

Item 10 - 22-09 Proposed Settlement Agreement

EXHIBIT

In the Matter of Oaklanders For Responsible Leadership, et al. PEC 22-09 Case Summary

Comcast Financial Agency Corporation	12/18/2019	\$5,000	-	-
-	-	-	12/20/2019	\$5,000
Total =		\$5,000		\$5,000

The pass-through donations under investigation totaled \$89,800. This represented nearly half of the total money raised by ORL over the course of its existence from 2018-2019 (\$202,808.99) and for which the names of the true donors were not reported to the public. Note that nearly half of this money was given after the 2018 election was over.

SUMMARY OF LAW & LEGAL ANALYSIS

All statutory references and discussions of law pertain to the referenced statutes and laws as they existed at the time of the violations.

All definitions of terms are the same as those set forth in the California Political Reform Act (California Government Code Sections 81000 through 91014), as amended, unless the term is specifically defined in Oakland's Campaign Reform Act (Oakland Municipal Code Chapter 3.12) or the contrary is stated or clearly appears from the context.⁶

Provisions of the California Political Reform Act relating to local elections, including any subsequent amendments, are incorporated into the Oakland Campaign Reform Act (OCRA), except as otherwise provided in, or inconsistent with, other provisions of local law.⁷

ORL Was a Candidate-Controlled Committee

Many of the alleged violations in this matter hinge on whether ORL was "candidate-controlled." Being a candidate-controlled committee is not a violation in-and-of itself, but candidate-controlled committees have additional disclosure requirements and must abide by

⁶ OMC § 3.12.140.

⁷ OMC § 3.12.240(d).

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1 Oakland’s campaign contribution limit. Therefore, to determine whether ORL violated any of
2 the laws applicable to candidate-controlled committees, it must first be established that it was
3 indeed “candidate-controlled.”

4 A committee is candidate-controlled if a candidate or elected official has a significant
5 influence on the actions or decisions of the committee.⁸ Neither the Political Reform Act, FPPC
6 Regulations, or the Oakland Municipal Code define the term “significant influence.” The
7 applicable standard for determining when a candidate exercises “significant influence” over
8 a campaign committee can only be found in advice letters published by the FPPC, one of which
9 states, “The definition of ‘controlled committee’ has been interpreted broadly to include any
10 significant participation in the actions of a committee by a candidate... [including] extensive
11 involvement in a committee’s fundraising activity.”⁹

12 13 **Element 1: Committee**

14
15 The first element to establish is whether ORL was a “committee.” A “committee” is
16 any person or combination of persons who directly or indirectly receives campaign
17 contributions totaling two thousand dollars (\$2,000) or more in a calendar year, or who makes
18 independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year.¹⁰
19 Here, ORL received contributions in 2018 well in excess of \$2,000 and made independent
20 expenditures well in excess of \$1,000 that same year, according to its sworn campaign
21 reporting forms. It first registered as a committee on August 24, 2018. It crossed the \$2,000
22 threshold for contributions received on August 30, 2018. There is thus no question that ORL
23 was a “committee” for our purposes here.

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25 ⁸ Cal. Govt. Code § 82016.

26 ⁹ FPPC Lyman Advice Letter No. I-19-163

27 ¹⁰ Cal. Govt. Code § 82013.

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Element 2: Candidate or Elected Official

The second element to establish if a committee is candidate-controlled is to establish whether the person alleged to have controlled the committee was a candidate or elected official. The term “candidate” includes an elected officer.¹¹ “Elected officer” means any person who holds an elective office.¹²

Here, Mayor Schaaf was a candidate or elected official because she was serving as Mayor of Oakland at the time of her involvement with ORL, having been elected to that position in 2014. She also had an open committee at the time, *Libby Schaaf for Mayor 2018*, for which she was also registered as the controlling candidate. She was a candidate for the office of Oakland Mayor in 2018, during the same election in which ORL was active. There is no question that Mayor Schaaf was a “candidate” for our purposes here.

Element 3: Significant Influence on the Actions or Decisions of the Committee

Finally, to establish that a committee is candidate-controlled, there must be sufficient facts to show that a candidate or elected official had “significant influence” on the actions or decisions of the committee.¹³ Neither the Political Reform Act, FPPC Regulations, or the Oakland Municipal Code define the term “significant influence.” The applicable standard for determining when a candidate exercises “significant influence” over a campaign committee can only be found in advice letters published by the FPPC, one of which states, “The definition of ‘controlled committee’ has been interpreted broadly to include any significant participation

¹¹ OMC § 3.12.040(B); Cal. Govt. Code § 82007.

¹² OMC § 3.12.040; Cal. Govt. Code § 82020.

¹³ OMC § 3.12.040; Cal. Govt. Code § 82016.

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1 in the actions of a committee by a candidate... [including] extensive involvement in a
2 committee's fundraising activity.”¹⁴

3 Such influence can be direct or indirect.¹⁵ Reading the FPPC Advice Letters and legal
4 precedent as a whole, examples of the type of behavior that might constitute significant
5 influence include communicating with a committee about its campaign strategy, messaging,
6 or advertising, or making substantial fundraising efforts for a committee.¹⁶ However,
7 fundraising alone is not sufficient to constitute “significant influence” unless a candidate has
8 extensive involvement in the committee's fundraising activities by actively participating in its
9 solicitations, fundraising events and fundraising strategy.¹⁷

10 Actions that do not constitute significant influence include things such as publicly
11 supporting a committee, making donations from the official's own personal funds to a
12 committee, or appearing on a committee's advertisements without working on the
13 messaging of those advertisements.¹⁸ It also does not include providing ministerial or
14 administrative support to a campaign (e.g. bookkeeping).¹⁹ It does not matter whether the
15 candidate has an official title or role on the campaign: “[P]ractical operational realities, rather
16 than job title, determine whether a committee is controlled.”²⁰

17 Here, Mayor Schaaf was fundamental in selecting ORL's personnel, shaping its
18 strategy, and determining its messaging. She also initially reached out to professional
19 campaign consultants about starting an independent expenditure campaign, asked Doug
20

21 ¹⁴ FPPC Lyman Advice Letter No. I-19-163

22 ¹⁵ Id.

