

City of Oakland  
Public Ethics Commission  
May 2, 2011

In The Matter of

) Complaint No. 10-24  
)  
) **[Proposed]** Stipulation,  
) Decision and Order

It is hereby stipulated by and among the City of Oakland Public Ethics Commission and Mayor Jean Quan:

A. Jean Quan was a candidate for Mayor in the November 2010 municipal election. At all times relevant to this complaint and stipulation, Ms. Quan maintained the candidate-controlled committee "Jean Quan For Oakland Mayor 2010" ("Committee").

B. Between approximately September 3 and September 6, 2010, the Committee mailed approximately 4,100 mailers to voters in City Council District Four. The mailer included a card and return envelope for recipients to use in order to make contributions to the Committee. The mailer included the following printed language:

*"Campaign laws limit donations to \$700 per person. Couples may give \$1,400, but each person must write a separate check for \$700 each. Contributions to political committees are not deductible as charitable contributions under federal and state laws."*

C. Commission staff contends that the above printed language did not comply with the disclosure language required by and contained in OCRA Section 3.12.140(P) which provides:

*"The Oakland Campaign Reform Act limits campaign contributions by all persons (OMC §§ 3.12.050 and 3.12.060) and prohibits contributions during specified time periods from contractors doing business with the City of Oakland, the Oakland Redevelopment Agency or the Oakland Unified School District (OMC § 3.12.140, paragraphs A., B., and C.)."*

D. Ms. Quan contends that the mailer in question was prepared and distributed by a campaign consultant who distributed the mailer before it could be carefully reviewed by other campaign members. She notes that all her other campaign fundraising material contained the specified language and that the language that was used substantially complies or evidences at least an intent to comply with OCRA. There is no information that she received a contribution in excess of OCRA's specified limits or from a prohibited source as a consequence of the language used on the mailer.

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, Ms. Quan shall make a settlement payment of \$225.00 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 Ms. Quan; she has entered into this Stipulation to avoid any further proceedings before the Commission.

3) Ms. Quan knowingly and voluntarily waive all rights to a hearing before the Commission on the merits of the contentions contained in paragraph C.

4) Ms. Quan understands and acknowledges 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) Ms. Quan hereby agrees to the terms set forth in paragraph E above.

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Hon. Jean Quan

**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