political science professor and director of the Institute for Civil Civic Engagement at the University of San Diego.

Luna said most chambers operate as tax-exempt nonprofits that do not solicit memberships that directly support the founder.

Kalasho, who also owns a car wash and residential properties, took steps to incorporate the San Diego East County Chaldean American Chamber of Commerce as a tax-exempt organization in 2013. He told The Union-Tribune last month that he never ran the group as a charity and instead operated it as a sole proprietorship.



“When we first set up the chamber we planned on being a non-profit,” he said. “We never completed that paperwork. We never operated a true non-profit or completed that filing.”

According to the state Franchise Tax Board, the chamber was suspended June 1, 2016 for failing to pay required fees. Tax board records listed the entity as a nonprofit at the time of suspension.

Last month, the Attorney General’s Office sent a letter seeking fees and documentation related to the newly incorporated Miss Middle East Beauty Pageant USA, an event formerly run by the chamber.

The Union-Tribune began examining Kalasho’s business interests after Kalasho and the chamber were named in a fraud and defamation case filed this summer in San Diego Superior Court.

Among other things, Kalasho is accused of using fake social-media profiles to criticize business rivals. He also was accused of sexually harassing participants in the Miss Middle East Beauty Pageant.

Kalasho denied all of the allegations and filed a counter-suit against the plaintiffs. Both complaints are pending in court.

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# El Cajon council to retake votes on trash liens over Kalasho situation

The California Attorney General's Office has sent a letter to El Cajon City Councilman Bessmon "Ben" Kalasho asking for documentation and a filing fee for the Miss Middle East Beauty Pageant.



By Jeff McDonald

OCTOBER 2, 2017, 3:00 PM

**T**he El Cajon City Council will retake votes affecting more than 800 delinquent trash customers, leaving Councilman Bessmon "Ben" Kalasho out because of an apparent conflict of interest involving the city's waste hauler.

Kalasho has owned a for-profit chamber of commerce that sold memberships and accepted sponsorships from businesses across the Cajon Valley.

Earlier this year, Kalasho accepted \$2,500 from Waste Management for its 2017 membership in the association, which Kalasho now calls the Middle Eastern Chamber of Commerce. The company canceled its membership last month, after Kalasho and his chamber were sued for fraud in a dispute related to a chamber beauty pageant.

State law prohibits elected officials from voting on matters in which they hold financial interests. One definition of financial interest used by state ethics regulators is “an individual or an entity from whom the official has received income or promised income aggregating to \$500 or more in the previous 12 months.”

City Attorney Morgan Foley said the council will reconsider recent property liens approved for delinquent Waste Management customers. He announced his legal opinion after The San Diego Union-Tribune published a report that raised questions about the vote last month.

“Following our review of this matter, it is uncertain that the decisions related to the delinquent refuse service fees are required to be reconsidered by the City Council,” Foley said in an email. “However, in an abundance of caution the city will conduct new public hearings and votes for both the February and June 2017 lists of delinquent refuse service fees in which Councilmember Kalasho previously participated.

“Councilmember Kalasho will not be participating in these hearings and decisions,” Foley wrote.

The re-votes on the trash liens have not yet been scheduled.

“Those persons who were notified of their delinquencies prior to each of the prior public hearings will receive notice in accordance with the El Cajon Municipal Code, and given another opportunity to contest the charges previously approved,” Foley said.

The California Government Code states that public officials “shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.”

Kalasho did not respond to questions about the rehearings. He previously has declined to discuss his business practices or explain how he managed potential conflicts of interest between his for-profit chamber of commerce and his service to the city.

Foley said the city has no intention of asking Kalasho to disclose the members or sponsors of his private ventures, so the public can monitor for potential conflicts of interest. He said state laws make public officials responsible for their own disclosures and voting decisions, not the city or its attorney.

In addition to the chamber, Kalasho runs a masquerade ball and the beauty pageant that receives sponsorships from local businesses.

“It is not our intention to request a list of sources of income to Mr. Kalasho,” Foley wrote. “The reason is that it is his responsibility to identify those persons or entities that have provided him or his business with \$500 or more in income during the prior 12-month period.”

Kalasho disclosed the chamber on his state-mandated economic disclosure, reporting income of between \$10,001 and \$100,000. He did not list individual clients or patrons of the business.

The Fair Political Practices Commission told The San Diego Union-Tribune that individual clients must be disclosed only when they spend \$10,000 or more with a business owned by a public official.

Mayor Pro Tem Bob McClellan operated a car dealership for years. Before he retired from the dealership, his practice was to disclose a list of customers who were a source of income for his company. McClellan is traveling and was not available for comment.

“He provided our office of a list of customers who were sources of income for his corporation, which owned a car dealership as well as repair shop,” Foley said, “but it remained his responsibility to identify the conflicts, just as it is the responsibility of Mr. Kalasho.”

Kalasho incorporated the San Diego East County Chaldean American Chamber of Commerce in 2013 as a nonprofit organization. He told the Union-Tribune in August that the group ended up being run as a private business instead.

“We never completed that paperwork,” he said at that time. “We never operated a true nonprofit or completed that filing.”

The group has since been reorganized as the Middle Eastern Chamber of Commerce, he said in August. There is no paperwork on file at the Secretary of State’s office documenting formation of the new organization. Kalasho did not respond to a question for this story about the organization’s status.

Kalasho has been sued by two beauty pageant contestants and others in the community alleging fraud and unfair business practices. He denied the claims in a counter-suit.

## Previously

- Lawsuit against El Cajon councilman alleges beauty pageant fraud
- Kalasho files cross-complaint against beauty pageant contestants
- Middle East beauty pageant ran for three years without nonprofit status
- El Cajon official who ran private chamber voted on issues affecting paying member
- State seeks more documents from El Cajon councilman's beauty pageant

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# Dial it back, El Cajon Councilman Ben Kalasho, please



In this file photo, El Cajon City Councilman Ben Kalasho addresses a crowd in March 2017 at Hollywood Casino after the Jamul Indian Village delivered new fire trucks to the San Diego County Fire Authority to improve fire safety in the region. (The San Diego Union-Tribune/Chadd Cady)



By The San Diego Union-Tribune Editorial Board

SEPTEMBER 15, 2017, 5:15 PM

**J**ournalists have a difficult job at a difficult time and not just because the U.S. president has declared some “the enemy of the American people.” Yet what we do is simple: Our guiding principles, listed in the Society of Professional Journalists’ internationally esteemed Ethics Code, have us, “Seek the truth and report it,” and “Minimize harm.”

Against this backdrop, veteran U-T Watchdog reporter Jeff McDonald has been investigating an El

Cajon city councilman's business dealings. McDonald shared their emails in an online version of a story headlined, "El Cajon official who ran private chamber voted on issues affecting paying member."

In response to a series of tough questions, Councilman Ben Kalasho called McDonald a "troll" four times, said he merited a "Worst Journalist Award" and threatened to see him in court.

McDonald's response? "I hope you reconsider this reply and deal with the questions I posed rather than insult my motivation or professionalism."

For the record, McDonald was actually named the 2015 journalist of the year by the San Diego chapter of SPJ. Full disclosure, The San Diego Union-Tribune's editorial and opinion director Matthew T. Hall was the chapter's president then.

Hall contacted Kalasho to ask about his emails.

In this new email exchange, Kalasho didn't grant a phone interview but did call McDonald "Troll Jeff" three more times. Declining comment in politics is one thing, but dripping contempt is something else. Kalasho should dial it back. El Cajon's constituents are poorly served by his lack of professionalism.

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Published on *East County Magazine* (<http://www.eastcountymagazine.org>)

Home > KALASHO THREATENS EAST COUNTY MAGAZINE—AND LOSES NONPROFIT STATUS OF HIS BEAUTY PAGEANT

## KALASHO THREATENS EAST COUNTY MAGAZINE—AND LOSES NONPROFIT STATUS OF HIS BEAUTY PAGEANT

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November 2017 Articles

Ben Kalasho El Cajon El Cajon Council Kalasho threats Bessmon Kalasho Kalasho lawsuits



By Miriam Raftery

November 1, 2017 (El Cajon) – El Cajon Councilman Bessmon "Ben" Kalasho has escalated his war on media outlets that have published factual investigative reports on his business, political, legal and ethical controversies.

After first threatening litigation against the San Diego Union-Tribune and ridiculing its reporters, Kalasho has now threatened to sue East County Magazine (ECM), though he has not disputed the accuracy of any specific points in our reports. He has also made provably false, defamatory and malicious statements about our media outlet and reporters, as we have documented clearly in this article..

Ironically, amid his baseless efforts to smear our reputable nonprofit, his own nonprofit beauty pageant has had its nonprofit status revoked by the State of California, the Attorney General confirmed to ECM.

### BACKGROUND

Kalasho threatened to sue the San Diego Union-Tribune after the newspaper began publishing investigative reports on his business and ethical controversies, drawing criticism from First Amendment lawyers for those actions. Kalasho refused to answer questions from that newspaper, belittling its award-winning reporter, Jeff McDonald, as a "troll" and "degenerate liar." Kalasho claimed that emails between himself and McDonald would reveal a pattern of harassment by the reporter.

ECM, which has also published investigative reports on Kalasho, sent a public records request asking Kalasho for the emails between himself and McDonald, in order to prove or disprove his claim of harassment. The UT reporter was seeking information on Kalasho's apparent conflict of



interest in not recusing himself from a vote on Waste Management liens despite a business group founded by Kalasho receiving \$5,000 from Waste Management, and other matters of public interest.

Thus, these emails should be disclosable as public records, according to Terry Francke, general counsel for Californians Aware (Calaware), an organization that protects public and press access to public records and open government. Francke affirmed that recent court cases also mandate that public officials turn over emails and texts sent through personal email addresses and cell phones, if those records include discussion of public interest matters, when requested by a member of the media or public through a public records request.

## KALASHO DEFIES STATE LAW BY REFUSING RECORDS REQUEST—AND THREATENS LAWSUIT

Kalasho sent ECM a refusal to turn over the full email and text records of any communications with McDonald, citing attorney client privilege since he threatened to sue to the UT. He sent us emails previously published by the UT, not the ones he claims would show harassment, if any such emails exist. In his email dated September 24, 2017, he also threatened to sue East County Magazine and repeated that in a second threat letter on October 30.

Here's what Calaware's general counsel had to say about Kalasho's refusal of the records request pursuant to the California Public Records Act: "The attorney-client privilege does not protect a non-confidential communication with a third party that is simply cc'd to the sender's attorney. *US Postal Service v. Phelps Dodge Refining Corp.*, 852 F. Supp. 156, 163 - Dist. Court, ED New York 1994."

Moreover, the attorney, "McDonald might have a basis for suing Kalasho for defamation in the case of "degenerate liar" because the statement is not supported with any stated facts."

## KALASHO SMEARS THE PRESS

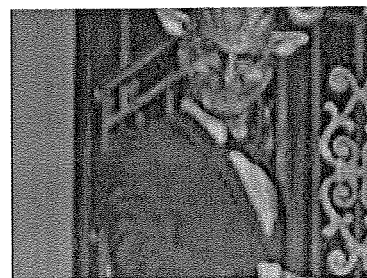
Kalasho claimed he only does interviews with "reputable and legitimate media outlets." While it's unclear how Kalasho defines reputable and legitimate, ECM has won 105 major journalism awards and ECM's editor has won several hundred awards. ECM awards include many of the top awards presented by the Society of Professional Journalists (SPJ) and San Diego Press Club, including awards for public interest journalism, investigative reporting, political reporting, and ethics in journalism. You can view a list of our awards since 2008 here:

<http://www.eastcountymagazine.org/about> (Note this page has not yet been updated to reflect last week's Press Club awards.) Raftery, a journalist for over 30 years, has also won several hundred individual awards including national journalism prizes.

Interestingly, Kalasho did praise one media outlet on his social media:



the East County Californian, which has not reported on any of his controversies, but did report on social functions that Kalasho organized such as a masquerade party that he said would raise funds for charities. (Photo, right: Kalasho in costume at masquerade ball)



Kalasho, apparently seeking to retaliate against ECM for our reporting on issues such as fraud suits, a jury finding of fraud, a trademark violation, and missing nonprofit paperwork on organizations he ran, has requested tax filings and other documents for ECM's parent nonprofit, Heartland Coalition.