23 ¹⁶ *Travis v. Brand*, 62 Cal. App. 5th 240, 251, 261-262 (2021).

24 ¹⁷ *Barker* Advice Letter, FPPC # A-97-478 (1997); FPPC *Pirayou* Advice Letter, No. 1-10-159.

25 ¹⁸ *Travis v. Brand*, 62 Cal. App. 5th 240, 261-262 (2021).

26 ¹⁹ *Lacy* Advice Letter, FPPC #I-03-076 (2003).

27 ²⁰ *Lacy* Advice Letter, FPPC #I-03-076 (2003) at 2 (internal quotation marks omitted).

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1 Linney to produce a written campaign plan, and continued to have significant participation in
2 ORL even after the campaign was underway. She was a regular attendee at ORL meetings,
3 which were meant to discuss ORL strategy. Mayor Schaaf also made suggestions as to who
4 should be the “public face” of ORL, and remained in personal, one-on-one contact with Linney
5 throughout the campaign. However, later in the campaign she did send an e-mail request to
6 the ORL group to be taken off of group emails.

7 In sum, the totality of Mayor Schaaf’s participation rose to the FPPC’s standard for
8 “significant influence” over the decisions and activities of ORL. As such, ORL was a candidate
9 controlled committee.

ORL Failed to Publicly Identify Itself as a Controlled Committee On Its Campaign Forms

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13 All committees must register with the appropriate filing officer²¹ and file periodic
14 campaign forms itemizing their contributions and expenditures.²² For committees that are
15 controlled by an Oakland elected officer, or which are primarily-formed to support or oppose
16 a candidate in an Oakland election, their filing officer is the PEC.²³ The forms they must file
17 (including any amendments to those forms) include:

- 18
- 19 • the committee’s initial registration and termination statements (Form 410)²⁴
- 20 • its pre-election and semi-annual campaign statements (form 460)²⁵
- 21
- 22

23 ²¹ Cal. Govt. Code § 84101.

24 ²² Cal. Govt. Code § 84215.

25 ²³ OMC §§ 3.12.240, 3.12.260, Cal. Govt. Code §§ 84101, 84215(d).

26 ²⁴ Cal. Govt. Code § 84101; Cal. Code of Regulations §18410(a)(3); OMC §§ 3.12.240, 3.12.260.

27 ²⁵ Cal. Govt. Code §§ 82006, 84200, 84200.8; OMC §§ 3.12.240, 3.12.260.

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- 1 • its 24-hour contribution reports (Form 497)²⁶, and
- 2 • its 24-hour independent expenditure reports (Form 496).²⁷

3
4 Each of those reports, including amendments, must include the committee's full
5 name.²⁸ For a candidate-controlled committee, its name must include the last name of its
6 controlling candidate²⁹ (e.g. "... a controlled committee of Mayor Smith"). The Form 410 and
7 Form 460 must also be signed by the controlling candidate, under penalty of perjury.³⁰

8 9 **Element 1: Candidate-controlled committee**

10
11 The first element to establish whether ORL failed to file campaign forms identifying
12 Mayor Schaaf as its controlling candidate, is to show that Mayor Schaaf did indeed control
13 ORL. As demonstrated above, ORL was a candidate-controlled committee of Mayor Schaaf,
14 an Oakland elected official. ORL was therefore required to file the above-listed forms with the
15 PEC.

16 17 **Element 2: Failure to Disclose Candidate-Controlled Status on Forms**

18
19 The next element to establish whether ORL failed to file campaign forms identifying
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21 ²⁶ Cal. Govt. Code § 84203; OMC §§ 3.12.240, 3.12.260.

22 ²⁷ Cal. Govt Code §§ 84204(c), 84215(d); OMC §§ 3.12.240, 3.12.260.

23 ²⁸ Cal. Govt. Code §§ 84102, 84106.5 (full committee name required on Form 410); § 84211(o) (full committee
24 name required on Form 460); § 84203(a) (full committee name required on late contribution report); 84204(b)
25 (full name required on late independent expenditure report).

26 ²⁹ Cal. Govt. Code § 84106.5; Cal. Code of Regulations § 18402(c)(1).

27 ³⁰ Cal. Govt. Code §§ 84101, 84213(a); Cal. Code of Regulations § 18410(a)(13).

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1 As such, ORL distributed five mass mailings that were independent expenditures and
2 failed to meet the City of Oakland's disclaimer requirements.

3 4 *ORL Received Contributions Over The Legal Limit*

5
6 In the 2018 election, candidate-controlled committees in Oakland were prohibited
7 from receiving contributions in excess of eight hundred dollars (\$800) from any person, other
8 than broad-based committees such as labor union PACs or OAKPAC, for which the
9 contribution limit was one-thousand six dollars (\$1,600).³⁴ ORL was a candidate-controlled
10 committee that received contributions in excess of these amounts, as demonstrated
11 immediately below.

12 13 **Element 1: Candidate-controlled committee**

14
15 The first element to establish whether a violation of the contribution limit took place,
16 is to show that ORL was candidate-controlled. As demonstrated above, ORL was a candidate-
17 controlled committee of Mayor Schaaf.

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22 ³⁴ OMC §§ 3.12.050(B) (individual limit), 3.12.060(B) (broad-based committees). A broad-based committee is a
23 committee of persons which has been in existence for more than six (6) months, receives contributions from
24 one hundred (100) or more persons, and acting in concert makes contributions to five (5) or more candidates.
25 OMC § 3.12.040(A). Both the labor unions PACs that contributed to ORL, as well as OAKPAC, fit within this
26 definition because they are long-standing committees funded by dues-sharing from their large member base,
27 and have supported five or more candidates throughout their existence.

