



## CITY OF SAN JOSE, CALIFORNIA

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### SAN JOSE ELECTIONS COMMISSION

Fred de Funiak, Chair  
Jang Badhesha  
Michael Smith  
Leon Louie  
Robert Shepard

### SAN JOSE ELECTIONS COMMISSION SPECIAL MEETING MINUTES July 2, 2008

#### I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:30 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS Louie, Shepard, Smith and de Funiak

ABSENT: COMMISSIONERS Badhesha

STAFF PRESENT: Senior Deputy City Attorney Lisa Herrick  
City Clerk Lee Price  
Interim Assistant City Clerk Dennis Hawkins  
Deputy City Clerk Michelle Radcliffe

#### II DISCUSSION ITEMS

- A. Review and discussion of the Independent Investigator Report on Lobbyist Reporting

Documents Filed: 1) Report from Rivera and Associated dated May 14, 2008 regarding registered lobbyists; 2) Response from Hunter Properties dated June 19, 2008; 3) E-mail response from Rattan Dhaliwal dated June 26, 2008; 4) Response from The Schoennauer Company dated June 27, 2008; 5) E-mail response from George Shirakawa dated June 30, 2008; and 6) E-mail response from Pat Sausedo dated July 2, 2008.

Investigator Roberto Rivera presented a synopsis of his report and stated that there was no consistency between the Council offices on how meetings are disclosed on their calendars and that there were five instances of

inconsistencies between the Council Reception Sign-In Sheet, the Council's Calendars and the Lobbyist reports. City Clerk Lee Price noted that only five potential discrepancies out of hundreds of lobbyists registered was identified and that it was noteworthy to acknowledge that lobbyists do take reporting obligations seriously. Commission questions followed. The Investigator confirmed that he had not interviewed lobbyists during his investigation.

Motion: Upon motion by Commissioner Louie, seconded by Commissioner Smith, and unanimously passed, the Commission directed the Investigator to follow up with the five lobbyists and return with an amended report summarizing the outcome of additional interviews by the Investigator. Vote: 4-0-1.

B. Hearing on the complaint filed on May 28, 2008 by Lan Nguyen

Document Filed: Report from Hanson Bridget Marcus Vlahos & Rudy LLP dated June 18, 2008 regarding the Complaint filed on May 28, 2008 by Lan Nguyen

Independent Evaluator Steve Miller provided an overview of the complaint and investigation. Independent Evaluator Joan Cassman summarized findings and recommended that the complaint be dismissed. Discussion ensued.

Motion: Upon motion by Commissioner Louie, seconded by Commissioner Shepard, and unanimously passed, the Commission accepted the Evaluator's report and recommendation. Vote: 4-0-1.

Each Commissioner affirmed their findings and certified that they had reviewed all evidence.

Motion: Upon motion by Commissioner Shepard, seconded by Commissioner Smith, and unanimously passed, the Commission directed the City Attorney to prepare a resolution of findings made and authorized the Chair to sign it. Vote: 4-0-1.

III MEETING SCHEDULE AND AGENDA ITEMS

The next Regular Meeting is scheduled for Wednesday, July 9, 2008 at 5:30 p.m.

IV PUBLIC COMMENT

There were none.

V ADJOURNMENT

The meeting adjourned at 6:52 p.m.

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FRED DE FUNIAK, CHAIR

ATTEST:

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LEE PRICE, MMC  
CITY CLERK and SECRETARY TO THE COMMISSION