

**ELECTIONS COMMISSION**

Meeting Minutes  
December 1, 2010

**ROLL CALL**

PRESENT: Chair de Funiak, Vice Chair Smith, Commission Members Louie and Shepard

ABSENT: None.

STAFF: Senior Deputy City Attorney Lisa Herrick, City Clerk Lee Price, Evaluator Joan Cassman, Assistant City Clerk Dennis Hawkins, and Deputy City Clerk Nora Pimentel

**ORDER OF BUSINESS**

**I. Call to Order**

The members of the San Jose Elections Commission convened at 5:48 p.m. in Room W-262 of City Hall, 200 E. Santa Clara Street, CA 95113.

**II. Hearing on Complaint**

- A. Hearing on the complaint filed on October 7, 2010 by Thomas Nguyen alleging violations of the San Jose Municipal Code campaign finance regulations.

Documents Filed: (1) Memorandum with attachments from Hanson Bridgett LLP to San Jose Elections Commission dated November 8, 2010 regarding a Citizen Complaint alleging violations of the Campaign Ordinance: Failure to Register as a Committee, Failure to File Campaign Reports. (2) Supplemental Memorandum with additional attachments from Hanson Bridgett LLP to Elections Commission dated November 30, 2010. (3) Transcript of Hearing dated December 1, 2010, Reported by Noelia Espinola, CSR, License Number 8060, Advantage Reporting Services.

Chair de Funiak, outlined hearing procedures and opened the public hearing. Evaluator Joan Cassman summarized the Independent Evaluator's Report and Recommendations. Testimony was presented by Thomas Nguyen and Paul Le. (See transcript for complete testimony).

Evaluator Joan Cassman summarized the Independent Evaluator's Supplemental Report. Testimony was presented by Nguyen Khoi, Robert Sandoval, Charlie Ly and Ton Ngo. (See transcript for complete testimony).

The Commission deliberated.

Action: Upon motion by Commissioner Cosgrove, seconded by Commissioner Smith, the Commission unanimously adopted the Evaluator's Recommendation to dismiss the complaint and allegations related to programming on Que Hong radio. Vote 5-0

Action: Upon motion by Commissioner Smith, seconded by Commissioner Cosgrove, the Commission directed the Evaluator to conduct an initial assessment regarding allegations of possible violations by the Quan Tam Cong Dong newspaper and to report back to the Commission at the January 12, 2011 meeting. Vote 5-0

Each Commissioner certified that he or she personally heard the testimony at the hearing and reviewed the entire evidence in the record. Further actions by the Commission were postponed pending direction to and report out by, the Evaluator.

### III. Public Comment

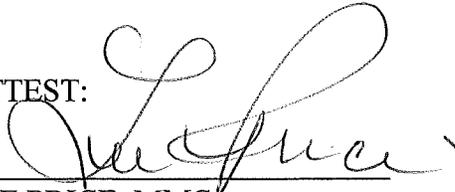
Terry Reilly gave a brief summary of results using Instant Run-Off Voting in the recent San Francisco District 10 Supervisor Race.

### IV. Adjournment

The meeting was adjourned at approximately 8:01 p.m.

  
FRED DE FUNIAK, CHAIR

ATTEST:

  
LEE PRICE, MMC  
CITY CLERK and SECRETARY TO THE COMMISSION

Attachment: Transcript of Hearings dated December 1, 2010, Reported by Noelia Espinola, CSR, License Number 8060. Advantage Reporting Services