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Element 2: Receiving contributions over the legal limit

The next element to establish whether a violation of the contribution limit took place, is to show that ORL received contributions in excess of \$800 from contributors who were not broad-based committees, and in excess of \$1,600 from contributors who were broad-based committees (such as labor union PACs or OAKPAC).

The following table shows all direct contributions received by ORL in excess of the contribution limit:

Direct Contributions Received By ORL Over The Contribution Limit			
Donor	Date Received	Total Amount of Contribution	Amount of Contribution In Excess of Limit
McGrath Properties, Inc. ³⁵	08/30/2018	\$2,500	\$1,700
David Roe	09/13/2018	\$4,990	\$4,190
Jennifer L. Pahlka	09/19/2018	\$4,000	\$3,200
Patricia Kernighan	09/20/2018	\$950	\$150
International Brotherhood of Electrical Workers Local 595 PAC	09/24/2018	\$10,000	\$8,400
Kenneth J. Schmier	09/25/2018	\$4,999	\$4,199
Sprinkler Fitters & Apprentices Local 483 PAC	09/25/2018	\$7,500	\$5,900
Lisa Schmier	09/26/2018	\$4,999	\$4,199
Sheet Metal Workers' International Association Local Union No. 104	09/27/2018	\$10,000	\$8,400
Eugene Zahas	09/27/2018	\$2,500	\$1,700
Sprinkler Fitters & Apprentices Local 483 PAC	10/04/2018	\$7,500	\$5,900
Bruce Beasley	10/05/2018	\$1,000	\$200
U.A. Local 342 PAC Fund	10/10/2018	\$5,000	\$3,400

³⁵ This contribution was returned on 9/11/18.

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1	Kim A. Thompson	10/11/2018	\$2,500	\$1,700
2	Libitzky Holdings, L.P.	10/15/2018	\$4,999	\$4,199
3	State Building & Construction Trades Council of California Independent Expenditure PAC	10/17/2018	\$10,000	\$8,400
4	Carmel Partners	10/25/2018	\$5,000	\$4,200
5	Danny W. Wan	10/25/2018	\$1,500	\$700
6	Salvatore T. Fahey	10/29/2018	\$999	\$199
7	Libby Schaaf	10/29/2018	\$999	\$199
8	Cannaroyalty ³⁶	10/31/2018	\$5,000	\$4,200
9	DRIVE Committee	11/08/2018	\$5,000	\$4,200
10	Elaine Brown	11/19/2018	\$1,000	\$200
11	Andrew Fremder	11/19/2018	\$1,000	\$200
12	Ron Gershoni	11/19/2018	\$2,500	\$1,700
13	Michael McDonald	11/19/2018	\$1,000	\$200
14	Robert (Zachary) Wasserman	11/19/2018	\$1,000	\$200
Total Amount of Contributions = \$108,435				
Total Received Over The Contribution Limit = \$82,035				

In addition, ORL received the following donations via OAKPAC (see section below) that were also over the legal contribution limit:

Contributions Over the Limit to ORL (Made Via OAKPAC)			
Donor (per 460)	Date of Contribution to OAKPAC	Amount	Amount Over the Limit
Bay Area Citizens PAC	10/23/2018	\$2,500	\$1,700
Horizon Beverage Company	10/26/2018	\$5,000	\$4,200
Equity and General Trade Association	11/05/2018	\$5,000	\$4,200
Holiday Inn Express Hotel & Suites - Balaji Enterprises, LLC	11/05/2018	\$5,000	\$4,200
Kiva Sales and Service	11/05/2018	\$2,500	\$1,700
Lane Partners	11/05/2018	\$10,000	\$9,200
Best Bay Apartments, Inc.	11/16/2018	\$10,000	\$9,200

³⁶ This contribution was returned on 11/5/18.

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1	TMG Partners	11/16/2018	\$10,000	\$9,200
2	Wilson Meany LP AAF / 11 West Ninth Street Property Owner LP	05/20/2019	\$10,000	\$9,200
3	Abid	07/02/2019	\$3,000	\$2,200
4	Argent Materials, Inc.	07/02/2019	\$5,000	\$4,200
5	Foster Interstate Media, Inc. and Affiliated Entities	07/02/2019	\$5,000	\$4,200
6	Oakland Lofts, LLC	07/02/2019	\$5,000	\$4,200
7	Wasserman	07/02/2019	\$1,000	\$200
8	CCSAC, Inc.	07/22/2019	\$5,000	\$4,200
9	Comcast Financial Agency Corporation, A Comcast Cable Communications Group Company	12/18/2019	\$5,000	\$5,000
10	Total Amount of contributions = \$89,800			
11	Total over the limit = \$77,000			

11 In conclusion, ORL was a candidate-controlled committee that received contributions
12 totaling \$159,035.00 over the legal limit.

OAKPAC Made Earmarked Contributions to ORL

16 No campaign contributions shall be made via a third-party intermediary unless it is
17 reported as such by all parties who are required to file campaign finance reports.³⁷

18 Here, OAKPAC principals solicited contributions to ORL and gave the donors the
19 option to make their checks payable to OAKPAC; and then directed OAKPAC's treasurer to
20 make contributions of an equivalent amount to ORL. Neither OAKPAC nor ORL publicly
21 reported that OAKPAC was acting as an intermediary for others. The original donors' names
22 were therefore never publicly identified with ORL, though they were listed on reports filed
23 by OAKPAC after the election was over.

27 ³⁷ OMC § 3.12.240, incorporating Cal. Govt. Code §§ 84211, 84215 and 85704.

