

**ELECTIONS COMMISSION**

Meeting Minutes

January 12, 2011

**ROLL CALL**

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

ABSENT: Cosgrove

STAFF: Senior Deputy City Attorney Lisa Herrick, Evaluator Joan Cassman, and Deputy City Clerk Nora Pimentel

**ORDER OF BUSINESS**

**I. Call to Order**

Meeting was called to order by Chair de Funiak at 5:31 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, CA 95113.

**II. Closed Session**

None

**III. Approval of Minutes**

There were none.

**IV. Report of the Chair**

Chair de Funiak inquired about the status of the Elections Commission recruitment. Deputy City Clerk Nora Pimentel briefly reviewed the process. Chair de Funiak distributed to the Commission an article from a Vietnamese-American newspaper for their review. He proceeded to ask for a moment of silence for those people killed in Arizona.

**V. Reports of the Clerk/Attorney**

There was no report.

## **VI. Report of the Evaluator**

Evaluator Joan Cassman summarized the Independent Evaluator's Second Supplemental Memorandum.

## **VII. Hearing on Complaint**

- A. