

*City of Oakland*  
**Public Ethics Commission**  
July 1, 2002

In The Matter of ) Complaint No. 02-06  
 )  
Complaint Filed By Ralph Kanz ) **[Proposed]** Stipulation,  
On March 20, 2002 ) Decision and Order

It is hereby stipulated by and between the City of Oakland Public Ethics Commission ("Commission") and Melanie Sweeney-Griffith and Marlin S. Griffith, individually and on behalf of Melanie Sweeney-Griffith For Council Committee ("Committee") collectively the "Respondents":

1. Ms. Sweeney-Griffith was a candidate for the District Four seat on the Oakland City Council during the March, 2002, municipal election. Mr. Griffith served at all times as Treasurer to her controlled Committee. Mr. Griffith and Ms. Sweeney-Griffith are the spouse of the other.

2. On or about September 25, 2001, the Committee received a \$100.00 monetary contribution from Mr. Griffith. On or about October 12, 2001, the Committee received a non-monetary contribution from Mr. Griffith valued at \$276.00, which sum was used to pay an invoice for "fund raising remit envelopes" for Ms. Sweeney-Griffith's campaign. On or about October 26, 2001, the Committee received a non-monetary contribution from Mr. Griffith valued at \$600.00, which sum was used to pay an invoice for "campaign brochures."

3. On or about February 25, 2002, the committee received a monetary sum in the amount of \$4,500.00 from Mr. Griffith. The Committee filed a Late Contribution Report with the Office of the City Clerk on March 5, 2002.

4. The sums received by the Committee on October 12, 2001, October 26, 2001, and February 25, 2002, were all drawn on Mr. Griffith's separate bank account.

5. The contribution limitation in effect for those candidates agreeing to accept voluntary expenditure ceilings in the March, 2002, election was \$600.00 per person. Ms. Sweeney-Griffith agreed to accept such expenditure ceilings at the time she filed her nomination papers.

6. Commission staff contends that the above sums identified in paragraph 2 constitute contributions totaling \$376.00 in excess of the OCRA contribution limit. The sum identified in paragraph 3 constitutes a contribution or loan completely in excess of the OCRA contribution limit. Mr. Griffith contends that he intended to pay for the remit envelopes and campaign brochures from a joint account, so that only one-half of the

contribution would be attributable to him personally (and thus keep his contributions below the OCRA limit.) However, he states that the actual payments for the envelopes and brochures were inadvertently made on his own separate checking account. He further contends that he intended the \$4,500.00 to be a "loan" instead of a "contribution" and states that the check itself was notated to reflect that intention. He contends that he intended for the loan to be attributed one-half to him and one-half to Ms. Sweeney-Griffith, but the check was also inadvertently drawn on his separate checking account.

7. At its regular meeting of May 6, 2002, the Commission voted to adopt the recommendation of Commission staff to schedule an administrative hearing on the issues presented in paragraph 6 above, conditioned on a prior attempt by Commission staff "to obtain a mediated settlement or stipulated judgment among the appropriate parties."

8. On June 12, 2002, Commission staff contacted Mr. Griffith to develop this proposed Stipulation, Judgment and Order. After conferring with Mr. Griffith and pursuant to Commission General Complaint Procedures Section XII(F), Commission staff recommends that the contentions stated in paragraph 6 be resolved as follows:

A) No later than ten (10) business days after this Stipulation, Decision and Order ("Stipulation") is approved by the Commission, Respondents shall: 1) deliver a settlement payment in the amount of \$300 to the Offices of the Oakland Public Ethics Commission in a check made payable to "The City of Oakland," and, 2) cause the Committee to refund from its campaign checking account the amounts of \$376.00 and \$4,500.00, respectively, to Mr. Griffith and to provide proof to the satisfaction of the Commission's Executive Director that the checks were duly tendered and credited to Mr. Griffith's separate account.

B) Nothing in this Stipulation is to be interpreted as an admission of wrongdoing by Respondents. The Commission and the Respondents have entered into this Stipulation to avoid any further proceedings or litigation.

C) Respondents knowingly and voluntarily waive all rights to a hearing before the Commission on the merits of the contentions contained in paragraph 6, above.

D) Respondents understand and acknowledge that this Stipulation 1) will not be effective until it is approved by the Commission; 2) 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 3) 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.

E) The terms of this Stipulation pertain only to the matters set forth herein.

9) Ms. Sweeney-Griffith, Mr. Griffith, individually and on behalf of the Committee, hereby agree to the terms set forth in paragraph 8 above.

Dated: \_\_\_\_\_, 2002

\_\_\_\_\_  
Marlin Griffith, individually and on behalf  
of Melanie Sweeney-Griffith For Council  
Committee

Dated: \_\_\_\_\_, 2002

\_\_\_\_\_  
Melanie Sweeney-Griffith, individually  
and on behalf of Melanie Sweeney-  
Griffith For Council Committee

**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 \_\_\_\_\_, 2002. 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: \_\_\_\_\_, 2002

\_\_\_\_\_  
Daniel D. Purnell, Executive Director  
Oakland Public Ethics Commission