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Liability

Any person who violates any provision of the Oakland Campaign Reform Act, who causes any other person to violate any provision of this Act, or who aids and abets any other person in the violation of the Act, may be found liable for an administrative violation by the PEC. If two or more persons are responsible for any violation, they shall be jointly and severally liable.³⁸

"Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business, trust, company, corporation, association, committee, and any other organization or group of persons acting in concert.³⁹

The principal officer of a committee is any individual primarily responsible for approving the political activity of the committee including, but not limited to authorizing the content of the communications made by the committee, the committee's contributions or expenditures, or the committee's campaign strategy. If more than one individual shares in the primary responsibility for those activities, each such individual is a principal officer.⁴⁰

In addition to a committee itself, persons who qualify as principal officers of the committee are jointly and severally liable for violations by the committee. For committees controlled by a candidate, the candidate and the committee's treasurers are deemed to be principal officers.⁴¹ In addition, an agent acting on behalf of a person is jointly and severally liable for a violation that arises out of the agent's actions. There is a rebuttable presumption that "agents" of a committee include any current or former officer of the committee; any person who has received compensation or reimbursement from the committee; and any

³⁸ OMC 3.12.270(C)

³⁹ OMC 3.12.040(J)

⁴⁰ 2 Cal. Code of Regulations § 18402.1.

⁴¹ OMC 3.12.230(A)

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1 person who holds or has held a position within the committee organization that reasonably
2 appears to be able to authorize expenditures for committee activities.⁴²

3 “Aiding and abetting” is not itself a violation but rather a legal rule that allows the
4 Enforcement Unit to charge anyone who caused, encouraged, or participated in the
5 underlying violation, even if they were not the direct perpetrator. The test of whether a
6 person aided or abetted in the commission of a violation is whether that person in any way,
7 directly or indirectly, aided the perpetrator(s) by acts or encouraged the perpetrator(s) by
8 words or gestures, instigated or advised the commission of the violation, or was present for
9 the purpose of assisting in its commission.⁴³ An aider and abettor must have knowledge of
10 the illegal purpose of the perpetrator(s) and have intentionally assisted them in the violation.
11 The aider and abettor is not only liable for the particular violation that to their knowledge their
12 confederates were contemplating committing, but they are also liable for the natural and
13 reasonable or probable consequences of any act that they knowingly aided or encouraged.⁴⁴

VIOLATIONS:

OAKLANDERS FOR RESPONSIBLE LEADERSHIP; MAYOR SCHAAF; DOUG LINNEY

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15
16
17
18 Respondents, Oaklanders For Responsible Leadership; Mayor Schaaf (its controlling
19 candidate); and Doug Linney (who caused, aided and abetted the violations), violated the
20 following Oakland Municipal Code(s):
21
22
23

24 ⁴² OMC 3.12.230(B)

25 ⁴³ *People v. Villa*, 156 Cal. App. 2d 128, 133, 134 (1957) (applying California Penal Code section 31, which contains a
26 similar “aiding and abetting” provision to that found under OMC 3.12.270(C)).

27 ⁴⁴ *Id.* at 134.

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Count 1: Failure to Disclose Controlling Candidate on Campaign Forms

On the following dates, Oaklanders For Responsible Leadership filed a Statement of Organization (“Form 410”) with the PEC, on which it did not disclose that it was a controlled committee, did not identify Mayor Schaaf as its controlling candidate, and failed to include Mayor Schaaf’s last name in its committee name. Mayor Schaaf did not sign any of the forms.

Form 410s Filed By ORL While Libby Schaaf Was Controlling Candidate	
Date Filed	Committee Name Given on Form
August 24, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”
August 31, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”
September 20, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”
June 15, 2020	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”

As the controlling candidate, Mayor Schaaf’s last name was required to be included as part of the committee’s name for all purposes. Also, Mayor Schaaf was required to be identified as the controlling candidate on the committee’s Form 410, and she was required to sign the committee’s Form 410.

On the following dates, Oaklanders For Responsible Leadership filed a Recipient Committee Campaign Statement (“Form 460”) with the PEC, in which it gave its name as “Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018.” It failed to include Mayor Schaaf’s last name in its committee name, did not disclose that it was a controlled committee, and did not identify Mayor Schaaf as its controlling candidate. Mayor Schaaf did not sign any of the forms as its controlling candidate:

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Form 460s Filed By ORL While Libby Schaaf Was Controlling Candidate

Date Filed	Dates Covered	Committee Name Given on Form
September 27, 2018	January 1 – September 22, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”
October 10, 2018	January 1 – September 22, 2018 (amendment)	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”
October 25, 2018	September 23 – October 20, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”
January 31, 2019	October 21 – December 31, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”
July 30, 2019	January 1, 2019 – June 30, 2019	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”
January 29, 2020	July 1, 2019 – December 31, 2019	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”
June 10, 2020	January 1, 2020 – June 10, 2020	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”

As the controlling candidate, Mayor Schaaf’s last name was required to be included as part of the committee’s name for all purposes. Also, Mayor Schaaf was required to be identified as the controlling candidate on the committee’s Form 460, and she was required to sign the committee’s Form 460.

On the following dates, Oaklanders For Responsible Leadership filed a Contribution Report (“Form 497”) with the PEC, in which it failed to include Mayor Schaaf’s last name in its committee name:

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Form 497s Filed By ORL While Libby Schaaf Was Controlling Candidate

Date Filed	Committee Name Given on Form	Activity Reported
August 31, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$2,500 in contributions received
September 14, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$4,999 in contributions received
September 20, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$4,000 in contributions received
September 25, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$10,000 in contributions received
September 26, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$12,499 in contributions received
September 27, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$4,990 in contributions received
September 28, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$12,500 in contributions received
October 5, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$7,500 in contributions received
October 8, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$1,000 in contributions received
October 11, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$5,000 in contributions received
October 12, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$2,500 in contributions received

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1 2	October 16, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$4,990 in contributions received
3 4	October 18, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$10,000 in contributions received
5 6 7	October 26, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$14,000 in contributions received
8 9	November 2, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$5,000 in contributions received
10 11 12	November 3, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$12,500 in contributions received

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15 As the controlling candidate, Mayor Schaaf’s last name was required to be included as part of the committee’s name for all purposes.