Heartland's lawyer has responded to Kalasho's attorney with documents required by law to be provided to anyone requesting them, with the exception of one document lost in a fire that Heartland has requested a duplicate of from the IRS. Heartland, unlike Kalasho, has complied with state and federal reporting mandates. (Kalasho's demand for "employee compensation records" was denied due to confidentiality of personnel records; there is no legal requirement for such disclosure.)

Heartland's attorney has reviewed all of our articles, communications with Kalasho and other councilmembers, as well as Kalasho's attacks on ECM. Our attorney affirms that ECM has done nothing wrong, and has sent a cease and desist request to Kalasho through his attorney.

Kalasho then made the following unfounded accusation in his email: "In a previous Public Request for Records which I made through my Lawyers to the City of El Cajon revealed damning evidence of collusion between your publication, its employees and Councilman Gary Kendrick via emails and texts. Other Council-members are also implicated and will be subpoenaed for deposition and possibly named as defendants along with East County Magazine Employees."

ECM obtained all of the emails in question through our own public records request asking the city for every email turned out to Kalasho and/or his attorney. You can read emails between ECM and Kendrick here, to see that there is no collusion involving anyone at ECM, merely the occasional routine journalistic request for information and in one case, a request for the city to postpone a hearing on redistricting because our media outlet received inadequate notice. Kalasho suggests it is somehow collusion to send an email to one member of Council and not all. This is a common practice by journalists to avoid potential Brown Act violations should a member hit "reply all." ECM has at times sent individual emails to Kalasho on various issues, as we have to other Council members.

## ACTIONS SMACK OF SLAPP SUIT THREAT

Kalasho's threat to sue yet another journalism organization appears to be an abuse of power and the public trust.

Moreover, the Calaware attorney and expert on state laws involving media matters told us that “any lawsuit Kalasho would bring against the U-T, the East County Magazine or any other news medium based on its reporting of his behavior in or fitness for public office would almost certainly be countered at the threshold by an anti-SLAPP motion by the defendant and a consequent dismissal by the court without further ado.”

SLAPP stands for Strategic Litigation Against Public Participation, designed to protect journalists and citizens in California who speak out from being hit with costly lawsuits by those in power. In 1994, the Legislature passed the anti-SLAPP law, adding Code of Civil Procedure §425.16. Francke explains, “The anti-SLAPP motion is a procedural defense of free speech and press rights against harassing or otherwise ill- conceived litigation that is unlikely to succeed but may be devastatingly expensive to the defendant if allowed to proceed unchecked.”

Usually a journalist or media outlet sued can convince a court that an anti-SLAPP motion is justified and that a plaintiff’s case is likely to fail on First Amendment or other grounds; a court then dismisses the case and orders the plaintiff to pay all legal fees incurred by the defendant in litigating the anti-SLAPP motion. “Public officials in particular must prove that the offending statements were made with either knowledge that they were false or with reckless disregard for whether they were true or not,” Francke states.

ECM’s articles on Kalasho were true, well researched and fully documented. He was provided opportunities to refute any information.

#### KALASHO ESCALATES UNSUBSTANTIATED ATTACKS

Unable to refute the accuracy of our reports, Kalasho has escalated his attacks. In response to requests by our reporter, Paul Kruze, for comments on a citizen who called for Kalasho’s resignation during public comments at the last Council meeting, Kalasho again refused to answer the questions.

His “response” assailed the reputation of ECM with a laundry list of false and defamatory statements. Since Kalasho sent this through the city of El Cajon’s official email, he made his accusations a public record and thus, ECM is responding to scurrilous remarks we would ordinarily not dignify with a response.

In his October 30, 2017 statement refusing comment on Kruze’s article, Kalasho wrote, “My response is that I no longer do interviews with East County Magazine, nor with imposter so called reporters who use fake names and aliases and who create Youtube channels also under fake names and aliases.”

These are more false statements. We obviously are not “imposter” reporters. Our reporters have won many awards and have official press passes issued by San Diego Police.

East County Magazine's Youtube channel can be viewed here, where you can clearly see our name and logo displayed: [https://www.youtube.com/channel/UCPFDNB3EwJ6Oe\\_gfnFpiFcw?view\\_as=subscriber](https://www.youtube.com/channel/UCPFDNB3EwJ6Oe_gfnFpiFcw?view_as=subscriber). We have no accounts under fake names. We have occasionally linked to videos posted by contracted photojournalists on their sites, such as Paul Kruze, whose site is posted under the professional name he has used in his broadcast career; Kruze's videos include the ECM logo and our name. There has been no subterfuge; this is fully transparent.

Kalasho's statement further falsely asserts that ECM "is under investigation for not paying their employees and failing to disclose and file financial information according to the laws bound by the State of California."

ECM is not under investigation for failing to pay employees, has no case pending, and has had no judgment against our news organization on wage issues. In fact there has never been any finding of wrongdoing against ECM of any sort, by any entity against our organization --unlike Kalasho's businesses and nonprofits, which have had findings of wrongdoing by governmental entities and the court justice system.

#### KALASHO'S BEAUTY PAGEANT LOSES NONPROFIT STATUS

In an email sent to ECM this week, the California Attorney General's office confirmed that its investigation into the beauty pageant run by Kalasho has resulted in enforcement action:

"We have sent Miss Middle East Beauty Pageant USA the attached disallowance letter. The organization failed to fully comply with our previous notices to register, and as a result, we are now having the Franchise Tax Board revoke its tax-exempt status." View the Attorney General's disallowance letter.

Interestingly, one of the lawsuits filed against Kalasho by a former beauty pageant winner claims that the pageant was fraudulent, an argument that may be bolstered by the state's revocation of the pageant's nonprofit status.

#### MORE THREATS, INTIMIDATION EFFORTS AND INACCURATE STATEMENTS

In a later email to ECM's editor, Kalasho made further defamatory statements, taunts, and unfounded accusations:

"You're corruption and collusion with the Neighborhood Market Association and the fact that you accept contributions from them makes you a suspicious Character. Your behavior has even caused local political clubs to amend their bylaws just to revoke your membership as your presence and unethical behavior proved harmful to the reputation of many legitimate journalists. You and Ivars, Paul or whatever name he decides to go by this year have in fact colluded with Gary Kendrick and Nathan Cornette (the speaker at city council) Do you actually think that I will

let you get away with muzzling my first Amendments Rights? Do you actually think that you won't be in court as a defendant? You should know me better than that, and if you claim that I am making threats, defaming or slandering you than, sue me. Stop making empty promises, sue me. You aren't a journalist and your publication has no viewership, it's all a facade. I was able to pull traffic counts from your site and will be releasing it to your "paid advertisers".

At ECM, we respect everyone's First Amendment rights. Kalasho is entitled to his opinions about our coverage, but he does not have a right to engage in slander, libel, defamation of character, or malicious attempts to cause financial harm. Nor does he have a right to sue media with intent to intimidate reporters, editors, or suppress truthful reporting.

ECM has never taken a single donation from the Neighborhood Market Association, though it we had, that would be legal. In our nine years of existence, we received \$100 monthly donations for several months from Mark Arabo, who at the time was head of the NMA but also head of the Minority Humanities Foundation helping refugees. He was among several readers who answered our request for monthly pledges to help us afford studio rental space for our radio show, and this was acknowledged in a framed plaque listing all studio donors on our studio wall. There was no bias. Kalasho was interviewed on our show more than once, including a radio interview in that studio, on issues impacting Chaldeans.

As for Kalasho's other unfounded claims: ECM and its editor hold no membership in any political clubs, and have not had any memberships revoked. ECM's editor has long been included on some clubs' email blasts as a courtesy, on both sides of the political aisle. One group, the East County Democratic Club to which Kalasho belongs, recently changed leadership and has opted to exclude all non-members from its email blasts, according to past president Bonnie Price.

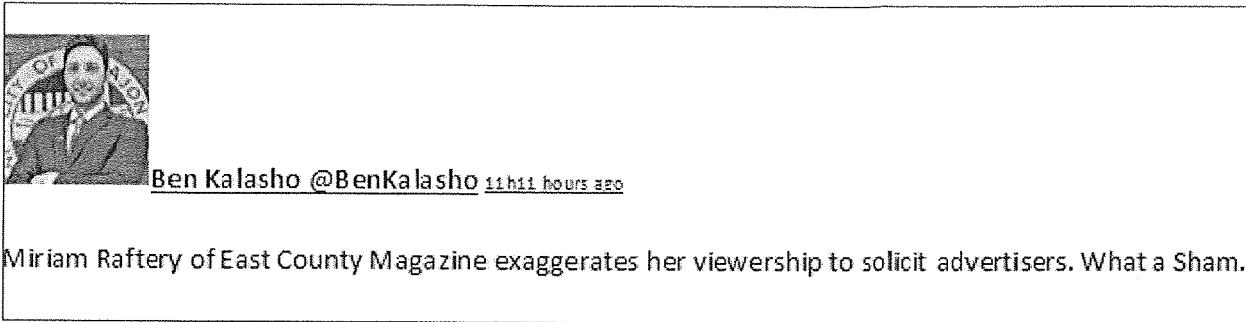
There has been no "collusion" with Councilman Kendrick as our release of emails between Kendrick and ECM clearly show, only questions on legitimate city issues such as seeking clarification on redistricting rules.

As for Nathan Cornett, the citizen who called for Kalasho's resignation in the Council hearing, our editor has had no contact with him and our reporter knows of Cornett solely through public meetings where Cornette spoke. Our reporter simply reacted with journalistic integrity to remarks Cornette made in a public hearing, by sending Kalasho a courtesy opportunity to respond to the criticisms raised by Cornette.

#### KALASHO SEEKS TO SABOTAGE SPONSORSHIPS OF ECM

Kalasho's threat to attempt to persuade sponsors to pull support from ECM by falsely claiming we mislead sponsors on our traffic is particularly appalling, as he is clearly attempting to intimidate us or retaliate against us for doing our jobs as media in reporting the news.

Councilman Kalasho stooped so low as to post false statements about our site traffic on his Twitter account:



For the record, we have relied on AW stats in our statements regarding our website views and visits, and our webmaster stands by those records as accurate. Here is a pdf document you can view as proof, with two sets of stats documenting our website traffic, for both the https (SSL) and http (non-SLL) version of the site for January through October of this year. One site points to the newer, more secure site, the other to the older version, To tally total traffic add numbers from both sets of stats. For our most recent month, October, here are the numbers (rounded to the nearest thousand), which are actually far higher than the 5 to 6 million hits and 200,000 to 250,000 visits a month we have claimed in promotional materials.

We did, in fact, attract 7.2 million hits and month and 359,000 visits a month in October – and those numbers don't count robots or spiders that crawl websites:

	SSL site	non SSL site	Total
Hits	3.0/million/mo.	4.2 million/mo.	<b>7.2 million hits per month</b>
Visits	83,000/ mo.	276,000/mo.	<b>359,000 visits per month</b>

#### KALASHO'S PAST APPROVAL OF ECM

Mr. Kalasho never asserted any illegitimacy of our news organization when our editor co-moderated a candidate forum in 2016, along with the Union-Tribune and two other media outlets. He in fact urged us to co-moderate the forum and voiced appreciation for our participation. Read transcript of the forum. He had no complaints when we interviewed him as a candidate on our radio studio, or as a spokesman in the Chaldean community on issues involving Iraqi Chaldeans including a rally/press conference he convened, or as a newly elected Councilmember, such as when we attended a town hall he held with residents.

Kalasho's objections arose only when we, along with the San Diego Union-Tribune and the San Diego Reader, published investigative reports on serious matters of public interest involving the

integrity of an elected official. (The Reader has declined to comment on whether it has been targeted by Kalasho with threats or not.)

