INSIGHT COUNSEL

[redacted]
Executive Summary for
Santa Clara Valley Water District[1]

Prepared by Kym McCourt
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I. Introduction

A. Origin of the Complaint

On March 24, 2026, Santa Clara Valley Water District's ("Valley Water") Board Chair received a complaint from [redacted] alleging that Board Director Rebecca Eisenberg ("Eisenberg") made defamatory statements about [redacted] at a closed session board meeting on January 29, 2026, and again on her March 14, 2026 blog post on Medium.com.

B. Investigation Scope and Evidentiary Standard

On April 20, 2026, Valley Water hired me to conduct an investigation into the above-described complaint as an impartial third-party fact finder. The scope of this investigation includes determining whether Eisenberg: (1) accused [redacted] of lying to the Board during a closed session Board meeting on January 29, 2026; (2) called [redacted] incompetent during a closed session Board meeting on January 29, 2026; (3) accused [redacted] of bribing judges during a closed session Board meeting on January 29, 2026; and (4) authored and posted a publicly available blog post comment stating, "I have no clue where he got the idea that I accused him of bribing a judge. Given the novelty of that accusation to me, perhaps that claim is best viewed as an admission?" To the extent any of these allegations are substantiated, I have also been asked to determine whether Eisenberg violated the Valley Water Board of Directors Code of Ethics and Conduct.

In this investigation, and as a known best practice in the investigator community, I was charged with making factual findings only. Therefore, I did not assess whether pertinent policies or laws were violated. I based my findings on the preponderance of the evidence standard, the civil evidentiary courtroom standard of proof adopted by investigators to determine the amount of evidence they need to reach a finding. "Preponderance of the evidence" means that the evidence on one side outweighs, or is more than, the evidence on the other side. The preponderance is based on the more convincing evidence and its probable truth or accuracy, and not the amount of evidence.

[1] This executive summary is not a comprehensive written investigation report in that it does not purport to summarize the relevant evidence upon which I make my factual findings. Rather, it provides an overview of the allegations, along with my analysis and factual findings.

II. Investigation Methodology

A. Investigator Independence and Confidentiality

Once the scope of the investigation was determined and agreed upon, as the investigator, I operated with complete independence as to witness identification, interview content, and preparation of findings. I began reviewing documents on April 20, 2026, and I interviewed eleven witnesses from April 21, 2026, through May 15, 2026.[2]

Quotations in this executive summary are not verbatim recitations of witnesses' statements. Quotations are cited as accurately as possible from my witness interview notes.

III. [redacted] Allegations and Account

[redacted] claims that Eisenberg has publicly accused him of illegal and unethical behavior, both in Board meetings and on published blog posts. Specifically, [redacted] said that on January 29, 2026, Eisenberg accused [redacted] of lying to the Board, called him "the most incompetent lawyer ever," and said that he only wins legal cases "because you pay off judges." [redacted] also said that Eisenberg made similar accusations about him bribing judges in a March 14, 2026, blog post on Medium.com.

A. Background

[redacted] said that during Eisenberg's first Board meeting on December 9, 2022, she accused [redacted] and other individuals of securities fraud, withholding information from the public, and making affirmations of fact.[3] [redacted] said this meeting set the tone for their future relationship, and that Eisenberg continued to accuse him of violations of the law and ethical duties during meetings. [redacted] said that Eisenberg also made allegations against him on X and Facebook.

[2] Eisenberg did not participate in this investigation, despite multiple attempts by me and Valley Water staff to schedule an interview with her over a three-month period. In late April and May, Valley Water staff reached out to all Board members to schedule interviews for this investigation. Notably, I completed all of these interviews, with the exception of Eisenberg's, by May 15. After attempting to reach Eisenberg several times, Eisenberg responded on May 21 that she could not participate in an interview until June because her attorney was in trial. In early June, Valley Water made several unsuccessful attempts to schedule an interview with Eisenberg. On June 16, at my request, Water Valley informed Eisenberg that I wished to communicate directly with her attorney to schedule her interview, copying me on the email. Eisenberg responded to this email by expressing her concerns about participating in the investigation. I responded to Eisenberg's concerns in several emails between June 26 and July 8, and on June 8, Eisenberg requested an extension of the investigation until the end of July to allow her to retain new counsel. On July 15, Eisenberg notified me and the Board of her anticipated extended absence from Board duties due to a family situation. The Board agreed to further extend the investigation until Eisenberg returned to work to give her another opportunity to participate. On August 28, I learned that Eisenberg had returned to work and sent her and her new attorney a final request for an interview before September 4. I did not receive a response to this email.

[3] Notably, Valley Water's website lists Board meetings on November 22, 2022, and December 13, 2022. Eisenberg was sworn in as Board director during the December 13 meeting. After reviewing the video of the December 9 meeting, I did not find any instance of Eisenberg making any accusation about [redacted] or any other individual.