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17
18 On the following dates, Oaklanders For Responsible Leadership filed an Independent Expenditure Report (“Form 496”) with the PEC, in which it failed to include Mayor Schaaf’s last name in its committee name:

Form 496s Filed By ORL While Libby Schaaf Was Controlling Candidate			
Date Filed	Committee Name Given on Form	Activity Reported	
19 20 21 22	October 2, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$5,470.73 of canvassing opposing Desley Brooks \$12,500 in contributions received
23 24 25 26 27	October 2, 2018 (amendment)	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$4,774.82 of canvassing opposing Desley Brooks \$7,490 in contributions received \$2,500 in contributions returned

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1 2 3	October 3, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$8,052 of literature opposing Desley Brooks \$39,980 in contributions received
4 5 6	October 9, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$17,282 of polling, literature, photography, and consulting opposing Desley Brooks \$21,300 in contributions received
7 8 9	October 15, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$5,000 of web costs opposing Desley Brooks \$56,280 in contributions received
10 11 12 13	October 16, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$12,491.55 of polling, photography, staff time, consulting, and literature opposing Desley Brooks \$4,990 in contributions received
14 15 16	October 17, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$4,104.60 of canvassing opposing Desley Brooks
17 18 19 20	October 25, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$21,164 of polling, consulting, photography, literature, and web costs opposing Desley Brooks \$20,440 in contributions received
21 22 23 24	October 30, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$12,178 of photography and web costs opposing Desley Brooks \$16,948 in contributions received
25 26 27	October 30, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$13,212.06 of canvassing and literature opposing Desley Brooks

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		\$16,948 in contributions received
October 31, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$19,291 of literature opposing Desley Brooks \$16,948 in contributions received
November 6, 2018	“Oaklanders For Responsible Leadership, Opposing Desley Brooks For Oakland City Council 2018”	\$16,000 of staff time opposing Desley Brooks \$34,848.99 in contributions received \$5,000 in contributions returned

As the controlling candidate, Mayor Schaaf’s last name was required to be included as part of the committee’s name for all purposes.

In this way, Respondent violated OMC § 3.12.240, incorporating Cal. Govt. Code §§ 84102(f), 84106.5, 84203, 84211(o)-(p), 84213(a), and Regulation 18402(c)(1) and 18410(a)(13).

Count 2: Failure to Disclose Controlling Candidate On A Mass Mailer

On or around September 21, 2018, Respondents distributed approximately 9,000 copies of a mass mailer in Oakland. That mass mailer failed to identify the subject committee as candidate-controlled by Mayor Schaaf. The approximate value of the unlawful expenditure was \$15,205.92.

On or around October 3, 2018, Respondents distributed approximately 12,730 copies of a second mass mailer in Oakland. That mass mailer failed to identify the subject committee as a candidate-controlled committee of Mayor Schaaf. The approximate value of the unlawful expenditure was \$21,370.44.

In or around October 2018, Respondents distributed approximately 9,000 copies of a third mass mailer in Oakland. That mass mailer failed to identify the subject committee as

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1 candidate-controlled by Mayor Schaaf. The approximate value of the unlawful expenditure
2 was \$15,205.92.

3 In or around October 2018, Respondents distributed approximately 9,000 copies of a
4 fourth mass mailer in Oakland. That mass mailer failed to identify the subject committee as
5 candidate-controlled by Mayor Schaaf. The approximate value of the unlawful expenditure
6 was \$15,205.92.

7 In or around October 2018, Respondents distributed approximately 9,000 copies of a
8 fifth mass mailer in Oakland. That mass mailer failed to identify the subject committee as
9 candidate-controlled by Mayor Schaaf. The approximate value of the unlawful expenditure
10 was \$15,205.92.

11 In this way, Respondents violated OMC § 3.12.230.

VIOLATIONS:

OAKLANDERS FOR RESPONSIBLE LEADERSHIP; MAYOR SCHAAF

15
16 Respondents, Oaklanders For Responsible Leadership; and Mayor Schaaf (its
17 controlling candidate who caused the violation), violated the following Oakland Municipal
18 Code(s):

Count 3: Failure to Properly Report Intermediary (Conduit) Contributions

21
22 On their campaign statements (Form 460), Respondents reported the following
23 contributions as being received from OAKPAC rather than from the true source of the
24 contributions:

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Contributions Over the Limit to ORL (Made Via OAKPAC)			
Donor (per 460)	Date of Contribution to OAKPAC	Amount	Amount Over the Limit
Bay Area Citizens PAC	10/23/2018	\$2,500	\$1,700
Horizon Beverage Company	10/26/2018	\$5,000	\$4,200
Equity and General Trade Association	11/05/2018	\$5,000	\$4,200
Holiday Inn Express Hotel & Suites - Balaji Enterprises, LLC	11/05/2018	\$5,000	\$4,200
Kiva Sales and Service	11/05/2018	\$2,500	\$1,700
Lane Partners	11/05/2018	\$10,000	\$9,200
Best Bay Apartments, Inc.	11/16/2018	\$10,000	\$9,200
TMG Partners	11/16/2018	\$10,000	\$9,200
Wilson Meany LP AAF / 11 West Ninth Street Property Owner LP	05/20/2019	\$10,000	\$9,200
Abid	07/02/2019	\$3,000	\$2,200
Argent Materials, Inc.	07/02/2019	\$5,000	\$4,200
Foster Interstate Media, Inc. and Affiliated Entities	07/02/2019	\$5,000	\$4,200
Oakland Lofts, LLC	07/02/2019	\$5,000	\$4,200
Wasserman	07/02/2019	\$1,000	\$200
CCSAC, Inc.	07/22/2019	\$5,000	\$4,200
Comcast Financial Agency Corporation, A Comcast Cable Communications Group Company	12/18/2019	\$5,000	\$5,000

These contributions should have been reported as contributions from the true sources, with OAKPAC reported as an intermediary; but they were not.

In this way, Respondents violated OMC § 3.12.240, incorporating Cal. Govt. Code §§ 84211, 84215 and 85704.

