

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BLUE RIBBON TASK FORCE  
ON ETHICS REQUESTING THAT A HEARING BE SET  
BEFORE THE CITY COUNCIL OF THE CITY OF SAN  
JOSE TO CENSURE COUNCILMEMBER TERRY  
GREGORY**

**BE IT RESOLVED BY THE BLUE RIBBON TASK FORCE ON ETHICS OF THE CITY  
OF SAN JOSE THAT:**

The Blue Ribbon Task Force On Ethics of the City of San Jose hereby requests the Rules Committee of the Council of the City of San Jose at its meeting of December 15, 2004, to set a hearing before the City Council of the City of San Jose at a special meeting of the City Council on December 17, 2004, to censure Councilmember Terry Gregory pursuant to City Council Policy Number 0-28 entitled the "City Council Conduct Policy" based on the allegations of conduct in violation of City ordinances and City Policy as set forth below and as contained in the report to the San Jose Elections Commission; dated December 8, 2004, from Hanson, Bridgett, Vlahos and Rudy LLP:

Allegation No. 1

That Councilmember Terry Gregory received a gift of wine from Dennis Fong, the value of which exceeded the limits under San Jose Municipal Code Section 12.08.030 in violation of Municipal Code Section 12.08.010 and that this act constitutes a violation of the City of San Jose Code of Ethics, City Council Policy Number 0-4.

Allegation No. 2

That Councilmember Terry Gregory received a gift of baseball tickets from John DiNapoli, the value of which exceeded the limits under Municipal Code Section

12.08.030 in violation of Municipal Code Section 12.08.010 and that this act constitutes a violation of the City of San Jose Code of Ethics, City Council Policy Number 0-4.

Allegation No. 3

That Councilmember Terry Gregory received campaign contributions in violation of Municipal Code Section 12.06.540 and that he failed to return contributions received after October 19, 2002 in violation of Municipal Code Section 12.06.290 and that these acts constitute a violation of the City of San Jose Code of Ethics, City Council Policy Number 0-4.

Allegation No. 4

That Councilmember Terry Gregory failed to report campaign contributions in violation of Municipal Code Section 12.06.910 and that this failure to report constitutes a violation of the City of San Jose Code of Ethics, City Council Policy Number 0-4.

Allegation No. 5

That Councilmember Terry Gregory received gifts of food and drink from Dennis Fong, the value of which exceeds the limits under the California Political Reform Act of 1974, Government Code Section 81000 et seq ("California Political Reform Act"); and that Councilmember Terry Gregory failed to report gifts of food and drink as required by the California Political Reform Act.

Allegation No. 6

That Councilmember Terry Gregory directed Dennis Fong to falsely state that Councilmember Gregory paid his share of gratuities for meals

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provided by Mr. Fong to Councilmember Gregory. The direction to Mr. Fong to make such false representations is a violation of the City of San Jose Code of Ethics, City Council Policy 0-4.

ADOPTED this 13<sup>th</sup> day of December, 2004, by the following vote:

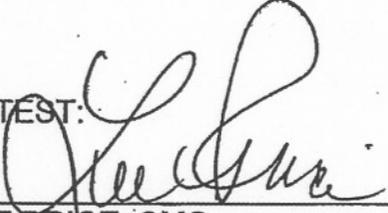
AYES: *Members Reed, Chavez, Vando & Yeager*

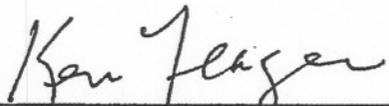
NOES: *None*

ABSENT: *None*

DISQUALIFIED: *None*

ATTEST:

  
\_\_\_\_\_  
LEE PRICE, CMC  
City Clerk

  
\_\_\_\_\_  
KEN YEAGER  
Chair