

*City of Oakland*  
**Public Ethics Commission**  
August 30, 2001

In The Matter of ) Complaint No. 01-0015  
)  
Campaign Contributions By A&B Vehicle Processing, Inc. ) **[Proposed]** Stipulation,  
Dated 12/8/99 and 2/25/00 ) Decision and Order

It is hereby stipulated by and between the City of Oakland Public Ethics Commission and A&B Vehicle Processing, Inc. ("A&B Vehicle"):

1. On or about June 8, 1999, the City of Oakland ("City") adopted a resolution authorizing the City to execute an amendment to a contract between the City and the Oakland Tow Car Association relating to towing and storage services. The Oakland Tow Car Association is a joint venture consisting in part of A&B Auto Co., Inc., a corporation that is owned or controlled by the same majority shareholder(s) as A&B Vehicle.

2. On or about September 17, 1999, a representative of the City executed the contract amendment.

3. On or about December 8, 1999, A&B Vehicle made a contribution to the 2000 Committee To Retain Henry Chang, Jr. ("Chang Committee") in the amount of \$200.00. On or about February 25, 2000, A&B Vehicle made a second contribution to the Chang Committee in the amount of \$300.

4. The complainant herein contends that the above contributions by A&B Vehicle were made during a period of time in which such contributions are prohibited, pursuant to OCRA Section 3.12.140 [Prohibition On Contractor Contributions]. Representatives of A&B Vehicle state they believed that the period during which contributions were prohibited began on the date the contract amendment was authorized by the City Council, and further contend that no prejudice or harm resulted since there was no further negotiations between the City and A&B Vehicle between the date the contract amendment was authorized and the date that it was finally executed.

5. Pursuant to Commission General Complaint Procedures Section XII(F), Commission staff recommends that the contentions stated in paragraph 4 be resolved as follows:

A) Within seven (7) business days after this Stipulation, Decision and Order ("Stipulation") is approved by the Commission, A&B Vehicle shall make a settlement payment of \$500.00 in a check made payable to "The City of Oakland" and mail or deliver the check to the offices of the Public Ethics Commission.

B) Nothing in this Stipulation shall be interpreted as an admission of wrongdoing by A&B Vehicle, A&B Auto Co., Inc., its owners, agents or representatives. The parties have entered into this Stipulation to avoid any further proceedings or litigation.

C) A&B Vehicle and its owners, agents and representatives knowingly and voluntarily waive all rights to a hearing before the Commission on the merits of the contentions contained in paragraph 4.

D) A&B Vehicle and its owners, agents and representatives 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 campaign contributions of December 8, 1999, and February 25, 2000.

6) A&B Vehicle hereby agrees to the terms set forth in paragraph 5 above.

Dated: \_\_\_\_\_, 2001

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Bob Connor on behalf of A&B Vehicle  
Processing, Inc.

**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 \_\_\_\_\_, 2001. 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: \_\_\_\_\_, 2001

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Daniel D. Purnell, Executive Director  
Oakland Public Ethics Commission