

City of Oakland  
Public Ethics Commission  
February 7, 2005

In The Matter of ) Complaint No. 04-03  
)  
Complaint Initiated By ) **[Proposed]** Stipulation,  
Public Ethics Commission ) Decision and Order  
On February 2, 2004

It is hereby stipulated by and between the City of Oakland Public Ethics Commission ("Commission") and Desley Brooks, individually and on behalf of "Friends Of Desley Brooks" ("Brooks Campaign Committee"):

1. During the course of her campaign for City Council in the March, 2002 election, Ms. Brooks filed a series of Schedule A's (Monetary Contributions Received) to her Committee's Form 460. Ms. Brooks omitted required information for some contributors in her campaign statements for the periods January 20, 2002 through February 20, 2002; February 21, 2002 through June 30, 2002; and for the period July 1, 2002, through December 31, 2002.

2. Ms. Brooks subsequently amended two of her campaign statements to provide completed information for all but the following contributors:

For the period January 20, 2002 through February 20, 2002 -- **Kim Luqman, Harry Overstreet, Safi Jiroh, and Elizabeth Callaway.**

For the period February 21, 2002, through June 30, 2002 -- **Michael Baines, Joan Coleman, Alan Dones, Steve Edrington, Vernon Foster, John Gilmore, Tom Guarino, Rhonda Hirata, Todd Hotten, Sayer Lee, YH Lee, Robert Lewis, Francis Mason, Anthony Pegram, Wiley Pierce, Melanie Shelby, AS Simi, Ravinder Singh, Eric Sandifer, Linda Tangren, Becky Taylor, Vanessa Washington, and MH Young.**

For the period July 1, 2002, through December 31, 2002 -- **Michele Chenault, Frank Davis, Guy Forkner, Joan Kenley, Frank Kiang, William Merritt, Cecil Reeves, Kevin Riekes, Peter Robinson, and Susan Thorner.**

3. The Oakland Campaign Reform Act ("OCRA") provides that no contribution of \$100 or more shall be deposited into a campaign checking account "unless the name, address, occupation, and employer of the contributor is on file in the records of the recipient of the contribution." [OCRA Section 3.12.130]. Ms. Brooks contends that her campaign had in its possession all required contributor information at the time the checks were deposited into her campaign checking account. Since then, Ms. Brooks contends that she misplaced and cannot locate the contributor information for some of the above-named contributors. Commission staff contends that Ms. Brooks'

inability to verify whether her campaign possessed the omitted information as to some of the above-named contributors implies a violation of OCRA Section 3.12.130.

4. On January 24, 2005, Ms. Brooks filed amendments to her campaign statements to provide the missing contributor information for those persons listed in paragraph 2 and whose names appear highlighted in **bold**. Those names not highlighted are those contributors for whom no record or information could be found after a reasonable and diligent effort.

5. On January 24, 2005, Ms. Brooks submitted to Commission staff a check made payable to the "City of Oakland" in the amount of \$250 which amount, together with the amendments described in paragraph 4, represents full consideration for the settlement of the contentions described in paragraph 3.

6. Pursuant to Commission General Complaint Procedures Section XII(F), and based on the recitations made in paragraphs 4 and 5, Commission staff recommends the Commission approve this Stipulation, Decision and Order subject to the following:

A) Nothing in this Stipulation is to be interpreted as an admission of wrongdoing by Desley Brooks or the Brooks Campaign Committee under local law. Ms. Brooks and the Brooks Campaign Committee have entered into this Stipulation to avoid any further proceedings in this matter.

B) Ms. Brooks knowingly and voluntarily waives all rights to a hearing before the Commission on the merits of the contentions contained in paragraph 3.

C) Ms. Brooks understands and acknowledges 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 or any other matter; 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 on Complaint No. 04-03 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.

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

7) Desley Brooks, individually and on behalf of the Brooks Campaign Committee, hereby agrees to the terms set forth in paragraph 6 above.

Dated: \_\_\_\_\_, 2005

\_\_\_\_\_  
Desley Brooks, individually and on  
behalf of the Brooks Campaign  
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 \_\_\_\_\_, 2005. 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: \_\_\_\_\_, 2005

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Daniel D. Purnell, Executive Director  
Oakland Public Ethics Commission