## SUMMARY OF KALASHO CONTROVERSIES

Our reports included lawsuits filed by contestants in the Miss Middle East Beauty Pageant USA alleging fraud and in one case, sexual misconduct including offering to trade sex for the crown (Kalasho has denied those claims and filed a countersuit), a prior case involving a business dispute which Kalasho was found by a jury to have committed fraud and ordered to pay \$10,000, the U.S. Patent and Trademark office ordering him to cease using the name San Diego Chaldean-American Chamber of Commerce after he lost a lawsuit on appeal, his age-based bashing of Councilman Bob McClellan, an investigation by the California Attorney General into lack of required filings for nonprofit status involving the Miss Middle East Beauty Pageant, suspension of his Chamber's nonprofit status (Kalasho ran it as a sole proprietorship subsequently until ordered to cease using the name over the trademark dispute) his threat to file a discrimination complaint against the city over its ban on electronic devices by members during Council sessions, his threat to sue the city over its redistricting maps, the City announcing it will hold a revote on trash liens approved because Kalasho failed to recuse himself from voting despite his Chamber having received \$5,000 from Waste Management, the city's tax hauler, and Waste Management withdrawing its support from the Chamber Kalasho founded. (Kalasho has since formed a new Middle East Chamber of Commerce.)

Many of these issues were raised by the citizen who called publicly for Kalasho's resignation. These issues deserve the thoughtfulness of serious responses from Kalasho, instead of attacks on media for asking legitimate questions.

## TWITTERSTORM

Meanwhile Kalasho has continued his defamation on Twitter targeting not only ECM and its reporters, but also the Union-Tribune and its reporting team, even posting a Tweet smearing one Union-Tribune reporter's wife.

His posts targeting ECM include these, which improperly also included the City of El Cajon seal for what is clearly not official city business:



• • **Ben Kalasho** [@BenKalasho](#) 14h14 hours ago

Weirdo wannabe reporter [@PaulKruzeNews](#) with East County Magazine which now under investigation begging me for interviews after I've declined



**Ben Kalasho** [@BenKalasho](#) Oct 2

I mean it's called [@EastCountyMag](#) and yet it's NOT even a magazine. False advertising? Yep!

0 replies 0 retweets 0 likes



• • **Ben Kalasho** [@BenKalasho](#) Oct 2

Made Request for Records for fraud Media Outlet [@EastCountyMag](#) In 20 days I will have some pretty interesting stuff to share with everyone

As stated previously, ECM is not under any investigation other than Kalasho's witch hunt. The 20 days has come and gone, of course, with nothing negative from the records he sought.

Calling Paul Kruze a "weirdo wannabe reporter" is demeaning and false; Kruze is an award-winning journalist with a history in TV broadcasting. Claiming ECM is a "fraud media outlet" is false, defamatory and ironic coming from an individual who has been found by a jury to have committed fraud in one case and currently stands accused of fraud in another lawsuit.

Claiming his records request would provide fodder for negative material to share, which did not occur because our records had nothing negative to fuel Kalasho's vendetta, is also defamatory. Claiming "false advertising" for using the term news magazine is ridiculous; magazines are not limited to print and many are now launched exclusively online. Has Kalasho never heard of e-zines?

When we originally launched in 2008, we envisioned a monthly news magazine with occasionally more timely posts during fires and other emergencies, but due to demand from readers for more news, we became a daily news site by the end of our first month. There is nothing wrong with a news site having its popularity outpace its original founding vision.



## POLITICIANS' ASSAULTS ON THE PRESS HARM THE PUBLIC INTEREST

Kalasho's obsession with attacking and defaming reporters and media outlets who report truthful news about his actions, business, political and ethical controversies instead of responding to the serious questions asked is reminiscent of similar actions by President Donald Trump.

Kalasho is a Democrat. Trump is a Republican. Such attacks are wrong, regardless of the political persuasion of the person abusing their power and seeking to intimidate media from doing their job.

His attacks on the media and other negative actions have cost him support of San Diego CityBeat, which earlier today posted, "We initially liked El Cajon City Councilmember Ben Kalasho, the only Democrat and first-ever Chaldean on the council, but now he's just turned into a troll. From the sexual harassment allegations and defiantly using his phone during council meetings, to his frequent attacks on the media, one commenter on Twitter recently called him "a real-life Parks and Rec caricature." Can't say we disagree."

Similarly, a San Diego Union-Tribune editorial condemning Kalasho's attacks on its media outlet and reporters urged the Councilman to "dial it back."

David Snyder, executive director for the First Amendment Coalition, has called Kalasho's behavior toward the press "irresponsible" and his threats to sue the media "disturbing" after Kalasho's threats against the Union-Tribune were made public.

There is a reason why our nation's founding fathers enshrined journalism as the only profession protected in the U.S. constitution – precisely to protect us from scurrilous attacks by those in power seeking to restrict the public's right to know what's happening in their government and what public officials are doing.

The real losers in Kalasho's attacks on the press are not members of the media (though he clearly intends to cause us harm). Such intimidation tactics aiming to muzzle the media are most damaging to the public-- who deserve answers to important questions posed to Kalasho over serious issues of clear public interest.

Councilman Kalasho should apologize to the press and public, and now that we have set the record straight with facts proving his statements are false, we call on Councilman Kalasho to retract his erroneous and defamatory statements, which are unbecoming of any public official.

As professionals, we will not back down on covering news involving Kalasho, and will strongly refute any future attempts at defaming us or anyone else.

We will, however, continue to be fair and accurate--which includes not only covering controversies, but also covering any positive actions he may take on the El Cajon City Council to benefit the constituents he was elected to represent. We have previously covered positive actions by

Kalasho, it should be noted, such as his townhalls with constituents who can't attend Council meetings, and his past proposals to help the homeless and seniors in El Cajon. We hope he will put his attention and efforts toward accomplishing good things to benefit El Cajon residents, instead of attacking media for simply doing our jobs.

If you are constituents of Councilman Kalasho and wish to share your views, we welcome your comments and letters which may be sent to [editor@eastcountymagazine.org](mailto:editor@eastcountymagazine.org).

As for our readers, we thank you for your continuing support—and we are gratified to see that Councilman Kalasho's efforts to undermine our nonprofit media outlet have backfired, since our readership continues to grow.

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Home > LEGAL FILINGS TIE KALASHO TO FAKE SOCIAL MEDIA ACCOUNTS USED TO SMEAR TACO SHOP, OFFER DETAILS ON "FAKE" NUDE BEAUTY QUEEN PHOTOS

## LEGAL FILINGS TIE KALASHO TO FAKE SOCIAL MEDIA ACCOUNTS USED TO SMEAR TACO SHOP, OFFER DETAILS ON "FAKE" NUDE BEAUTY QUEEN PHOTOS

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[Ben Kalasho](#) [El Cajon](#) [Bessmon Kalasho](#) [Kalasho anti-Slapp](#) [Duraidd Hallak](#) [Zhala Tawfiq](#) [Parks Kargar](#)



**Kalasho claims he's being framed by beauty queens and taco shop owner suing him;**

**Kalasho's wife admitted visiting friend in Cerritos, when the allegedly fake nude beauty queen photos were posted online from her friend's home**

By Miriam Raftery

November 6, 2017 (El Cajon) – Today, plaintiffs suing El Cajon Councilman Bessmon "Ben" Kalasho filed an **anti-SLAPP motion**

asking that Kalasho's countersuit against two beauty pageant contestants and a taco shop be dismissed as retaliatory and violating their First Amendment rights to speak to the press about their case.

California's anti-SLAPP statute prohibits public officials from filing what are known as SLAPP suits to retaliate against members of the public for exercising their free speech and right to petition the government for redress of grievances. Kalasho's countersuit took issue with plaintiffs talking to the media, specifically the *Reader*, about their case.

The plaintiffs include Tawfiq, another pageant contestant, Paris Kargar, who alleged sexual misconduct by the Councilman, and the owner of Tres Taqueria, Duraidd Hallak. Defendants are Councilman Kalasho and his wife, Jessica, as well as against the Miss Middle East Beauty Pageant and the Middle Eastern Chamber of Commerce (formerly the San Diego East County Chaldean Chamber of Commerce).

Plaintiffs' attorney Jimmie Davis Parker also filed a **declaration** stating that information obtained from internet and social media companies, including documents released under court order, reveal evidence that he contends make the plaintiffs likely to prevail.

That evidence includes an admission made during a deposition by Jessica Kalasho, the Councilman's wife, that she visited a friend, Stephanie Malouf, a former beauty queen, in Cerritos on the date that allegedly falsified, full-frontal nude photos of dethroned Miss Middle East Beauty Queen Zhala Tawfiq were posted to Instagram from Malouf's residence in Cerritos. The Instagram "Zhala\_Tawfiq\_fanpage" purported to show "leaked images of Miss Middle East Beauty Queen." Tawfiq lost her crown, and a portion of her payment, following a dispute over whether or not she fulfilled contractual duties as a pageant winner. She has denied ever posing for nude photos.

Evidence also includes documents obtained from Internet providers and social media sites that reveal IP addresses controlled by Kalasho have been traced to posts made from his home. Those posts, made under aliases including Ben George and Robert Forbes, included claims that George and Forbes had become ill after eating at the Mexican restaurant Tres Taqueria.

One stated that after eating rolled tacos at Tres, "I got really sick and ended up with food poisoning. If you guys want, I can do a video about my experience and you guys can share it. Hollywood Casino Jamul-San Diego better wake up," the post continued, referring to an outlet Tres has in the casino. Kalasho's Chamber posted a message declining to "bash restaurants" and said it hoped to see poorly polling restaurants strive to improve.

A poll by the Chamber purported to rank Tres as the "worst restaurant" in El Cajon. But raw data for the vote obtained from Jotform Inc. showed the poll "only received one response before the results of the poll were published by the Chamber," Parker's declaration states.

Kalasho's counterclaim has alleged that he and his wife have suffered emotional distress and lost funding from pageant sponsors and ticket sales as a result of the allegations against him, among other claims.

Kalasho did not respond to ECM's request for comments. However the Reader reports that he issued a statement claiming the filing is "comprised of untruthful allegations. IP addresses which are open to the public aren't proof," he stated, adding, "No evidence has been produced to me or my counsel. Everything thus far has been pure allegation. Their counsel was accusing me of making the doctored up nudes when this case first started, last month he was accusing another associate of ours and now he is accusing a former queen. He is just harassing everyone at this point. This is nothing but a fishing expedition for money."

Kalasho's statement further suggested that Kallak or Tawfiq could have created the false profiles to frame him, noting, "All this can be done by just parking outside my home. All the plaintiffs know where I live and work," he reportedly said, adding that he has footage of plaintiffs parked outside of his home.

Kalasho said he has repeatedly offered his laptop to be searched and scanned by a forensics

expert “to prove I had nothing to do with any of the untruthful allegations against me but the Plaintiffs Lawyer has chosen to ignore my offer because he knows that it will destroy his case...We look forward to trial and will not be bullied, harassed or intimidated.”

The documents filed by plaintiffs and their lawyer paint a different picture.

Three Facebook accounts under the aliases controlled by Kalasho were accessed at least 194 times from the Kalashos' home, which is “also the location of where these three profiles were also deleted after the filing of the litigation,” potentially destroying evidence, the filings by plaintiffs and their lawyer state. They provide printouts obtained from the internet and social media companies as evidence. So if posts were made by someone parked outside the Kalashos' home on the end of a quiet cul-de-sac, the hacker would have had to park there many times.

As for who created the allegedly doctored nude photos, the documents filed by Plaintiffs today don't suggest that Jessica or her friend, Stephanie Malouf altered the photos electronically. They do, however, include an excerpt of a deposition of Kalasho's wife, Jessica Marie Deddeh Kalasho, who stated that she does not use Photoshop. Asked if Ben Kalasho use Photoshop, she replied, “For – for pageant-related stuff and for fliers, for mixer events, yes.” The paperwork also indicates that plaintiff's attorney is seeking to add Malouf to the case in order to question her about the photos in order to learn who posted them, who provided them, and who doctored them, if the allegations that Tawfiq's face was imposed on someone else's nude body prove true.

Kargar, the other former pageant contestant, has claimed Kalasho interviewed her in a dark room and offered to trade sex for a win in the pageant. She also claimed she was humiliated when he stated during a pageant rehearsal, “Your boobs are moving too much. Do it again.” Kalasho has denied the first claim but in other judicial documents is quoted as stating the comment on Kargar's breasts was intended to instruct her on the “correct and classy way to walk down the runway, without bouncing her breasts up and down.”