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VIOLATIONS:

OAKLANDERS FOR RESPONSIBLE LEADERSHIP

Respondent, Oaklanders For Responsible Leadership, violated the following Oakland Municipal Code(s):

Count 4: Receiving Contributions in an Amount Over the Legal Limit

On the following dates, Respondent received direct monetary contributions in excess of \$800, which was the contribution limit for candidate-controlled committees in 2018:

Direct Contributions Received By ORL Over The Contribution Limit			
Donor	Date Received	Total Amount of Contribution	Amount of Contribution In Excess of Limit
McGrath Properties, Inc. ⁴⁵	08/30/2018	\$2,500	\$1,700
David Roe	09/13/2018	\$4,990	\$4,190
Jennifer L. Pahlka	09/19/2018	\$4,000	\$3,200
Patricia Kernighan	09/20/2018	\$950	\$150
International Brotherhood of Electrical Workers Local 595 PAC	09/24/2018	\$10,000	\$8,400
Kenneth J. Schmier	09/25/2018	\$4,999	\$4,199
Sprinkler Fitters & Apprentices Local 483 PAC	09/25/2018	\$7,500	\$5,900
Lisa Schmier	09/26/2018	\$4,999	\$4,199
Sheet Metal Workers' International Association Local Union No. 104	09/27/2018	\$10,000	\$8,400
Eugene Zahas	09/27/2018	\$2,500	\$1,700

⁴⁵ This contribution was returned on 9/11/18.

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1	Sprinkler Fitters & Apprentices Local 483 PAC	10/04/2018	\$7,500	\$5,900
2	Bruce Beasley	10/05/2018	\$1,000	\$200
3	U.A. Local 342 PAC Fund	10/10/2018	\$5,000	\$3,400
4	Kim A. Thompson	10/11/2018	\$2,500	\$1,700
5	Libitzky Holdings, L.P.	10/15/2018	\$4,999	\$4,199
6	State Building & Construction Trades Council of California Independent Expenditure PAC	10/17/2018	\$10,000	\$8,400
7	Carmel Partners	10/25/2018	\$5,000	\$4,200
8	Danny W. Wan	10/25/2018	\$1,500	\$700
9	Salvatore T. Fahey	10/29/2018	\$999	\$199
10	Libby Schaaf	10/29/2018	\$999	\$199
11	Cannaroyalty ⁴⁶	10/31/2018	\$5,000	\$4,200
12	DRIVE Committee	11/08/2018	\$5,000	\$4,200
13	Elaine Brown	11/19/2018	\$1,000	\$200
14	Andrew Fremder	11/19/2018	\$1,000	\$200
15	Ron Gershoni	11/19/2018	\$2,500	\$1,700
16	Michael McDonald	11/19/2018	\$1,000	\$200
17	Robert (Zachary) Wasserman	11/19/2018	\$1,000	\$200
Total Amount of Contributions = \$108,435				
Total Received Over The Contribution Limit = \$82,035				

18 And on the following dates, Respondent received monetary contributions in excess of
19 \$800, which was the contribution limit for candidate-controlled committees in 2018, via
20 OAKPAC:
21

Contributions Over the Limit to ORL (Made Via OAKPAC)			
Donor (per 460)	Date of Contribution to OAKPAC	Amount	Amount Over the Limit
Bay Area Citizens PAC	10/23/2018	\$2,500	\$1,700
Horizon Beverage Company	10/26/2018	\$5,000	\$4,200
Equity and General Trade Association	11/05/2018	\$5,000	\$4,200

27 ⁴⁶ This contribution was returned on 11/5/18.

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Holiday Inn Express Hotel & Suites - Balaji Enterprises, LLC	11/05/2018	\$5,000	\$4,200
Kiva Sales and Service	11/05/2018	\$2,500	\$1,700
Lane Partners	11/05/2018	\$10,000	\$9,200
Best Bay Apartments, Inc.	11/16/2018	\$10,000	\$9,200
TMG Partners	11/16/2018	\$10,000	\$9,200
Wilson Meany LP AAF / 11 West Ninth Street Property Owner LP	05/20/2019	\$10,000	\$9,200
Abid	07/02/2019	\$3,000	\$2,200
Argent Materials, Inc.	07/02/2019	\$5,000	\$4,200
Foster Interstate Media, Inc. and Affiliated Entities	07/02/2019	\$5,000	\$4,200
Oakland Lofts, LLC	07/02/2019	\$5,000	\$4,200
Wasserman	07/02/2019	\$1,000	\$200
CCSAC, Inc.	07/22/2019	\$5,000	\$4,200
Comcast Financial Agency Corporation, A Comcast Cable Communications Group Company	12/18/2019	\$5,000	\$5,000
Total Amount of contributions = \$89,800			
Total over the limit = \$77,000			

As a candidate-controlled committee, the Respondent committee was prohibited from receiving contributions from a single source in excess of \$800 per person or \$1,600 per broad-based committee during the 2018 election.

In this way, Respondent violated OMC § 3.12.050.

VIOLATIONS:

LIBBY SCHAAF; DOUG LINNEY

Respondents, Libby Schaaf (controlling candidate of ORL, who also caused the violations); and Doug Linney (who caused the violations), violated the following Oakland Municipal Code(s):

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Count 5: Receiving Contributions in an Amount Over the Legal Limit

On the dates listed above in Count 4, Respondents received direct monetary contributions in excess of \$800, which was the contribution limit for candidate-controlled committees in 2018.

As principals of a candidate-controlled committee, Respondents were prohibited from receiving contributions from a single source in excess of \$800 per person or \$1,600 per broad-based committee during the 2018 election.

In this way, Respondents violated OMC § 3.12.050.

