Registration

Thank you for joining the Neighbors for Jean Quan mailing list. We look forward to keeping you informed.

Your email address: **dpurnell@oaklandnet.com**

Your Interests

Please select the areas of interest for which you would like to receive occasional email from us.

- [x] Campaign Email List
- [ ] Newsletter List

Preferred email format

- (•) HTML
- ( ) Text

Your Information

Please provide your information here. Items marked with an '*' require a response for signup.

* First Name:
* Last Name:
* Address Line 1:
* City:
* Zip/Postal Code:
Home Phone:
Notes:

Save Profile Changes | Cancel

Council Member Jean Quan uses **SafeUnsubscribe®** which guarantees the permanent removal of your email address from its mailing lists.
Note: In each email you receive, there will be a link to unsubscribe or change areas of interest. Your privacy is important to us - please read our Email Privacy Policy.

< Please see attached letter >

City of Oakland

For Official Use Only

Public Ethics Commission

Stamp Date/Time Received:

COMPLAINT FORM

Complaint Number: 09-15

Please Type or Print in Ink and Complete this Form.

This complaint concerns a possible violation of: (please check all that apply)

☐ The Oakland Sunshine Ordinance, California Public Records Act or Brown Act. (Access to public meetings or documents.)

☐ Oakland Campaign Reform Act

☐ Oakland City Council's Rules of Procedure/Code of Ethics

☐ Oakland Limited Public Financing Act

☐ Oakland Conflict of Interest regulations

ATTACHMENT 1

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☐ Oakland Lobbyist Registration Act

☐ Oakland False Endorsement In Campaign Literature Act

☐ I am/We are not sure which specific law, ordinance or regulations apply. However, I am/We are requesting that the Ethics Commission determine if my/our complaint is within its jurisdiction.

The alleged violation occurred on or about the following date(s)

The alleged violation occurred at the following place:

Please provide specific facts describing your complaint. (Or attach additional pages as necessary.)

The persons you allege to be responsible for the violation(s) are:

Any witnesses who were involved and/or who can provide additional information are: (Please indicate names and phone numbers, if available.)

ATTACHMENT 1

November 11, 2009

City of Oakland Public Ethics Commission
One Frank Ogawa Plaza
Oakland, CA 94612

Re: Ongoing Violation of Penal Code Section 424(a) and Government Code §8314 by Councilwoman Jean Quan and Quan for Oakland Mayor 2010

To Whom It May Concern:

I write to complain about violations of Penal Code Section 424(a) and Government Code 8314 by Councilwoman Jean Quan and Quan for Oakland Mayor 2010 and request an investigation by the Oakland Public Ethics Commission.

Councilwoman Jean Quan and Quan for Oakland Mayor 2010 should be enjoined from further violations. I understand that if the Commission determines a violation has occurred, the Commission is further authorized to administer appropriate penalties and fines. I also understand that if criminal violations come to the attention of the Public Ethics Commission, the Commission shall promptly advise in writing the City Attorney and the appropriate prosecuting agency.

Summary of Complaint

Councilwomen Quan is engaging in an ongoing misuse of public funds for campaign purposes and is illegally utilizing public resources to promote her candidacy for Oakland Mayor.

This activity is a violation of Penal Code Section 424(a), which makes it unlawful for any city officer to appropriate public funds or resources, without authority of law, to his or her own use or to the use of another and Government Code §8314, which makes it unlawful for local officers and employees to use public resources for campaign activities or other purposes which are not authorized by law.

Facts of Violation

Councilwoman Quan's official website for Oakland City Council, District 4, www.jeanquan.org is, according to my information, established, maintained and operated using public funds.

Among the services provided by the website is a "Subscribe to Weekly Newsletter" link by which a user may subscribe to Councilwoman Quan's constituent newsletter. Upon selecting this link a user is directed to submit an email address to receive an electronic version of the newsletter. Quan's site then offers an option to join Quan's "Campaign Email List" in addition to her "Newsletter List".

ATTACHMENT I

In addition, in Councilwoman Quan's October 31, 2009-Issue #356 Oakland City Council News, Item 4, What's the Controversy Over Instant Run-Off Elections? Councilwoman Quan provides a link to the East Bay Express to a derogatory opinion article of Don Perata written by Robert Gammom, again, in violation of Penal Code Section 424(a) and Government Code Section 8314.

I emailed Councilwoman Quan to complain about this blatant violation of Penal Code Section 424(a) and Government Code Section 8314. Her emailed response to me was "I just got another email saying this goes too far. Oh well."

This use of public funds and resources to compile a "Campaign Email List" and convey political opinion by Councilwoman Quan in order to benefit Quan for Mayor 2010 and Quan's mayoral candidacy is a clear and ongoing violation of Penal Code Section 424(a) and Government Code Section 8314.

Date of Violation

Ongoing

Place of Violation

Oakland, CA

Person(s) Responsible for Violation

Councilwoman Jean Quan and Quan for Oakland Mayor 2010

Conclusion

I believe that investigation and enforcement of this matter is under the jurisdiction of the City of Oakland Public Ethics Commission.

I look forward to your response to this matter.

Sincerely,

Anthony Moglia

ATTACHMENT I

PLEASE NOTE:

There may be other laws that apply to the violation(s) you are alleging. The time limit to commence a legal proceeding to enforce those laws may not be extended by filing this complaint. You should contact an attorney immediately to protect any rights available to you under the law.

By filing this complaint with the Public Ethics Commission it, and all other materials submitted with it, becomes a public record available for inspection and copying by the public.

NAME: Anthony Moghia PHONE NO.(Day)

ADDRESS: PHONE NO.(Eve.):(

CITY: STATE: CA ZIP:

FAX NO.:

E-MAIL:

PLEASE RETURN THIS FORM TO:

Public Ethics Commission
One Frank Ogawa Plaza, 4th floor
Oakland, CA 94612

Phone: (510) 238-3593
FAX:(510) 238-3315

Submit by Email

Print Form

ATTACHMENT 1

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Date 2/1/10
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