The lawsuit filed by plaintiffs against the Kalashos contends among other things that the pageant they ran was a fraud. That claim was made before the California Attorney General last week informed ECM that the state has revoked the pageant's nonprofit status due to lack of paperwork filing and a fee that were not submitted despite multiple written requests. Kalasho previously was found by a jury to have committee fraud in a case involving damage from his carwash and also changed his Chamber's name after the U.S Patent and Trademark office found the earlier name to be in violation of a trademark held by a Detroit-based Chaldean Chamber. Kalasho had won an earlier court case over the trademark, but lost on appeal.

In a letter from Parker to Kalasho's attorney, Stephen J. Liosi, Parker indicates that both sides have also accused each other of witness tampering. “Amazingly you allege that my client has been attempting to tamper with witnesses in your cross-complaint” he wrote on August 22, 2017,

adding, "Unfortunately, I have proof that Mr. Kalasho is tampering with witnesses and extra-judicially interfering with lawfully issued subpoenas."

Plaintiffs have asked to have all causes of action against them dismissed, except a breach of contract claim addressed in a concurrently filed demurrer.

*Disclosure: Kalasho has threatened to sue East County Magazine and the San Diego Union-Tribune, as well as the City of El Cajon, on various claims. Our response to his baseless threats against us may be read [here](#).*

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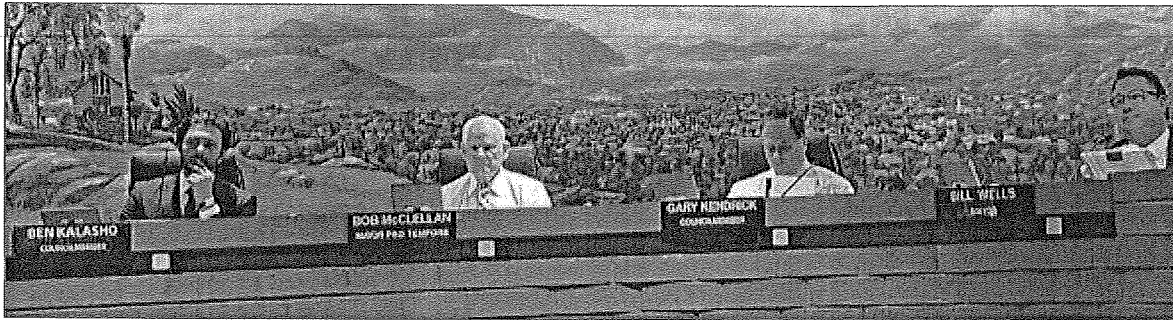
Home > KALASHO DEFIES EL CAJON CITY COUNCIL RULE ON WIRELESS DEVICES; COUNCIL UNANIMOUSLY APPROVES CRACKDOWN ON MARIJUANA

## KALASHO DEFIES EL CAJON CITY COUNCIL RULE ON WIRELESS DEVICES; COUNCIL UNANIMOUSLY APPROVES CRACKDOWN ON MARIJUANA

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October 2017 Articles

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Story, videos and photos by Paul Kruze

October 12, 2017 (El Cajon) – An outburst and verbal kerfuffle between El Cajon Mayor Bill Wells and Councilman Ben Kalasho at the end of Tuesday's El Cajon City Council meeting almost overshadowed an earlier unified 5-0 decision to ban outdoor growing of marijuana by individuals and increase penalties for illegal commercial marijuana dispensaries and commercial growing facilities within the city limits of El Cajon.

### Kalasho-Wells clash

(View video of the Mayor and Kalasho interaction here: [https://www.youtube.com/watch?v=K0i7cHpG\\_yw&feature=youtu.be](https://www.youtube.com/watch?v=K0i7cHpG_yw&feature=youtu.be))

In a nearly empty City Council chamber, members of the City Council returned to their seats on the dais after a closed session meeting, when Kalasho openly dangled and twirled a white cellphone in his hands as he grinned at his wife, Jessica, seated in the back of the chamber. The action defied a recently enacted ban on use of personal electronic devices during Council meetings. Wells also warned the entire council that cell phones were to be turned off at the beginning of Tuesday's meeting.

Observing these actions during the last portion of the open meeting, Mayor Wells called twice for Kalasho to stash the device. "Mr. Kalasho would you please put your phone away," Wells stated. "Would you please put it out of your hands," adding, "We're not doing this to hurt you."

Kalasho retorted, "You absolutely are doing it to hurt me." When he was quizzed by Wells if there was a significant and urgent reason for him to be on his phone, Kalasho said that it was "because of an emergency."

"You have no right to tell me if I'm having an emergency on my phone," Kalasho continued, "and so if I'm having an emergency on my phone, not you, or anyone else in this room could tell me to put my phone down. Do you

understand?"

Wells fired back, "I have no option but to ask for censure. I'm giving you one more warning...I'll ask you at the next meeting...if you are oppositional or defiant...I'm going to ask for the City Council to censure you," to which Kalasho responded, "That's not how it works."

Earlier this year, following the lead of other California cities who have taken a "better safe than sorry approach" endorsed by the League of California Cities, the El Cajon City Council voted to ban the use of personal cellphones and other wireless devices by members during Council meetings, citing potential violations of the California Brown Act which guarantees the public's right to attend and participate in meetings of local public legislative bodies with expectations of transparency.

In a digital age, it is believed that emails, text messages, posts online or a casual e-mail conversation between two City Council members or an offhand comment on a newspaper website may quickly and inadvertently turn into a "meeting" under the Brown Act, although a court has yet to make a concrete determination of such a policy. (The League of California Cities on its website describes itself as "an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities.") In addition, state law mandates that during public hearings, elected officials may consider only evidence presented – not outside communications, which could open the door for influence by lobbyists or others.

Kalasho recently filed a complaint with the State of California Department of Fair Employment and Housing claiming discrimination by the City, after the Council voted 4-1 (with Kalasho opposed) to allow no personal electronic devices on the dais during Council meetings, though members can use city-issued Apple iPad tablets configured to only allow access to City of El Cajon official websites and access to the city's financial budget documents and municipal codes.

Before adjourning Tuesday's meeting, Wells said that he would seriously consider censuring Kalasho for his misbehavior – an unprecedented move in the history of the City of El Cajon City Council. A "censure" is a public admonishment for misbehavior.

A censure would be unprecedented, though Council did previously vote in January 2013 to condemn criminal actions of Jillian Hanson-Cox, though only after the former Councilwoman pled guilty to embezzling funds from an employer and had resigned from the Council.

"This is not about me, it's about his lack of respect for the people of El Cajon," Wells later told ECM. "Many of us have been concerned about the allegations of his mistreatment of women, fraud, violations of campaign law, fake non-profit organizations, Internet crimes and not to mention the myriad of lawsuits in which he is involved and the lawsuits he's threatened towards the city. On top of that he is in public feuds with the press. All of these things are an embarrassment to the City and the Council," Wells added.

Kalasho has openly attacked and threatened to sue San Diego Union-Tribune watchdog reporter Jeff McDonald, and also threatened East County Magazine's editor, who will be responding in a separate article to legal threats and unfounded claims made by Kalasho after ECM reported on his legal and ethical controversies. Since his initial clashes with the Union-Tribune, Kalasho has refused to respond to requests for interviews or comments to both the Union-Tribune and East County Magazine.

Linda Nickerson, president of the East County Democratic Club, a local political organization which has



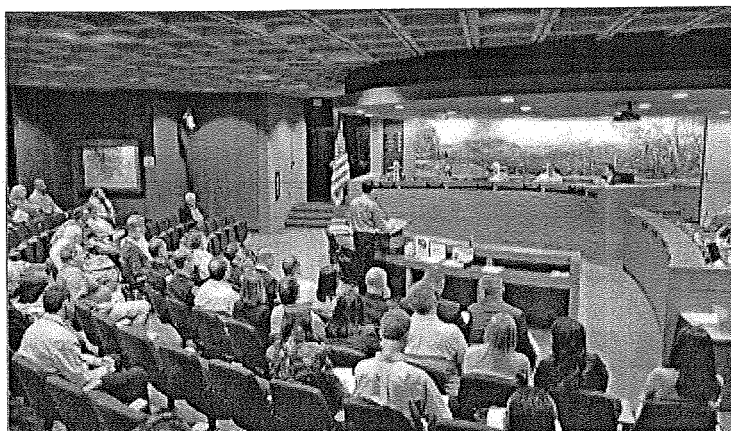
enthusiastically supported and endorsed Kalasho in the past, did not respond to a request from East County Magazine for an interview.

### **Marijuana ordinance passed**

View marijuana ordinance discussion: <https://www.youtube.com/watch?v=yKDtYrqquFM>

View the marijuana ordinance by clicking item 3.1 on the agenda here: <http://www.ci.el-cajon.ca.us/Home/ShowDocument?id=14227>

Ten citizens offered public comment earlier in the meeting supporting a City of El Cajon proposed ordinance to severely restrict personal cultivation of marijuana and opening of medical marijuana dispensaries within city limits and impose heavy fines on those violating the rules. There were no public comments against the ordinance.



It was made clear during the discussion that the ordinance adopted by Council is not an attempt to circumvent voter approved California Proposition 64 (Control, Regulate and Tax Adult Use of Marijuana) which legalizes the possession, use, and cultivation of "non-medical" marijuana for those who are 21 years of age or older. The state law provides a state licensing process for commercial marijuana sales, though cities can set certain limits.

The city's ordinance specifically prohibits personal outdoor growing of marijuana, yet it recognizes indoor residential cultivation of marijuana consistent with state law (up to six plants per household). However the ordinance clarifies that existing city law also prohibits all commercial marijuana "activity" including sales, commercial cultivation and distribution in the City of El Cajon. The ordinance increases administrative and civil penalties fines up to \$2,500 for each violation being charged to the owner of a dispensary and the owner of the building where the dispensary is located. "That is significant teeth," said Wells.

The City of El Cajon has forced the closure of 31 illegally operating marijuana dispensaries in the past seven years, the most recent being a dispensary which has been operating for the past two years on the 900 block of W. Main Street operated by Fred Jajou and West Main Street LLC. According to court documents, in a settlement reached with the parties involved, the San Diego County Superior Court has ordered Jajou and the parent organization to pay the city of El Cajon \$75,000 in miscellaneous fines and penalties for violating El Cajon's land use regulations.

Patricia Williams, a former methamphetamine user and a current resident of El Cajon Transitional Living Center said that as a child, she had an easy access to marijuana. "That led to being an intravenous drug user. All of this does not have to be around. We have enough troubles with drugs and alcohol in the city of El Cajon, and I think that it should not be so easily obtainable," she said.

Resident Jamie Freitas began his testimony by offering his thanks to all those who were involved in the most recent closure of a drug dispensary in El Cajon. "It has been one week that it has been closed and it has been one week not living next to Disneyland," he said. "No more hundreds of cars all day long, hundreds of people

walking near the property all day and night. No more car racing. No more loud music. No more drug paraphernalia on the street," he continued to say. "But I left you out, Councilman Ben Kalasho. I view you as part of the problem and not part of the solution. What I found out is that you accepted campaign contributions from the owner of that marijuana dispensary that has probably cost the city tens of thousands of dollars to close down and ruined my neighborhood. Depending how you vote might change my mind."

Freitas then said that the marijuana dispensary in question has moved outside of the El Cajon city limits. "Any member of the City Council who doesn't vote to pass this new ordinance for higher fines and making it a criminal offense doesn't have the interests of the people of El Cajon," he said.

In response, Kalasho said that he believes that citizens should have access to medical marijuana "because it has been proven to treat illnesses and things like that. I'm not for children to be smoking marijuana or people abusing it for recreational purposes. I don't blame you," Kalasho added.

Conversation between El Cajon City Attorney Morgan Foley and Kalasho ensued about whether he would be disqualified from voting on the matter because of his receipt of campaign contributions. But because it was a vote on a broad citywide issue rather than a specific issue, Kalasho would be allowed to vote. He ultimately voted with the majority in a unanimous support of the city Planning Commission's recommendation to adopt the ordinance.