VIOLATIONS:

OAKPAC, OAKLAND METROPOLITAN CHAMBER OF COMMERCE; BARBARA LESLIE, ROBERT ZACHARY WASSERMAN

Respondents, OAKPAC, Oakland Metropolitan Chamber of Commerce; Barbara Leslie (OAKPAC's principal officer, who also caused the violations), and Robert Zachary Wasserman (OAKPAC's agent, who also caused the violations) violated the following Oakland Municipal Code(s):

Count 6: Failure to Properly Report Intermediary (Conduit) Contributions

Respondents, either directly or by causing/aiding-and-abetting, reported the following payments as direct contributions from OAKPAC to ORL rather than accurately reporting them as intermediary contributions from the original donors:

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Contributions to ORL Made Via OAKPAC		
Donor (per 460)	Date of Contribution to OAKPAC	Amount
Bay Area Citizens PAC	10/23/2018	\$2,500
Horizon Beverage Company	10/26/2018	\$5,000
Equity and General Trade Association	11/05/2018	\$5,000
Holiday Inn Express Hotel & Suites - Balaji Enterprises, LLC	11/05/2018	\$5,000
Kiva Sales and Service	11/05/2018	\$2,500
Lane Partners	11/05/2018	\$10,000
Best Bay Apartments, Inc.	11/16/2018	\$10,000
TMG Partners	11/16/2018	\$10,000
Wilson Meany LP AAF / 11 West Ninth Street Property Owner LP	05/20/2019	\$10,000
Abid	07/02/2019	\$3,000
Argent Materials, Inc.	07/02/2019	\$5,000
Foster Interstate Media, Inc. and Affiliated Entities	07/02/2019	\$5,000
Oakland Lofts, LLC	07/02/2019	\$5,000
Wasserman	07/02/2019	\$1,000
CCSAC, Inc.	07/22/2019	\$5,000
Comcast Financial Agency Corporation, A Comcast Cable Communications Group Company	12/18/2019	\$5,000
		Total = \$89,800.00

Instead, OAKPAC reported them as contributions from OAKPAC to ORL on the following dates:

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Intermediary Contributions From OAKPAC to ORL Not Correctly Reported		
Date	Amount	Reporting Period
10/25/2018	\$7,500	07/01/18 – 12/31/18
11/02/2018	\$2,500	07/01/18 – 12/31/18
11/02/2018	\$10,000	07/01/18 – 12/31/18
11/12/2018	\$17,500	07/01/18 – 12/31/18
11/26/2018	\$20,000	07/01/18 – 12/31/18
05/30/2019	\$10,000	1/1/19 – 6/30/19
07/10/2019	\$19,000	7/1/19 – 12/31/19
08/13/2019	\$5,000	7/1/19 – 12/31/19
12/20/2019	\$5,000	7/1/19 – 12/31/19

In this way, Respondents violated OMC § 3.12.240, incorporating Cal. Govt. Code §§ 84211, 84215 and 85704.

PENALTY ANALYSIS

Oakland's Campaign Reform Act authorizes the Commission to impose the following base-level and maximum penalties for the following types of violations:

Violation	Counts	Base-Level Per Violation	Statutory Limit Per Violation
Failure to Disclose Controlling Candidate on Campaign Forms	1	\$1,000	\$5,000
Failure to Disclose Controlling Candidate on a Mass Mailer	2	\$1,000	\$5,000 or three times the value of the unlawful expenditure, whichever is greater

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1 2 3	Failure to Properly Report Intermediary Contributions	3, 6	\$1,000	\$5,000 or three times the amount not properly reported, whichever is greater
4 5 6	Receiving Contributions Over The Legal Limit	4-5	\$1,000, plus the unlawful amount	\$5,000 or three times the amount of the unlawful contribution, whichever is greater.

7
8 In addition to monetary penalties, the Commission may issue warnings or require other
9 remedial measures.⁴⁷

10 The PEC will consider all relevant mitigating and aggravating circumstances
11 surrounding a violation when deciding on a penalty, including, but not limited to, the following
12 factors:

- 13
- 14 1. The seriousness of the violation, including, but not limited to, the extent of the public
15 impact or harm;
 - 16 2. The presence or absence of any intention to conceal, deceive, or mislead;
 - 17 3. Whether the violation was deliberate, negligent, or inadvertent;
 - 18 4. Whether the violation was isolated or part of a pattern;
 - 19 5. Whether the respondent has a prior record of violations and/or demonstrated
20 knowledge of the rule or requirement at issue;
 - 21 6. The extent to which the respondent voluntarily and quickly took the steps necessary
22 to cure the violation (either independently or after contact from the PEC);
 - 23 7. The degree to which the respondent cooperated with the PEC's enforcement activity
24 in a timely manner;
 - 25 8. The relative experience of the respondent;
- 26

27 ⁴⁷ OMC § 3.12.270(C).

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- 1 9. The respondent's ability to pay the contemplated penalty without suffering undue
2 financial hardship. This factor shall not apply to the portion of a penalty that
3 constitutes a repayment or disgorgement of the unlawful amount, except in cases of
4 extreme financial hardship.

5
6 The PEC has broad discretion in evaluating a violation and determining the appropriate
7 penalty based on the totality of circumstances. This list of factors to consider is not an
8 exhaustive list, but rather a sampling of factors that could be considered. There is no
9 requirement or intention that each factor – or any specific number of factors - be present in
10 an enforcement action when determining a penalty. As such, the ability or inability to prove
11 or disprove any factor or group of factors shall in no way restrict the PEC's power to bring an
12 enforcement action or impose a penalty.

Analysis of the Present Case

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14
15
16 The circumstances of the Respondents' conduct establish the following aggravating
17 and mitigating factors that should be taken into account when determining an appropriate
18 penalty in this case.

19 The Respondents' violations in this case are serious. The strict rules applying to
20 candidate-controlled committees go directly to the very purpose of campaign finance law.
21 Candidates for office, and particularly high-ranking officeholders such as the Mayor, have a
22 disproportionate ability to bring in campaign money. This includes donations from sources
23 whose business interests could benefit from being in a candidate or official's good favor, even
24 if that relationship never rises to a formal quid pro quo. Here, there is no evidence of any quid
25 pro quo. However, the contribution restrictions serve to reduce the actuality or appearance
26 of corruption, and (in the case of officeholders) to reduce the unfair fundraising benefits that
27 can come with political power.