B. Eisenberg's Conduct During the January 29, 2026 Board Meeting

[redacted] said that during the January 29, 2026 closed session Board meeting, Eisenberg became very disruptive and was warned by the Chair multiple times to calm down, or she would be asked to leave the meeting. [redacted] described Eisenberg as "screaming, threatening people with liability and lawsuits, very angrily shouting, interrupting, and going off topic." [redacted] said whenever he tried to answer a question, Eisenberg interrupted him and "started screaming." [redacted] said that when Eisenberg's behavior did not improve, the Board Chair asked the Vice Chair to get the security guards to assist with removing Eisenberg from the meeting.

[redacted] said that before security arrived at the meeting, Eisenberg said, "You're lying to the Board." [redacted] said he defended himself by saying Eisenberg's accusation was not true, and asked Eisenberg to stop accusing him of lying. [redacted] said Eisenberg then responded, "Well then you must be the most incompetent lawyer." [redacted] said that Eisenberg also stated, "The only reason you ever win in court is because you pay off judges."[4] [redacted] said that "everyone [at the meeting] was stunned" by Eisenberg's comment about him bribing judges. [redacted] said that he asked Eisenberg, "Are you accusing me of bribing judges?" and that Eisenberg responded, "You heard what I said."

[redacted] said that after security escorted Eisenberg out of the meeting room, multiple Board members told him that Eisenberg's accusations were unacceptable and that they could be a witness to Eisenberg's behavior if he needed one. [redacted] also said that one attendee told him she was "stunned" by Eisenberg's comments.

[redacted] said that he could not possibly catalog every negative interaction he has had with Eisenberg, but notes that her accusation that he bribed judges was "the tipping point."

C. Eisenberg's Blog Posts

[redacted] said that on March 11, 2026, his attorney sent Eisenberg a cease-and-desist demand via email, asking that she refrain from making further defamatory statements about him and that she remove all defamatory statements published on Medium.com. The demand letter cited an example of one such comment, stating, "[Y]ou recently accused Mr. [redacted] of bribing judges to obtain favorable legal results." The same day, Eisenberg replied to the email, stating, "They are all true." An hour later, Eisenberg provided a longer response to the email, stating that she believed everything she wrote on her blog was true and that she would review a list of the specific passages that [redacted] believes are untrue along with evidence "showing that his perspective is more factual than mine." Eisenberg's email also stated that [redacted] "unwise advice" created "messes" and, "No one benefits from the litigation and public disgrace that results from malpractice."

[4] [redacted] speculated that Eisenberg was referring to a December 2025 ruling from the Court of Appeal that represented a victory for his lawsuit, brought on behalf of the Board, to compel Eisenberg to return certain confidential documents from a previous investigation.

[redacted] said that Eisenberg posted a comment on her March 14, 2026 Medium.com blog stating, "I have no clue where he got the idea I accused him of bribing a judge. Given the novelty of that accusation to me, perhaps that claim is best viewed as an admission."

D. Eisenberg's Conduct at Additional Meetings

[redacted] said that at the March 24, 2026, Board meeting, Eisenberg accused him of federal loan fraud and securities fraud. [redacted] said that at the April 29, 2026, special Board meeting, Eisenberg accused [redacted] of violating the law and his ethical duties. [redacted] said that after the meeting, Eisenberg "continued harassing me, yelling at me, and pointing her finger at me. I was so concerned for my safety that I asked security to accompany me back to my office and then out to my car."

IV. Analysis and Findings

A. Findings[5]

1. Allegation: Eisenberg accused [redacted] of lying to the Board during a closed session Board meeting on January 29, 2026.

FINDING: SUBSTANTIATED

The witness accounts and video footage of Board meetings support the conclusion that Eisenberg engaged in a pattern of disrespectful, accusatory, and insulting behavior toward [redacted] at Board meetings. Given this pattern, and the accounts of two witnesses at the January 29 meeting who heard either Eisenberg's accusation or [redacted] response to the accusation, it seems highly likely that Eisenberg accused [redacted] of lying to the Board at this meeting.

Factual Finding

Accordingly, based on a preponderance of the evidence and the above analysis, it is likely that Eisenberg accused [redacted] of lying to the Board during a closed session Board meeting on January 29, 2026.

Policy Finding

Accordingly, based on a preponderance of the evidence and the above analysis, it is likely that on January 29, 2026, Eisenberg engaged in disrespectful conduct in violation of the Valley Water Board of Directors Code of Ethics and Conduct, Section B, and the Governance Policies of the Board, Section 6.1. Specifically, Eisenberg engaged in "abusive conduct, personal charges,

[5] These findings are made without the opportunity to consider Eisenberg's response to [redacted] allegations or her account of her specific interactions with [redacted] As previously mentioned in Footnote 2, Eisenberg did not participate in this investigation, despite multiple attempts by me and Valley Water staff to schedule an interview with her over a three-month period.

or verbal assaults upon the character or motives" of a Valley Water employee, and "belligerent, personal, slanderous, threatening, abusive, or disparaging comments" during a Board meeting.