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Home > FIRST AMENDMENT LAWYERS CRITICIZE COUNCILMAN KALASHO FOR LAWSUIT THREATS AND INSULTS MADE TO UNION-TRIBUNE REPORTER

## FIRST AMENDMENT LAWYERS CRITICIZE COUNCILMAN KALASHO FOR LAWSUIT THREATS AND INSULTS MADE TO UNION-TRIBUNE REPORTER

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September 2017 Articles

Ben Kalasho El Cajon City Council threats



By Miriam Raftery

*"His behavior is extraordinarily irresponsible. A public official should not be in the business of threatening groundless litigation over acts that are things that reporters do every day." -- David Snyder, executive director, First Amendment Coalition*

September 19, 2017 (San Diego) – El Cajon Councilman Ben Kalasho sent emails to San Diego Union-Tribune reporter Jeff McDonald repeatedly calling the award-winning journalist a “troll” and threatening legal action after McDonald asked tough questions about Kalasho’s business dealings and apparent conflicts of interests.

The Councilman also demanded that McDonald stop contacting Kalasho or his wife “by any means” which would include his official public email address adding, “Any further attempts to contact me or my wife or Members, Sponsors of affiliates of my Chamber by any means will be used against you in the upcoming harassment claim” and further accused the reporter of “acts of deception” and fabricating information.

Kalasho’s wife became president of the San Diego Chaldean-American Chamber of Commerce after Kalasho was elected to the Council. The UT inquiry included questions regarding Kalasho’s vote on tax liens against residents over unpaid Waste Management bills. Waste Management paid \$2,500 to the Chamber as a corporate member, and it is unclear why Kalasho did not recuse himself from the vote, as Council members are required to do whenever they have a financial conflict involving money paid to themselves or their family members. The Attorney General has also sent Kalasho a letter probing the lack of nonprofit papers filed for the Miss Middle East Beauty Pageant he has run, as ECM reported.

The emails released by McDonald from himself to Kalasho were professional in tone, even after Kalasho’s insults and dodging important questions on matters of strong public interest.

McDonald has published a series of reports on Kalasho’s controversies. But after McDonald published that Waste Management withdrew its sponsorship of his Chamber, Kalasho accused McDonald of making up the story. However Waste Management senior communications manager Eloise Orozco confirmed to East County

Magazine reporter Paul Kruze that Waste Management had withdrawn its support because “we’re not entirely comfortable contributing to an organization which is involved in a controversy.”

Kalasho's Chamber has been embroiled in several controversies. After losing a trademark dispute over the name and being ordered by the U.S. Patent and Trademark Office to cease using it, Kalasho took down the Chamber site and announced he has formed a new group called the Middle Eastern Chamber of Commerce.

The earlier Chamber ran the Miss Middle East Beauty Pageant. Multiple contestants have recently filed suit with allegations that include fraud, photoshopping a dethroned beauty queen's face onto someone else's nude body, and sexual harassment including offering to trade sex for the crown. Kalasho has denied those charges and has filed a countersuit.

Union Tribune editorial and opinion editor Matthew Hall also exchanged emails with Kalasho in preparation for an editorial that the newspaper subsequently ran. Kalasho continued his name-calling, and told Hall, “I don’t do interviews with the UT.”

Kalasho has also recently declined to respond to calls or emails from East County Magazine requesting comments for recent stories including this one. We sent a list of questions to Kalasho at both his official city email address and his personal email address, allowing 24 hours for a response before publishing this article, but he did not respond.

The Union-Tribune editorial board defended its reporter and excoriated Kalasho, stating, “Declining comment in politics is one thing, but dripping contempt is something else. Kalasho should dial it back. El Cajon’s constituents are poorly served by his lack of professionalism.”

East County Magazine sent copies of the emails between Kalasho and the Union-Tribune’s reporter and editor to two First Amendment experts for comments.

Terry Francke is general counsel for Californians Aware (CALAWARE), an organization which protects open government access in California by reporters and the public.

Regarding Kalasho's threat to sue McDonald or the Union-Tribune, Francke said he sees no significant likelihood that such a suit could possibly prevail. “He admits that he could not succeed with a libel suit because he could not prove deliberate lies,” he said, citing the standard for public figures to win a libel case. “As for harassment, I’m not aware of any case in which a court equated persistent, even obnoxious interview attempts by a journalist to be actionable.”

Francke further affirmed that a City Councilman has no legal right to demand that a reporter not contact him. Moreover, he said reporters have no obligation to heed Kalasho’s demand not to contact Kalasho, his wife, Chamber officers or members. Francke added that he doubts Kalasho’s actions would have a chilling effect on media because “no journalist worth his/her salt would be intimidated by such behavior.”

He also had a warning for Kalasho. “Anyone concerned about this should be aware that a legal action based on these circumstances would almost certainly be tossed out as a SLAPP suit which would mean the plaintiff would not only lose on the merits but would have to pay the attorney fees of the defendant.”

SLAPP stands for Strategic Lawsuit Against Public Participation. A SLAPP suit aims to suppress free speech rights under the First Amendment of the U.S. Constitution and the California Constitution. SLAPP suits are illegal in California. “SLAPPs are often brought by corporations, real estate developers, or government officials

and entities against individuals or organizations who oppose them on public issues," the California anti-SLAPP project website states.

East County Magazine also spoke with David Snyder, executive director of the First Amendment Coalition, regarding Kalasho's actions. After reviewing the email exchanges published by the Union-Tribune, Snyder told ECM. "First and foremost, it's a really depressing commentary on the level of discourse regarding, and with, the press that seems to have taken hold not just here, but across the country," an apparent reference to claims of "fake news" by President Donald Trump and others attempting to discredit media for even truthful and well-documented reporting.

As for Kalasho's remarks, Snyder states, "That an elected official would engage in such name-calling is disturbing," adding, "The threats of litigation are also disturbing."

He added, "His behavior is extraordinarily irresponsible. A public official should not be in the business of threatening groundless litigation over acts that are things that reporters do every day." He said that "constant threats of baseless lawsuits can cast a real chill on the ability of reporters to just do their jobs" and make it harder for reporters to hold public officials accountable for their actions.

The First Amendment does not provide a blanket shield against otherwise unlawful behavior such as assault or invading privacy of someone's home, he clarified. But he made clear, "Just engaging in normal news gathering is not a crime and would be protected" by the First Amendment. "I can't imagine that any court would decide that sending emails and making phone calls asking about the government business of a public official could in any way rise to the level of an actionable claim."

He said it's not unlawful or unreasonable for a reporter to call a public official at home regarding a news story.

As for Kalasho's demands not to contact himself, his wife or Chamber members, Snyder stated, "To the extent his email is some kind of order to not contact people, that order is not enforceable. To prevent a reporter from making a phone call would be prior restraint—preventing speech before it happens, which is verboten (forbidden)."

According to Cornell Law, government action to prevent free speech is "generally unconstitutional." The First Amendment Center's website states, "Perhaps no First Amendment right is more secure than the news media's right to publish information free from government censorship. While public officials frequently wish they could prevent newspapers, magazines and broadcast stations from publishing sensitive or embarrassing information, their ability to censor the media is extremely limited."

According to the Reporters Committee for Freedom of the press, citing the First Amendment Handbook, "A prior restraint is an official government restriction of speech prior to publication. Prior restraints are viewed by the U.S. Supreme Court as "the most serious and the least tolerable infringement on First Amendment rights." The Court repeatedly has found that such attempts to censor the media are presumed unconstitutional."

Snyder agreed with Francke regarding Kalasho's threats to sue the Union-Tribune, based on what he could observe in the emails disclosed. Snyder said that if Kalasho filed a suit based on normal news gathering activities, the chances of it being thrown out and of Kalasho facing an anti-SLAPP suit would be "very, very high." He added, "It would be subject to California's anti-SLAPP law, which requires the losing party, the person whose lawsuit is dismissed to pay the lawyer's fee for the defendant—in this case, the Union-Tribune."

Kalasho has claimed the Union-Tribune was one-sided, yet he has refused to answer important questions, as the email chains reveal. Reporters are not mind readers. The Union-Tribune reporter and editor gave Kalasho opportunities to share his perspectives, and he chose not to do so. While Kalasho has claimed some information he provided previously was omitted, he has not provided any evidence to the Union-Tribune's editor to document that – instead attacking the press instead of taking responsibility for his own failure to respond to reasonable inquiries sent by the media.

Snyder noted that Kalasho has a right to express his views and that if he believes a report is inaccurate, he should raise his concerns to the reporter. If that does not resolve the concerns, he should talk to the editor.

“Based on what I saw, that doesn’t seem to be what he’s doing,” the First Amendment Coalition leader concludes of Kalasho’s actions. “The claims of unfair coverage seem to be a front to engage in name calling--and avoid answering questions.”

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Home > DETHRONED BEAUTY PAGEANT QUEEN FILES FRAUD AND DEFAMATION SUIT; COUNCILMAN KALASHO DENIES ALLEGATIONS

## DETHRONED BEAUTY PAGEANT QUEEN FILES FRAUD AND DEFAMATION SUIT; COUNCILMAN KALASHO DENIES ALLEGATIONS

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June 2017 Articles

Ben Kalasho Miss Middle East USA Beauty Pageant Miss Middle East Beauty Pageant USA Chaldean American Chamber El Cajon



**Kalasho provides documents to bolster his defense, though this isn't first time he has faced claims of fraud or ethics questions**

By Miriam Raftery

*Updated with comments from Tawfiq's attorney*

June 7, 2017 (El Cajon) – A lawsuit has been filed against the Miss Middle East

Beauty pageant USA Inc. and Ben (Bessmon) Kalasho, organizer of the pageant and an El Cajon City Councilman.

The suit, filed by pageant winner Zhala Tawfiq and first reported by the *Reader*, claims the pageant is fraudulent, that prize money was not paid, and that after she objected to giving up passwords to her social media accounts, photos of her face photoshopped onto someone else's nude body were posted on an Instagram page named "Zhala\_Tawfiq\_Fanpage" with a post reading, "Leaked images of Miss Middle East Beauty Queen." Soon after she was removed as pageant winner and the title was given to the runner-up.

Asked if he posted the photos, Kalasho told *East County Magazine*, "Absolutely not." He indicated Tawfiz was replaced due to not fulfilling terms of her contract.

Kalasho adds, "They should go find that IP address...I want the person who made the fake instagram account to get caught, too." Asked if anyone else with access to his computer might have had reason to post such images, Kalasho stated, "Nobody else has access to my

computer." The images could not be found online at the Instragram account listed in the lawsuit.

The lawsuit is civil, however posting nude photos of anyone without their permission online is also a federal crime, a member of law enforcement advised ECM adding that if the allegations are true, the victim should report the matter to the Federal Bureau of Investigation. California's revenge porn law may also be applicable.

Kalasho says Tawfiq breached her contract with the pageant by not selling tickets to this year's pageant, not appearing at five mixers for the San Diego Chaldean American Chamber of Commerce (which Kalasho headed up until stepping down recently to avoid conflicts of interest with his Council position), and didn't post pageant information on social media. He contends he did not ask for her passwords and says of Tawfiq, "For her, this is about fame and money." He says he's been contacted by Tawfiq's attorney about settling the case but adds, "We're not settling."

Kalasho provided a copy of a release, waiver and legal document that he says was on the website all contestants agreed to, as well as a pageant winner contract signed by Tawfiq. The contract specifies that the winner agrees to post on social media requests made by Kalasho, his wife, the Chamber or pageant. It states that prize money will be paid in three payments and that if one or more requirements are not made in a timely manner, the prize money can be forfeited and new winner named. Kalasho also posted copies on his Facebook page of two checks paid by the Chaldean American Chamber of Commerce to Tawfiq, each for \$666.66 in November 2016 and May 2017. Both have the word "void" in the images posted on Facebook; Kalasho says this is because the checks were deposited electronically.

Tawfiq's lawsuit names the "California nonprofit" Miss Middle East Beauty Pageant USA, Inc., doing business as "Miss Middle East USA Beauty Pageant," as well as Kalasho. Her suit contends that the pageant is fraudulently acting as a nonprofit promising money for charity but without naming any charity. Kalasho says, "We don't say it's a support of a nonprofit...We don't say that anywhere, the pageant recycles the money back to the girls" as well as covering expenses for food, hotel space rental for the event and more. He insists that the pageant has never claimed it raised funds for any charities, even in its first year when the San Diego Chaldean American Chamber of Commerce was a charity before, he says, he changed it to a sole proprietorship. (Franchise Tax Board records show that the Chamber's nonprofit status was suspended in 2013.)