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1 In this case, Mayor Schaaf and her associates' actions were negligent. All of them were
2 fully aware that Mayor Schaaf had significant participation in the IE campaign against Brooks,
3 including its creation, strategy, budgeting decisions, and selection of personnel.

4 In an interview with PEC staff, Mayor Schaaf conveyed that she believed at the time
5 that she had an understanding of the rules concerning what makes a committee "candidate-
6 controlled." Specifically, she said the rules would have required her to only have a "supporting
7 role" and "limited involvement" on the committee, and "being more responsive or reactive
8 to requests that people make for your help." Mayor Schaaf did receive advice from Doug
9 Linney regarding what he believed his attorneys had told him regarding permissible activities
10 that would not constitute "significant activity." However, the advice as conveyed by Mr.
11 Linney was not accurate and articulated a greater level of permissible activity than that
12 permitted under FPPC Advice Letters. Mayor Schaaf told the PEC that she guided her behavior
13 based on this erroneous information.

14 To be clear, candidates and officeholders are allowed to fundraise for existing
15 committees, including independent expenditure committees. What they cannot do is create
16 or repurpose an existing committee, and then exercise significant influence over the
17 committee. Here, Mayor Schaaf was negligent in determining her obligations to avoid
18 "significantly influencing" the campaign committee, resulting in the listed violations related
19 to this influence.

20 For his part, though Doug Linney was aware of the extent Mayor Schaaf's role with
21 ORL, he later told the PEC that it was his understanding that Mayor Schaaf was not the final
22 "decision-maker" for ORL and that therefore she was not its controlling candidate. Linney
23 facilitated the filing of ORL's campaign forms that failed to disclose her controlling role. While
24 stating to PEC staff that this was his first independent expenditure campaign, as a generally
25 experienced campaign consultant, Linney should have been aware that ORL's solicitation and
26 receipt of contributions were over the legal limit. He also facilitated the publication of mailers
27 that did not disclose Mayor Schaaf's controlling role on the campaign.

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1 However, in mitigation, the Brooks campaign distributed campaign mailers and made
2 press statements that stated that Mayor Schaaf was involved with the committee, therefore
3 the public was provided with some information about Mayor Schaaf's possible involvement,
4 albeit not on the face of ORL's mailers or campaign forms.

5 In further aggravation, regarding Respondent Schaaf, the Mayor's actions could be
6 considered as part of a pattern. This is evidenced by PEC cases #19-01 and #22-09, concerning
7 similar activity in the 2018 election, and which are also being brought to the PEC at the same
8 time as this case. However, the Mayor contends she was acting under the same mistaken
9 advice provided to her by Mr. Linney in these matters. The Mayor has also been involved in a
10 prior PEC case (though not as a respondent) involving contributions from a City contractor to
11 one of her committees (PEC #18-19).

12 As an additional aggravating factor, the violations may have had some impact on the
13 election. The candidate opposed by this committee ultimately lost.

14 In mitigation, the Mayor, Linney and Leslie were forthcoming when providing
15 documents to PEC investigators. This included documents that evidenced the violations in this
16 case. The Mayor and other witnesses also voluntarily provided interviews to PEC staff without
17 a subpoena. Schaaf and Linney's actions appear to have been motivated by a
18 misunderstanding of the law.

19 As for the violations associated with using OAKPAC as a pass-through for earmarked
20 contributions, these are also serious violations of the Campaign Reform Act. The people
21 involved in this arrangement were all sophisticated individuals who should have been familiar
22 with campaign finance law (Wasserman is also an attorney) and engaged in activity which
23 deprived voters of donor information required by law. In mitigation, OAKPAC did report the
24 original donors on its own Form 460s, though not until after the election was over. Leslie and
25 Wasserman's actions appear to have been motivated by a misunderstanding of the law.

26 None of the respondents in this case have prior PEC or FPPC violations in which they
27 were named individually. Finally, respondents are now admitting liability to the violations in

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1 this agreement, thereby taking responsibility for what occurred and working with the PEC to
2 redress any harm caused.

3 As an additional mitigating factor, PEC staff notes that it has reviewed the personal
4 finances of Mayor Schaaf, Linney, Leslie, and Wasserman, and found that the penalties
5 contemplated in this settlement agreement are sufficiently large to act as a deterrent to
6 future violations, without being so large as to cause an undue financial burden for them. PEC
7 staff has also reviewed the finances of OAKPAC and determined that the penalty
8 contemplated here is sufficiently large to act as a deterrent to future violations, without being
9 so large as to cause an undue financial burden for OAKPAC.

RECOMMENDED PENALTIES

10
11
12
13 In light of the above factors, PEC staff and respondents have mutually agreed upon
14 the following penalties and recommend that the Commission vote to approve them:

Count	Violation	Respondent(s)	Amount at Issue	Recommended Penalty
1	Failure to Disclose Controlling Candidate on Campaign Forms	Oaklanders For Responsible Leadership; Libby Schaaf; Doug Linney	-	\$5,000
2	Failure to Disclose Controlling Candidate on a Mass Mailer	Oaklanders For Responsible Leadership; Mayor Schaaf; Doug Linney	\$82,194.12	\$10,000
3	Failure to Properly Report Intermediary Contributions	Oaklanders For Responsible Leadership; Mayor Schaaf	\$89,800	\$5,000

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1	4	Receiving Contributions in an Amount Over The Legal Limit	Oaklanders For Responsible Leadership	\$159,035	\$80,518
2					
3	5	Receiving Contributions in an Amount Over The Legal Limit	Mayor Schaaf; Doug Linney	(Same as Counts 4 above)	\$5,000
4					
5	6	Failure to Properly Report Intermediary Contributions	OAKPAC, Oakland Metropolitan Chamber of Commerce; Barbara Leslie; Robert Zachary Wasserman	\$89,800	\$48,000
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