

CITY OF OAKLAND
Public Ethics Commission

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TO: Public Ethics Commission
FROM: Daniel Purnell
DATE: February 2, 2004

**RE: A Report And Action To Be Taken To Initiate A Commission
Complaint Against Oakland City Councilmember Desley Brooks**

As part of the Commission's jurisdiction over the Oakland Campaign Reform Act (OCRA), Commission staff regularly reviews campaign statements filed by candidates and officeholders as required under the California Political Reform Act. Among the issues being reviewed are whether candidates and officeholders comply with applicable contribution and expenditure limitations under OCRA.

As a result of this review, Commission staff has identified a situation which may raise local compliance issues.

The situation pertains to two campaign statements filed on behalf of the controlled committee for Desley Brooks in connection with her election to the Oakland City Council from District Six in March, 2002. Specifically, Commission staff reviewed Ms. Brooks' last two semi-annual campaign statements for the period beginning on July 1, 2002, through December 31, 2002; and for the period beginning on January 1, 2003, through June 30, 2003.

With respect to the first campaign statement, the address, occupation and employer information required for itemized contributions of \$100 or more is completely missing for all individual contributors. **Attachment 1.** State law requires disclosure of an individual's address, occupation and employer or, if self-employed, the name of his or her business. OCRA prohibits any contribution of \$100 or more from being deposited into a campaign checking account unless the name, address, occupation and employer of the contributor is "on file" in the records of the candidate. [O.M.C. §3.12.130] State law further requires a candidate to return within 60 days contributions of \$100 or more if the candidate does not have on file the name, address, occupation and employer of the contributor.

With respect to the second campaign statement, there is an entry for accrued expenses (unpaid bills) for two separately itemized "Visa" accounts. The first account shows an outstanding balance of \$11,000 and the second a balance of \$8,000. **Attachment 2.** Nowhere, however, does the campaign statement provide the addresses of the credit card companies or the name and address of the specific vendors for whose services or products the credit cards were used to pay. Such information is required under state law and is necessary to determine whether all expenditures were "qualified campaign expenditures" as defined under OCRA and required under the Limited Public Financing Act. [OCRA §3.12.040; LPFA §3.13.140]

Commission staff has written two letters to Ms. Brooks requesting that she address the above issues. **Attachment 3A and 3B.** At the time of this writing, Ms. Brooks has neither communicated to Commission staff about the issues raised in the letters nor has she filed amended campaign statements to provide the missing information.

Pursuant to Section I.C. of the General Complaint Procedures, Commission staff recommends that the Commission initiate a formal complaint against Ms. Brooks for the issues cited in this memorandum, conduct an investigation into the alleged violations, and provide the Commission with a preliminary staff report at a subsequent meeting.

Respectfully submitted,

Daniel D. Purnell
Executive Director