ECM attempted to fact check Kalasho's claim that the pageant was never raising funds for charity on the Internet Archive or Wayback Machine, but found that all screenshots of the pageant's website archived through the years appear blank and have apparently been removed.

"We are our own charity," Kalasho said of the pageant.



But a check of the California Department of Justice's registry for charities shows that although an applicant number for someone in Santee was assigned for the Miss Middle East Beauty Pageant USA was assigned, the registration status is listed as "not registered." A broader search for any charity containing the words Miss Middle East turned up no listings.

Although archived copies of the pageant's webpage are no longer available in the Internet archive, ECM located a 2014 pageant video on YouTube in which Jessica Kalasho, Ben Kalasho's wife, states, "While preparing for the pageant we've had a lot of people donate and also sponsorships." According to eHow legal writer Terry Masters, "While it is the case that a for-profit business can accept donations, it has to be careful not to run afoul of a state's laws against soliciting the public for donations without registering with the state attorney general. If a for-profit business is asking for "donations," it has to at least make it clear that the business is not a nonprofit." For profit businesses that use volunteer labor, violate state law as the state of California affirmed when it cracked down on wineries that were found to be illegally using volunteers to pick grapes.

Attorney Lina Charry, who says she is representing Tawfiq, says Kalasho has made misrepresentations about her client and in past litigation, including some cases that involved Charry personally.

This is not the first time Kalasho has faced allegations of fraud or ethics questions.

He's been involved in a string of lawsuits, winning some but losing others.

A jury in 2014 awarded \$10,000 in damages to Ideal Market for fraud and breach of contract in a suit filed by Ideal Market against Kalasho.

Kalasho told ECM he was "not a principal and "just wrote the checks" in that case. However according to the suit, Kalasho signed the contracts but did not have authority to sell a property he was attempting to sell, Charry noted. The judgment document confirms Kalasho signed the contract and made false representation, according to the jury's findings.

Lemon Grove Ultra Mart, Inc. obtained a Small Claims judgment of \$2626.00 + \$500 in expenses against Kalasho, owner of Wize Guyz Inc. in 2016; Kalasho has filed an appeal in that case. The case involved a vehicle that went through the Go Car Wash owned by Kalasho and lost control, damaging property next door at Lemon Grove Ultra Mart owned by Charry.

Charry told ECM that Kalasho initially denied knowledge of the damage but says surveillance video provided by the Sheriff in Santee showed Kalasho was "right in the middle" of the incident. She claims that after she took photos from her car outside Kalasho's home to document a process server serving notice of the damage suit, Kalasho filed for a restraining order against her. The court denied a temporary restraining order and a permanent restraining order.

Kalasho was fined \$6,500 by the FPPC for failing to report \$10,0380.76 in contributions during his campaign for El Cajon City Council in 2012. Details [here](#) and [here](#).

The only Democrat on the El Cajon City Council, Kalasho has made waves and potentially political enemies with his outspoken and at times confrontational actions. He has fought to put many more items on the agenda than Council has customarily allowed and accused fellow council members of singling him out on a measure restricting use of ipads or other personal computers during Council sessions. Most recently, he threatened to file a lawsuit against the City of El Cajon over a redistricting map approved that pits Kalasho, an Iraqi-Chaldean who is the only minority on the Council, in the same district as a white conservative Councilmember. (The map did also create three majority minority districts.)

Kalasho has also drawn criticism for ageism due to a remark he posted on Facebook regarding the redistricting in which he said this about Councilman Bob McClellan, "I literally sit next to an 84 year old man on the dais."

But Kalasho has drawn praise from some in the business community for his advocacy on behalf of business owners as Chamber leader and on the Council, where he has fought to get a sign ordinance changed. He has also gained support from constituents in Fletcher Hills for his concerns over airport traffic issues, from Democrats for proposing an unsuccessful measure to offer city jobs to the homeless, and from others in the community for hosting a series of town hall meetings to hear from members of the public unable to attend afternoon City Council hearings.

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Home > COUNCILMAN FACES NEW TURMOIL: ATTORNEY GENERAL PROBES CHARITY; WASTE MANAGEMENT WITHDRAWS CORPORATE SUPPORT OF KALASHO'S CHAMBER

## COUNCILMAN FACES NEW TURMOIL: ATTORNEY GENERAL PROBES CHARITY; WASTE MANAGEMENT WITHDRAWS CORPORATE SUPPORT OF KALASHO'S CHAMBER

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September 2017 Articles

Ben Kalasho El Cajon Miss Middle East Beauty Pageant Middle East Chamber of Commerce California Attorney General



By Paul Kruze

September 8, 2017 (El Cajon) – With hurricanes in the headlines this week, El Cajon Councilman Ben Kalasho finds himself in the eye of a storm—or several--yet again. California Attorney General Xavier Becerra has sent Kalasho a **letter** of inquiry probing the Miss Middle East Beauty Pageant USA” run by Kalasho.

Nonprofits must account for where donations come from, and how funds are spent. The Attorney General's letter suggests that Kalasho failed to file proper paperwork to receive designation as a non-profit organization for the pageant. The pageant was run for several years under the umbrella of the San Diego-East County Chaldean Chamber of Commerce also founded by Kalasho, but may be subject to "registration and reporting requirements," the letter states.

The Attorney General demands that Kalasho provide copies of documents including a registration form, bylaws, an Internal Revenue Service determination letter and a copy of the Application of Recognition of exemption within 30 days.

The Chamber was briefly incorporated with the California Secretary of State as a nonprofit but in November 2013 the Chamber's nonprofit status was suspended. The trade group represented Chaldean small businesses in El Cajon before it was suspended by the California Franchise Tax Board last year. Kalasho has previously told ECM that he converted the Chamber to a sole proprietorship, or for-profit venture, so that he could represent himself in court due to litigation.

Kalasho has told the *San Diego Union-Tribune* that he has paid taxes for the chamber using a Schedule C for sole proprietorships. "When we first set up the chamber, we planned on being a non-profit. We never completed that paperwork. We never operated a true nonprofit or completed

that filing,” Kalasho further stated, the newspaper reported.

East County Magazine reported in June 2017 that the U.S. Patent and Trademark Office issued an order cancelling Kalasho's trademark for the “San Diego-East County Chaldean American Chamber of Commerce” name. It said that the Kalasho's trademark caused confusion with the “Chaldean American Chamber of Commerce” organization based in Detroit, which has been using the name since 2001 and recently sued Kalasho because of its use by him. (Although the website for “San Diego-East County Chaldean American Chamber of Commerce” has been removed because of the action, Youtube videos by Kalasho using the disputed name remain online.)

Kalasho has since launched a new Middle Eastern Chamber of Commerce which claims to be the “largest ethnic chamber in the world.” However the U.S. Hispanic Chamber of Commerce claims to represent over 4.2 million Hispanic business owners; other ethnic chambers also tout very large memberships.

The State Franchise board says that although the San Diego-East County Chaldean American Chamber was suspended on June 1, 2016 for failing to pay fees, it remained registered on the state's books at the time of the suspension.

That Kalasho had not formally terminated the non-profit could end up as collateral damage (like the damage from Hurricane Harvey) for the El Cajon businesses and individuals who may have claimed membership fees as a tax deduction on their federal tax forms, according to Miranda Fleisher, a University of San Diego law professor who teaches taxation subjects at its School of Law.

“That an organization has a tax-exempt status with the state does not mean that it has a tax-exempt status with federal law that gives individuals the ability to take a federal deduction when they make a donation,” Fleisher says. “I’m assuming that they did not receive a 501c3 exemption from the federal government. “

She says that when a non-profit is formed under state law, a group has 27 months to file for a federal tax exemption. Once it has been successfully granted, and most of them are, donations are deemed to be deductible. “If you form a non-profit, you know that you are going to get your tax exemption and you dot your I’s and cross your t’s, and do everything you are supposed to; donors should be able to rely that their contribution is tax deductible,” Fleischer says. “If your application is rejected, the people who made a contribution shouldn’t have been able to take a tax deduction for that year,” she adds. “If they did that, they essentially underpaid their taxes.”

Another proviso is if individuals who made contributions itemized their deductions. “That’s a big question, as only one-third of tax filers itemize deductions,” Fleischer notes. Most organizations will openly state on their website and materials that they are a federally certified non-profit

organization, she points out, adding that potential charity donors should check whether an organization has this status before they make a contribution.

"If you ever make a contribution or donation to an organization that doesn't say that their contribution is tax deductible as a 501c3 organization you should ask," Fleischer advises. "...It is a matter of faith that if it is a new organization and they say that they have filed all of their paperwork and that 'We have approval from the Secretary of State and we've filed our paperwork with the IRS.'"

One of the major corporate contributors to Kalasho's beauty pageant entity, the Chamber, is Texas-based Waste Management, Inc., which operates waste disposal franchises throughout the United States and in the City of El Cajon. It has contributed \$2,500 to the Chamber.

"Being part of the community is part of the DNA of Waste Management," says Waste Management's Sr. Communications Manager, Eloise Orozco. "Like a good and responsible member of the community, we contribute to many organizations so we can effectively reach out to them."

But Waste Management's reach may have suddenly fallen short when it comes to Kalasho's charity. Late last week, Waste Management formally informed by letter to Kalasho that it has requested to withdraw as a member of the Middle East Chamber of Commerce, Orozco confirmed to East County Magazine, though she declined to provide a copy of the letter. "Whether Waste Management will request the money it has contributed to be returned "is too early to tell," Orozco added. "We have taken the steps as we have because we're not entirely comfortable contributing to an organization which is involved in a controversy."

Another potential issue for Kalasho is that he recently participated in an El Cajon City Council vote on liens against property owners who did not pay Waste Management bills, instead of recusing himself to avoid a conflict of interest, since his organization received funding from Waste Management.

Kalasho is also facing civil suits filed by pageant contestants including claims that the pageant was fraudulent and claims of sexual harassment including a contestant who has accused Kalasho of offering to trade sex for the crown. Kalasho has denied those allegations and filed a countersuit.

East County Magazine reached out to Kalasho for comments for this article, but he did not offer a response.

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Home > KALASHO COUNTERSUES BEAUTY CONTESTANTS FOR DEFAMATION

## KALASHO COUNTERSUES BEAUTY CONTESTANTS FOR DEFAMATION

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August 2017 Articles

Ben Kalasho beauty pagaent



By Miriam Raftery

August 12, 2017 (San Diego) – El Cajon Councilman Ben Kalasho is counter-suing two contestants in the Miss Middle East Beauty Pageant that he founded, alleging that his reputation has been harmed by their claims that include fraud and sexual harassment.

One contestant, Paris Kargar, claimed Kalasho offered her a win in the pageant if she would sleep with him. She has also claimed he made

inappropriate comments about her breasts jiggling when she walked across the stage, then asked that she “do it again.”

In the cross-complaint, Kalasho claims he was merely trying to teach Kargar the “correct and classy way to walk down the runway,” according to his counter suit. He notes that Kargar later attended a function at the home Kalasho shares with his wife.

The other contestant, Zhala Tawfiq, was stripped of her crown after she refused to allow Kalasho to post on her social media accounts and a dispute over whether she had fulfilled pageant appearance requirements. When electronically-altered photos showing her face onto someone else’s nude body appeared on Instagram, she accused Kalasho of posting them in retaliation.

The cross-complaint suggests that perhaps someone else posted the fake nude photos, and noted that she held a Kurdish flag upside down, which may have offended someone in her own culture, the San Diego Union-Tribune reports. Kalasho has claimed Tawfiq breached a contract and that the pageant had ground to replace her with the runner-up.

The Councilman, who also founded the San Diego East County Chaldean American-Chamber of Commerce. He recently lost a trademark dispute and recently changed the name to Middle Eastern Chamber of Commerce. Kalasho also paid a \$10,000 settlement in a prior fraud case involving damage to property at a market owned by Lina Charry that the court found was caused by a car wash owned by Kalasho. Kalasho sought a permanent restraining order against Charry, which the court denied.

Kalasho claims in his cross-complaint that Charry has an “obsessive fixation” on him because she was banned

from participating in the beauty pageant.

