

Letter: Harbor District files complaint against Triplicate

December 6, 2023



Editor's Note: The Crescent City Harbor District recently voted to send the following letter to Country Media regarding a story written by Del Norte Triplicate Associate Editor Roger Gitlin.

While we do not agree with all of the allegations included, we are happy to run the letter in entirety.

The story involved was a report when Gitlin interviewed the owners of Crescent Seafood, who voiced concerns about the way they feel they were treated by the Harbor District. We believe the story accurately reflects the conversation had with Kurt Hochberg.

After interviewing Hochberg, Gitlin asked the Harbor District for comment about the allegations, which were included in the story fully.

Any factual errors were as a result of feelings voiced by Hochberg, and the rebuttal opportunity given to the Harbor District did not address them at the time.

David Thornberry

Publisher,

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November 21, 2023

Dear Mr. Thornberry,

The Del Norte Triplicate published an article on November 15, titled "Is the Harbor pushing out its tenants?" The byline was "By Roger Gitlin."

We are disappointed that the Triplicate chose to print such an accusatory and inflammatory article without confirming with the Harbor District whether the assertions made by Mr. Hochberg were true.

Regrettably, our review of the article revealed numerous inaccuracies, totaling more than twelve in just as many paragraphs. Apparently, Mr. Gitlin accepted assertions made by Mr. Hochberg at face value, while Mr. Hochberg was wildly distorting the facts.

As an example, Mr. Hochberg apparently represented to the Triplicate that he was not provided with a new lease offer for Crescent Seafood until September (via email), but this is demonstrably false. We have an email from Mr. Hochberg dated July 27, 2023, in which he acknowledges receipt of the lease, and in fact begins negotiations on its terms.

Also troubling, throughout the article Mr. Gitlin inserts his opinions which are not supported by facts in the article nor facts in the real world. The number of factual errors is unacceptable, especially since CEO/Harbormaster Tim Petrick gave Mr. Gitlin a written statement of the facts while Mr. Gitlin was working on the article.

Detailing each time Mr. Gitlin makes an error or an unsubstantiated opinion would just be compounding the confusion Mr. Gitlin creates with this article.

Instead, we would like to present actual facts about leases in the Crescent City Harbor District.

Fact - It is standard practice for leases in the Harbor District to contain a base rent plus a percentage of revenue sharing. This is how Mr. Hochberg's original lease was structured, which he agreed to when he started his business. For restaurants, the standard revenue sharing percentage is 6%. This has been true for many years. It is not a new item as claimed by Mr. Gitlin.

Fact - At times, for business development purposes, the Harbor District will allow revenue sharing provisions to be temporarily suspended. This is decided on a case-by-case basis upon a showing of good cause to suspend the profit sharing. Between 2015 and 2019, Crescent Seafood paid a 6% revenue sharing rent. That provision has remained suspended since 2019, but it was never intended to be permanent.

Fact - Crescent Seafood's lease expired on September 1st 2022, and was allowed to continue on a month-to-month basis. Mr. Hochberg subsequently received a new lease offer on July 24, 2023, and Mr. Hochberg responded on July 27, 2023, opening negotiations within three days.

Fact - The Harbor District, as good stewards of the people, wants tenants who can pay the going market rate to occupy its buildings. The Harbor District wants Crescent Seafood to pay the same rate as its other tenants.

The one thing Mr. Gitlin makes clear is that he believes the Harbor District should give a discounted lease to Crescent Seafood and waive insurance requirements which protect the government (the people) in case of accidents and lawsuits. (Mr. Gitlin also gets wrong the amounts of required insurance, because the Harbor District does not require any additional insurance over what Crescent Seafood current maintains).

Mr. Gitlin does not explain why it is the function of a government agency to assist a struggling tenant for more than five years. Or how giving one tenant a discounted rate is fair to other businesses who pay market rate. In fact, Crescent Seafood has had preferential terms for 5 years already.

Ignored by Mr. Gitlin is another fact: the Crescent City Harbor District has a legal duty to get the highest best use and market rates for the people's property. Businesses that cannot perform, or consistently underperform may not belong in the Harbor District.

Mr. Gitlin closes the article with another opinion not based on facts. The fact is that the Board of Harbor Commissioners are working to improve all elements of the Harbor. The District is currently going through a public process to identify the best and highest uses for its properties. This will be a multi-year process which includes public hearings and reports at the Board of Harbor Commissioners meetings.

The District has successfully secured over \$15 million in grant funding over the past year to enhance the harbor. This funding enables the hiring of consultants who are assessing both current and future harbor conditions, and aiding in the development of new infrastructure. Under the guidance of CEO/Harbormaster Tim Petrick, and supported by his Leadership Team, this effort is gaining momentum. This effort is further bolstered by our partnership with Community System Solutions, and the unwavering dedication of our harbor team members. Together, these elements are driving significant improvements at the harbor.

The Citizens of Del Norte County deserve a Harbor that works for all the fishermen, the community, and visitors, not just a harbor that supports a struggling few at the expense of our other paying tenants.

This community also deserves a newspaper that prints actual news instead of error filled opinion pieces disguised as news and designed to cause confusion and division in our community.

We respectfully request that you, as the publisher of the Del Norte Triplicate, issue a corrected article that will mitigate the damage that has been done. For future news coverage, we advocate for reporting that is grounded in factual information, offering a balanced perspective that moves away from relying solely on the viewpoints or interpretations presented by Roger Gitlin.

Sincerely,

Board of Harbor Commissioners of the Crescent City Harbor District

<https://triplicate.com/opinion/b635e624-94ca-11ee-8f15-eb71a914d275>

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