2. Allegation: Eisenberg stated that [redacted] was incompetent during a closed session Board meeting on January 29, 2026.

FINDING: SUBSTANTIATED

The witness accounts and video footage of Board meetings support the conclusion that Eisenberg engaged in a pattern of accusatory and insulting behavior toward [redacted] at Board meetings. Given this pattern, and the accounts of four witnesses at the January 29 meeting who heard Eisenberg call [redacted] incompetent and five witnesses who did not remember but thought it was likely given Eisenberg's frequent use of this insult toward [redacted] it seems highly likely that Eisenberg called [redacted] incompetent at this meeting

Factual Finding

Accordingly, based on a preponderance of the evidence and the above analysis, it is likely that Eisenberg stated that [redacted] was incompetent during a closed session Board meeting on January 29, 2026.

Policy Finding

Accordingly, based on a preponderance of the evidence and the above analysis, it is likely that on January 29, 2026, Eisenberg engaged in disrespectful conduct in violation of the Valley Water Board of Directors Code of Ethics and Conduct, Section B, and the Governance Policies of the Board, Section 6.1. Specifically, Eisenberg engaged in "abusive conduct, personal charges, or verbal assaults upon the character or motives" of a Valley Water employee, and "belligerent, personal, slanderous, threatening, abusive, or disparaging comments" during a Board meeting.

3. Allegation: Eisenberg accused [redacted] of bribing judges during a closed session Board meeting on January 29, 2026.

FINDING: SUBSTANTIATED

The evidence supports the conclusion that Eisenberg accused [redacted] of bribing judges at the January 2026 closed session meeting. [redacted] account is corroborated by five witnesses who specifically remembered Eisenberg making the statement. In addition, the fact that Eisenberg made a similar accusation of bribery toward another Board member in the past increases the likelihood that Eisenberg made similar comments to [redacted] Further, Eisenberg's accusation of [redacted] bribing judges is entirely consistent with Eisenberg's pattern of disrespectful, accusatory, and insulting behavior toward [redacted] at Board meetings.

Factual Finding

Accordingly, based on a preponderance of the evidence and the above analysis, it is likely that Eisenberg accused [redacted] of bribing judges during a closed session Board meeting on January 29, 2026.

Policy Finding

Accordingly, based on a preponderance of the evidence and the above analysis, it is likely that on January 29, 2026, Eisenberg engaged in disrespectful conduct in violation of the Valley Water Board of Directors Code of Ethics and Conduct, Section B, and the Governance Policies of the Board, Section 6.1. Specifically, Eisenberg engaged in "abusive conduct, personal charges, or verbal assaults upon the character or motives" of a Valley Water employee, and "belligerent, personal, slanderous, threatening, abusive, or disparaging comments" during a Board meeting.

4. ***Allegation: Eisenberg wrote and posted a publicly available blog post on March 14, 2026 stating, "I have no clue where he got the idea that I accused him of bribing a judge. Given the novelty of that accusation to me, perhaps that claim is best viewed as an admission?"***

FINDING: SUBSTANTIATED

The evidence supports the conclusion that Eisenberg published a blog post on March 14, 2026, that references her accusing [redacted] of bribing judges. In fact, as of the date of this executive summary, this post is still viewable on Eisenberg's Medium.com blog. Further, two witnesses corroborated the existence of the specific post, and all of the witnesses were aware of Eisenberg's blog posts and their tendency to contain accusations and misinformation.

Factual Finding

Accordingly, based on a preponderance of the evidence and the above analysis, it is likely that Eisenberg wrote and posted a publicly available blog post on March 14, 2026, stating, "I have no clue where he got the idea that I accused him of bribing a judge. Given the novelty of that accusation to me, perhaps that claim is best viewed as an admission?"

Policy Finding

Accordingly, based on a preponderance of the evidence and the above analysis, it is likely that, by writing and posting a publicly available blog post on March 14, 2026, Eisenberg engaged in disrespectful conduct in violation of the Valley Water Board of Directors Code of Ethics and Conduct, Section B. Specifically, Eisenberg engaged in "abusive conduct, personal charges, or verbal assaults upon the character or motives" of a Valley Water employee in a social media post.

V. Conclusion

The allegations and findings detailed above provide the information necessary to afford the accused Board member, Director Rebecca Eisenberg, a reasonable opportunity to respond, as required by Valley Water Board Governance Policy, Section 6.5.12.

Respectfully submitted,

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