But the complaints suggest a pattern of targeting those who have crossed him. The 3 Brothers Taco Shop, also a plaintiff, claims that after it refused to allow Kalasho to post a campaign sign at the business, he smeared the restaurant with an online poll claiming it was the worst Mexican food in El Cajon. But Kalasho's countersuit notes that other companies didn't post his signs, and were not targeted by negative polls.

Kalasho seeks compensatory and punitive damages as well as court costs and attorney fees.

But Tawfiq's lawyer, Jimmie Parker, calls Kalasho's cross complaint unfounded and says it's a continuation of harassment against his client, the Union-Tribune reports. Parker says that he will seek sanctions against Kalasho for filing the countersuit.

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Home > SECOND PAGEANT CONTESTANT ALLEGES WRONGDOING, ACCUSES KALASHO OF OFFERING TO TRADE SEX FOR CROWN

## SECOND PAGEANT CONTESTANT ALLEGES WRONGDOING, ACCUSES KALASHO OF OFFERING TO TRADE SEX FOR CROWN

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August 2017 Articles

Ben Kalasho El Cajon Miss Middle East Pageant



By Miriam Raftery

August 4, 2017 (El Cajon) –The *San Diego Reader* reports that a second contestant in the 2016 Miss Middle East Pageant has filed a lawsuit against Ben Kalasho and the pageant that he runs. Paris Kargar told the *Reader* that on the eve of the pageant, Kalasho, an El Cajon Councilman, pulled her aside and told her, “You stay here at the hotel tonight with me, and you win.”

Kalasho did not respond to our email requesting

comment for this story, nor to the reader’s inquiry.

Kargar contends that Kalasho put the moves on her repeatedly, making her feel uncomfortable. She says he earlier asked to meet with pageant contestants one-on-one. In her first meeting with him, she found herself in a dark room. “Before he turned on the camera, he circled me and asked if I had a boyfriend,” she said, adding that Kalasho whispered that she was “so hot.”

When her turn to walk onstage came, Kalasho commented that her breasts were jiggling too much, Kargar said, adding, “I was embarrassed and ashamed...” She said he made derogatory comments about other contestant’s body parts, too.

After the event, in which she placed fourth, Kalasho sent her text messages including half-dressed photos of himself, Kargar says. “He has this competition and says it’s to empower Middle Eastern women, and instead he treated us like slaves,” she concluded.

The prior lawsuit was filed by Zhara Tawfiq, who was stripped of her crown due to a contract dispute. She claimed Kalasho demanded passwords to post information on her social media accounts and that when she refused, faked photos showing her face on someone else’s nude body appeared on an Instagram account (since removed) that purposed to show Miss Middle East “exposed.”

Her suit claims the pageant itself is fraudulent and says she was never assigned any appearances, but made several on her own including hosting a party for Syrian refugees and appearing at a camp for underprivileged

children.

Kalasho told ECM in June that he “absolutely” did not post the doctored photos; he said Tawfiq breached her contract by not selling tickets to this year’s pageant, not appearing at five mixers for the San Diego Chaldean American Chamber of Commerce (which Kalasho headed up until stepping down recently to avoid conflicts of interest with his Council position), and didn’t post pageant information on social media. He insisted he did not ask for her passwords and said of Tawfiq, “For her, this is about fame and money.”

The Reader also quotes a pageant volunteer, Josh Parker, who said he tried unsuccessfully to get Kalasho to stop cursing at the women contestants. He says Kalasho “told the girls that he controlled them and they should refer to him as god.” Although Parker says Kalasho forbid staff from talking to media, he came forward because “I have no faith that he is in it for the right reasons.”

Kalasho has been involved in numerous past litigation, including a case filed by Ideal Market against him in which the judgment indicates he was found to have committed fraud.

Kalasho is not the only beauty pageant operator to be linked to impropriety.

Donald Trump, now President, once crudely bragged on shock jock Howard Stern's TV show of walking backstage into dressing rooms to “inspect” while women contestants were naked or partially undressed. CNN aired video in which Trump told Stern that as pageant owner, “I sort of get away with things like that.” Trump said he'd been propositioned by pageant contestants. When asked by Stern about countries of international contestants with whom he'd had sex, Trump replied “How many countries are there?”

Trump was sued by a pageant contestant who alleged he groped her. Trump settled that suit for \$100,000. Civil rights lawyer Lisa Bloom, an expert on sexual harassment, said such actions against a pageant contestant would constitute sexual harassment.

In California, where Kalasho faces civil actions, offering to trade workplace favors or advancement for sex is considered quid pro quo sexual harassment, though it remains to be seen whether or not a court will find evidence to hold Kalasho accountable.

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Home > EL CAJON COUNCILMAN KALASHO FILES DISCRIMINATION CLAIM WITH STATE OF CALIFORNIA

## EL CAJON COUNCILMAN KALASHO FILES DISCRIMINATION CLAIM WITH STATE OF CALIFORNIA

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August 2017 Articles

El Cajon City Council Ben Kalasho



By Paul Kruze

August 19, 2017 (El Cajon) -- Yet more eyes are going to be fixed on embattled El Cajon Councilman Ben Kalasho with news that he has filed a discrimination complaint with the State of California Department of Fair Employment and Housing. The action follows last Tuesday's 4-1 vote affirming that the only electronic device permitted to be used by Council members at the dais during City Council meetings are city-provided Apple iPad tablets.

The iPads provided to members of the City Council will be configured to only allow access to City of El Cajon official websites and access to the city's financial budget documents and municipal codes, but other Internet sites will be blocked. Note-taking software will be downloaded onto the iPads and an attached keyboard will be provided.

The move to address use of personal electronic devices during council meetings by council members came about when El Cajon mayor Bill Wells expressed concern several months ago that private communications may be happening between council members themselves and the public during its bi-monthly meetings.

The City of Escondido is the only other San Diego County municipality that has taken similar steps to stop the use of personal electronic devices by Council members while seated at the Council's dais. According to Teresa M. Collins, Communications Officer for the City of Escondido, the City Council and Escondido's mayor, Sam Abed, made the issue a priority to comply with the State of California's Open Meetings law, also known as the "Brown Act."

"We needed to make sure that we were in compliance with the rules already established," she said.

Under the Brown Act, a violation of that law may occur when "a series of communications of any kind, directly or through intermediaries" is used by a majority of the members of an agency to "discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body." (Gov. Code section 54952.2(b)(1).)

Collins also said that compliance with the Brown Act requires that any text or email communications that occurs

between Council members and/or city-employed staff during the meeting must be made public, since they were sent during the public meeting.

A website published by the First Amendment Coalition suggests that if a council is made up of five people and three are communicating with each other outside of the confines of a publicly noticed meeting, then this would be a violation of the Brown Act. Such communications includes those dispatched by email and thus it would seem that the same would apply to text messages between various members of a particular board or council.

In addition to the city of Escondido, the cities of Palm Desert, Lake Elsinore and Anaheim have adopted specific rules banning or limiting city council members from using personal cell phones and electronic tablets during meetings.

According to a San Diego Union-Tribune article published on August 9, Kalasho provided the El Cajon City Attorney's office a note sent to him by the Department of Fair Employment and Housing thanking him for his "pre-complaint inquiry" and advising him to allow two to three months to be contacted by the department with more information and instructions on how to proceed.

But the chance that Kalasho would could win a discrimination suit against the city because he was not allowed to use a personal electronic device during city council meetings is zero, says Josh Gruenberg, a leading San Diego attorney who specializes in employee and employee discrimination law.

"This is not discrimination," he told East County Magazine. "Anyone can use the word 'discrimination.' In a general context, discrimination means being treated differently than anyone else. The law treats the word entirely differently. In the legal context, discrimination is only illegal if it is being done for an illegal reason. What I would say is that someone can be can be discriminated against based on age, race, sex, national origin, religion, medical condition, veterans' status, and so on," Gruenberg said. "Taking notes at a meeting or having your head down looking down at your iPhone is not one of the protected characteristics of discrimination law," he said.

As reported previously by East County Magazine, El Cajon City Attorney Morgan Foley directly questioned Kalasho about his threats to file a discrimination complaint against the City of El Cajon during the recent Council session. "And discrimination is because you can't use an iPad like anybody else or is it because you're being told you have to use this particular iPad?"

Kalasho replied that because of his political affiliation with the Democratic party, this could be grounds for a complaint, noting that he is the only El Cajon City Council member who uses an electronic device to take notes during Council meetings. He has claimed that transferring notes between a city-issued iPad and his personal device would be too "burdensome."

East County Magazine asked Kalasho for a comment, but he did not respond to multiple inquiries.

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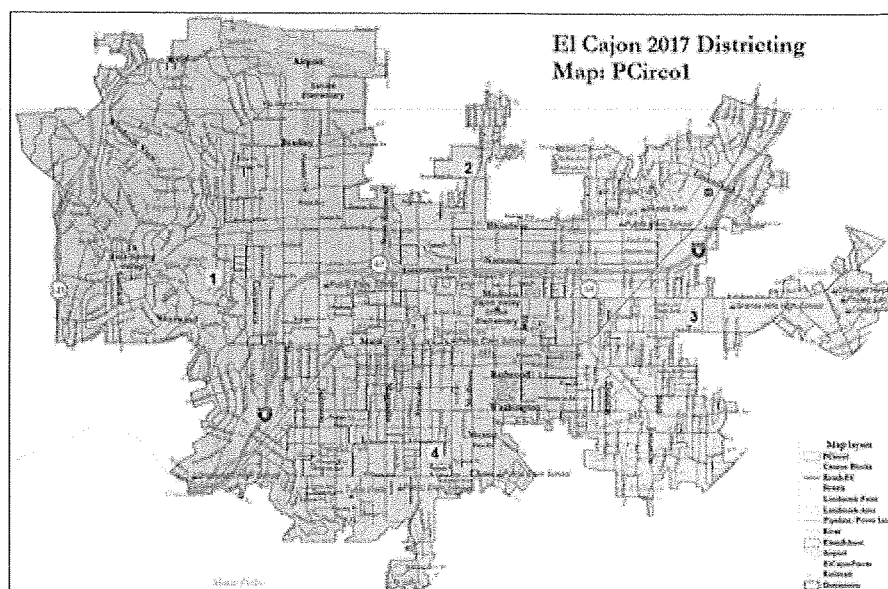
Home > EL CAJON APPROVES REDISTRICTING MAP; COUNCILMAN KALASHO THREATENS LAWSUIT

## EL CAJON APPROVES REDISTRICTING MAP; COUNCILMAN KALASHO THREATENS LAWSUIT

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May 2017 Articles

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By Jonathan Goetz; Miriam Raftery also contributed to this article

May 26, 2017 (El Cajon) – Following a lively public hearing on drawing up city council district lines to comply with Voting Rights Act requirements aimed at increasing minority representation, El Cajon's City council voted 3-2 to adopt Paul Circo's map PCirco1 for council district elections.

Councilman Ben Kalasho, a Chaldean-American and the only minority on the Council, earlier sent a letter threatening to sue his city if that map was approved and request public records to determine if gerrymandering laws or the Brown Act were violated.

Mayor Bill Wells, Councilmen Gary Kendrick and Bob McClellan voted to approve the map drawn by Circo, a Republican who ran for Council in 2016. Councilmembers Steve Goble and Kalasho voted against it. The district election map chosen squares Kalasho off against fellow Councilman Kendrick, who also lives in Fletcher Hills, on the opposite side of Parkway Plaza. It also pairs Councilmembers Steve Goble and Bob McClellan, leaving two other districts that will be open seats. The Mayor will continue to be elected at-large by all voters in the city.

The plan chosen creates three majority minority districts. Two have 70% minorities and a third has 51% . The minority definition used is broad, including language minorities such as Arabic speakers as well as all classes protected under state and federal Voting Rights Acts.

The NDC Green plan would have avoided pairing Kalasho and Kendrick, as would the ECook1 map. They both gave Kalasho a district of his own. Other maps were favored by various sectors from the Latino and African-American communities, business leaders and others who addressed the Council.

Twelve people spoke in favor of the orange2 map, along with 21 members of the Iraqi Community Soccer Team that stood silently in support. Twelve others spoke in favor of the BJohnson1 map, seven spoke in favor of the

green map and/or ECook1, and Paul Circo spoke in favor of Circo's map, which his pastor also supported and a second speaker backed with revisions.

