



Berkeley Tenants Union

2022 Blake Street, Berkeley, CA 94704 | berkeleytenants.org | (510) 982-6696

To: Fair Campaign Practices Commission
From: Berkeley Tenants Union

Re: Complaint against Berkeley Rental Housing Coalition Independent Expenditure Committee Supporting Nate Wollman and Judy Hunt for Rent Stabilization Board

The Berkeley Tenants Union requests that you assess a substantial penalty on the Respondents in this matter. Certainly more substantial than a mere \$890, from an organization that has spent much more than \$10,000 on one election. Some of the coalition, such as the BPOA (which the coalition on its website states is its political and legal arm), are experienced supporters of candidates and issues in Berkeley elections. This is an integral part of their organizations, and they have been doing this work for decades. They have access to experienced legal counsel. They are not an inexperienced candidate new at this process, who can easily get confused by the complexity and language of the law. As a result, BPOA and its associates have no excuse for not conforming to Berkeley election law.

Furthermore, a previous violation of election law occurred in 2012 involving the President of BPOA. (In the Matter of Berkeley Tenants United for Fairness, Rita Copeland, Treasurer) and Judy Hunt, as one of the beneficiaries of this current violation, among others, and another one involving the candidates themselves (In the Matter of Jay James, Kiran Shenoy, Judy Hunt, and Nicole Drake). The former Respondents (who spent in the neighborhood of \$42,000) were fined \$4000. In the second one, the fines were even more minimal, given that the Respondents were candidates and could plead the mitigating circumstance of not being well informed.

Since your staff has fully outlined the Respondent's errors, omissions and violations in its April 20, 2017, report, and in addition the Commission concluded unanimously that there exists probable cause, it would seem that there are grounds for a substantial fine to be assessed on the Respondents, who are experienced professional election fundraisers (under their various names and guises) and should know the law in the city in which they are acting.

In summation:

- 1) The staff recommendation does not go far enough in enforcing Berkeley campaign law and does not fit the magnitude of the knowing violations of long-established Berkeley campaign disclosure and finance law., particularly on the part of experienced professionals, and particularly since this is a second violation for some of the Respondents.
- 2) If the Berkeley Electoral Reform Act is to mean anything at all, a clear message must be sent to future candidates, fundraisers, and consulting firms that the City will not stand for these types of efforts to mislead voters.

Please levy a penalty close to or at the maximum penalty* so that these groups will have a reason to abide by our election laws. Thank you.

Christine Schwartz for
Berkeley Tenants Union
Berkeley Tenants Union

Dated: May 12, 2017

*1. State law (CA Gov Code 91013) allows \$10.00 per day for late filings also (BMC Section 2.12.485 late filing penalties is the same). They did not file until 89 days after the deadline - therefore the minimal fine you have proposed

2. BMC (Berkeley Municipal Code) 2.12.231 Violation - Penalties, C. Pay a monetary penalty of up to \$1000.00 per violation, or up to the amount or value of the unlawful or undisclosed contribution or expenditure, whichever is greater, to the General fund of the City. Here the fine could be \$9450.42.

3. BMC 2.12.460 - Violation - Deemed misdemeanor- Penalty Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor punishable by a fine for each violation of three times the amount the person failed to report properly, or unlawfully contributed, expended, gave or received. Therefore $\$9792.13 \times 3 = \$29,376.39$