

City of Oakland
Public Ethics Commission
May 2, 2011

In The Matter of) Complaint No. 10-27
)
) **[Proposed]** Stipulation,
) Decision and Order

It is hereby stipulated by and among the City of Oakland Public Ethics Commission and the Coalition For A Safer California Committee ("Committee"):

A. At all times relevant to this complaint and stipulation, the Committee was duly registered and existing as a California general purpose committee (ID No. 1306339) whose responsible officer was and is Paul Kinney.

B. On or about October 29, 2010, the Committee caused to be mailed approximately 53,000 copies of a mailer to Oakland voters containing the following notice:

NOTICE TO VOTERS (Required by City and County of San Francisco)
This mailing is not authorized or approved by any candidate for City and County office, by any election official, or by a committee controlled by a candidate. It is paid for by Coalition for a Safer California, 1020 12th Street, Suite 408, Sacramento, CA 95814.

C. Commission staff contends that the above printed language did not comply with the disclosure language required by and contained in OCRA Section 3.12.230 which provides:

"Any person who makes independent expenditures for a mass mailing, slate mailing or other campaign materials which support or oppose any candidate for city office shall place the following statement on the mailing in typeface of no smaller than fourteen points:

Notice to Voters

(Required by the City of Oakland)

This mailing is not authorized or approved by any City candidate or election official.

It is paid for

***by (name) _____
_____ (address, city, state)***

Total cost of this mailing is: (amount)''

D. The Committee contends that the use of the San Francisco disclosure language was purely inadvertent. As a statewide general purpose committee active in a number of jurisdictions during the November 2010 election, the Committee was required to comply with other local disclosure requirements similar to Oakland's. The Committee had developed an independent expenditure mailer for use in San Francisco at approximately the same time as the mailer at issue here was prepared. The San Francisco language was innocently and inadvertently inserted into the layout. The presence of the San Francisco language in the instant mailer demonstrates the Committee's intent to comply with local disclosure requirements, and other independent expenditure mailers distributed by the Committee in Oakland met OCRA requirements.

E. Pursuant to Commission General Complaint Procedures Section XII(F), Commission staff recommends that the contentions stated in paragraphs C and D be resolved as follows:

1) Within ten (10) business days after this Stipulation, Decision and Order ("Stipulation") is approved by the Commission, the Committee shall make a settlement payment of \$2,100.00 in a check made payable to "The City of Oakland" and mail or deliver the check to the offices of the Public Ethics Commission.

2) Nothing in this Stipulation shall be interpreted as an admission of wrongdoing by the Committee or its responsible officer; these persons have entered into this Stipulation to avoid any further proceedings before the Commission.

3) The Committee and its responsible officer knowingly and voluntarily waive all rights to a hearing before the Commission on the merits of the contentions contained in paragraph C.

4) The Committee and its responsible officer understand and acknowledge that this Stipulation a) will not be effective until it is approved by the Commission; b) is not binding on any other law enforcement agency and does not preclude the Commission or Commission staff from referring the matter to, cooperating with, or assisting any other government agency with regard to the subject matter of this Stipulation; and c) will become null and void if the Commission refuses to approve it. If the Commission refuses to approve this Stipulation and a full evidentiary hearing before the Commission becomes necessary, the Commission's prior consideration of this Stipulation will not constitute grounds for the disqualification of any member of the Commission or Commission staff.

F) The Committee and its responsible officer hereby agree to the terms set forth in paragraph E above.

Dated: _____, 2011

Paul Kinney, for himself and on behalf of
Coalition For A Safer California
Committee (ID No. 1306339)

**CERTIFICATION RE: APPROVAL OF STIPULATION
DECISION AND ORDER**

The foregoing Stipulation, Decision and Order ("Stipulation") was presented for approval at a duly noticed meeting of the City of Oakland Public Ethics Commission ("Commission") held on _____, 2011. A quorum of the membership of the Commission was present at the meeting. A motion approving the Stipulation was duly made and seconded, and the motion was adopted by a majority of said quorum.

I hereby certify that the foregoing is true and correct.

Dated: _____, 2011

Daniel D. Purnell, Executive Director
Oakland Public Ethics Commission