Speaking on behalf of the NDC Green and ECook1 maps were six to eight people including Bonnie Price, a PhD who specialized in urban development who is also an officer in the East County Democratic Club, which also submitted a petition with over 100 signatures.

"ECook1 and NDC Green keep populations of like interests together and I also think they are very helpful to retention of the only Chaldean on the City Council," Price said. "I think that's very important that immigrant communities who contributed so much to this city in terms of the economy are represented and I know that Mr. Kalasho has had town meetings in the evening so that people can come forward with their thoughts and be heard and be represented."

"Dr. Devorah Fox also backed these two maps. "I teach Sunday School to Iraqi refugees who came in from Mosul over at St. Thomas Syriac Orthodox Church...I don't know if the people talking in support of the other maps realize they would squeeze out the only Syriac-Arabic speaking Councilmember, Kalasho, a business owner who also heads the Chaldean-American Chamber of Commerce locally. She cited the importance of having a Councilmember who "understands building businesses here and whom he can go to who speaks his language."

However the two most popular plans during public comments at the May 23<sup>rd</sup> meeting, tied at 12 speakers each, were the BJohnson1 map and the NDC Orange2 map, which were substantially similar.

Marquis Parks from Unified Communities of El Cajon spoke in favor of the BJohnson 1 map. "I got into politics in this city the day Alfred Olango got killed," he said, referring to an African-American man shot and killed by a white El Cajon police officer. "The council it doesn't look like it's a reflection of the representation of the people sitting behind me," he added. "BJohnson1 is a great place to start to see that diversity in the council seats as well as proper representation and voices of the community that will help out in crisis and to help keep our city staff and put trust back into those who are sworn to serve and protect us."

Rev. Gerald Brown of CSA of San Diego County said, "We're standing for BJohnson1 because we're looking at bringing communities together, communities that have been underserved. I want to see that the Chaldean and our Muslim brothers and sisters our Arab brothers and sisters come together (applause) and we stand together as one for this community."

In between, Dr. Thabit Khalaf and Jawdat Alobeidi, both advocating for the orange2 map. Councilman Bob McClellan asked "If we could not clap after everybody talks this would get through a lot faster."

Alobeidi, who is with the Iraqi Center for Dialogue advocated for the orange2 map because "It represents lingual diversity and social diversity."

Noori Barka said that Chaldeans[Iraqi Christians] are "one of the largest group of business owners in the city of El Cajon. I'm speaking now on behalf of these Chaldeans who are here and maybe many other Chaldeans who could not make it. I represent the group the Chaldean League. On behalf of all of our community I am here to support the orange map." A representative of the Iraqi Community Soccer team also spoke in favor of the orange map, with all 21 team members present.

After public comments, Council members weighed in for discussion on the colored maps, that Mayor Wells

referred to as "sherbert."

Of the winning map, Kendrick said he supported PCirco1, then listed its attributes" ... the compact clean lines, three majority minority districts, two heavy minority districts and two heavy renter districts; it's along major roads, very clean lines, it's clear there's no gerrymandering here. That's my favorite at this point because I think it meets a lot of the needs. It may be kind of a compromise but still there's a good chance that somebody who is a renter and a minority could get elected without a whole lot of trouble in districts 2 and 4."

National Demographics Corporation, the demographics consulting firm hired by the city, indicated the map chosen had the most compact distracts and like others presented, appeared to meet legal standards under the California and federal Voting Rights Act. Kalasho contends that he may file a legal challenged based on potential loss of the only minority currently on the council, which he claims is discriminatory.

However Councilman Steve Goble voted no on the Circo map. The Circo map has three majority minority districts to me that diffuses the concentration of the voice that perhaps the California Voting Rights Act is trying to create and orange2 has 2 majority minority districts and concentrates that a little bit more." The measure passed 3-2.

A second vote, which passed 4-1, puts Kendrick's district up first in 2018, since his term ends at that time.

Kalasho retains his council at-large seat until 2020. He can however run against Kendrick in 2018 in the newly created district. If he loses, he would have to step down in 2020, though Kalasho has indicated he is considering running for mayor in 2020.

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Home > KALASHO THREATENS DISCRIMINATION COMPLAINT AS COUNCIL LIMITS ELECTRONIC DEVICES

## KALASHO THREATENS DISCRIMINATION COMPLAINT AS COUNCIL LIMITS ELECTRONIC DEVICES

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August 2017 Articles

El Cajon City Council



By Jonathan Goetz

*Photo: Ben Kalasho, August 8, 2017 (El Cajon)*

August 11, 2017 (El Cajon) - Councilman Ben Kalasho threatened to file an employment discrimination complaint Tuesday as the Council discussed a resolution to limit Council members' use of electronic devices during City Council meetings.

Supporters of the ban have indicated that the reasons are to assure that Council members are paying attention during public hearings and also to assure that

no outside communication is going on via email or social media, which could violate laws prohibiting outside communication by officials during public hearings.

"This agenda item, as laughable as it is, is just geared towards me," said Kalasho, with his laptop in front of him. He added that it would "be too burdensome for me" to transfer his notes from his laptop onto a City issued iPad with internet access disabled. "There is a discrimination suit that I think is probably an option for me as the city is my employer."

Kalasho clarified that he was not talking about suing El Cajon, only filing a complaint, saying "It's not a lawsuit. It's simply a claim with the California Fair Employment Act."

City Attorney Morgan Foley elicited laughter from the audience when he asked Kalasho, "And discrimination is because you can't use an iPad like anybody else or is it because you're being told you have to use this particular iPad?" and, "Do you have a printer at home?" He then told Kalasho to print his notes prior to the Council meetings.

Kalasho responded, "Now I have an added workload to do. I'm the only one that takes notes on an electronic device not just here but outside of here. So the argument would be again discriminatory as me being the only person up here that does that so it's a non-starter for everybody else."

Foley replied that he disagreed with Kalasho's analysis of the law, saying, "I think you're using a term discriminatory or discrimination between people who use electronic devices and do not use electronic devices. It's different than what the FEH (Fair Employment and Housing) claim might be (grounds) for discrimination.



There's nothing in this policy that relates to you about your age, your gender, your sexual preference or race or ethnicity."

Kalasho, the lone Democratic councilmember, replied that his political affiliation could be grounds for a complaint.

Mayor Bill Wells told a story of a trip to Sacramento he took in which the legislators all paid attention until it was local Senator Joel Anderson's turn to speak. "I went to Sacramento at the request of Senator Anderson and Senator Anderson is in the minority," he noted, adding, "Everybody was speaking and listening and being very involved until Senator Anderson got up to speak and everybody stopped listening and they started messing around with their phones and on their iPads and they were talking to each other and I thought was just incredibly disrespectful to Senator Anderson but more importantly I just thought it was incredibly disrespectful to the democratic process."

Councilman Gary Kendrick said that it is an issue of distracted legislators. "It's important that the public can see that we're not being distracted by other electronic devices," he stated.

Councilman Bob McClellan said he agreed that "out of common courtesy" to people in the audience or watching Council meetings on TV, "We need to be paying attention to what's going on and not being distracted by devices."

Councilman Steve Goble said the resolution was about "trust, respect and transparency," adding, "This is public service not self-service."

The resolution to limit the City Council use of electronic devices passed, 4 to 1, with Kalasho opposed.

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- [El Cajon](#)
- [News Ticker](#)

## El Cajon councilman allegedly framed by dirty tricks

1 0

**Fake nudes, phony best-Mexican-food poll tied to Ben Kalasho**

By [Dorian Hargrove](#), Nov. 6, 2017

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New evidence links El Cajon city councilmember Ben Kalasho to false Facebook profiles used to slander his political opponents.

The evidence was included in court filings in a case against Kalasho, reported by the Reader.



Zhala Tawfiq

The case was filed by Zhala Tawfiq, the winner of the Miss Middle East Beauty Pageant, which Kalasho and his wife Jessica founded in 2011.

Tawfiq's reign as Miss Middle East did not last.

Tawfiq says the \$2000 check she received from the pageant was more a work contract than a prize. During her reign as Miss Middle East, Tawfiq's relationship with the Kalashos began to deteriorate. She objected to the Kalashos using her social media profiles to post advertisements and announcements without her knowledge. Then, in April 2017, as the dispute intensified, Tawfiq discovered a fake Instagram account was made with doctored photos of her posing nude on the beach.

Tawfiq told the Reader that she immediately believed that the Kalashos were behind the profile.

"No doubt in my mind," she said in an August interview.

Now, according to court documents, the origin of those fake nudes is coming to light. In response to a subpoena, Instagram and the internet provider revealed that the fake Instagram account was made at a house in Cerritos, California, owned by Elie Malouf.

Malouf's daughter, Stephanie, was the Miss Middle East Pageant winner in 2014.

According to a deposition taken during Tawfiq's lawsuit, Jessica Kalasho was visiting Malouf and another former pageant winner during the weekend that the fake account was made.

Shortly after Tawfiq filed the lawsuit, a restaurant owner in El Cajon also accused Kalasho of using false Facebook profiles and fake polls to slander his business.

Duraïd Hallak owns the Tres Taqueria Mexican restaurant in El Cajon (they have since moved to the Hollywood Casino in Jamul). In October 2016 a campaign worker for then-candidate Ben Kalasho entered the restaurant to ask if Hallak would display campaign signs inside the restaurant. Hallak refused.

On October 16, four days after the campaign worker's visit, the Middle East Chamber of Commerce, formerly known as the San Diego East County Chaldean American Chamber of Commerce, which Kalasho founded and runs from his home, announced a new online poll to find the best Mexican restaurant in El Cajon.

On October 18 the chamber released the results. The chamber's website stated that after "hundreds" of votes, Tres Taqueria was the last-place finisher, the worst Mexican Restaurant in El Cajon.

But the recent court filings include data from Jotform, the host of the online poll. The data shows that there only one vote was cast in the poll before the chamber released the findings on its website.

The online attack against Tres Taqueria continued. On the Middle East Chamber's website, two people (Robert Forbes and Ben George) alleged that they became sick after eating at Tres Taqueria.

"I ate at TRES and got really really sick," wrote Forbes on October 19. "I don't know how Hollywood Casino Jamul-San Diego has them in their food court area. Don't think they will last long."

Another commenter, Ben George, wrote, "I went to Tres and ordered rolled tacos. They were dry and I got really sick and ended up with food poisoning. If you guys want, I can do a video about my experience and you guys can share it. Hollywood Casino Jamul-San Diego better wake up."

But newly subpoenaed records from Facebook and Cox Communications show that the Facebook profiles were accessed 194 times at councilmember Kalasho's residence. In addition, Kalasho's address and IP address were the ones used to delete the Facebook profiles not long after Tawfiq filed her lawsuit.

Hallak says he is disappointed that Kalasho "could stoop so low to hurt someone's business and retaliate against them for merely declining to post their political propaganda.

"There is no doubt in my mind that he is not for the people and/or of the people — he is merely for himself. He actively harmed a constituent's business for merely disagreeing with him."

In a statement, councilmember Kalasho dismisses the filings.

"The filing is comprised of untruthful allegations. IP addresses which are open to the public aren't proof. No evidence has been produced to me or my counsel. Everything thus far has been pure allegation. Their counsel was accusing me of making the doctored up nudes when this case first started, last month he was accusing another associate of ours and now he is accusing a former queen. He is just harassing everyone at this point. This is nothing but a fishing expedition for money. It's pretty sad that we live in a society where greed and fabricated stories are normal just for 5 minutes of fame."

As for the IP addresses coming from Kalasho's residence, the El Cajon city councilmember doesn't put it past Hallak or Tawfiq creating the profiles in an attempt to frame him.

"All this can be done by just parking outside my home. All the plaintiffs know where I live and work, we have footage of them parked outside my home. I have on a number of occasions offered my laptop to be searched and scanned by a forensics expert to prove I had nothing to do with any of the untruthful allegations against me but the Plaintiffs Lawyer has chosen to ignore my offer because he knows that it will destroy his case. Their game plan is to drag this into the media for as long as possible. We look forward to trial and will not be bullied, harassed or intimidated."

A hearing in the case is scheduled for December 22.

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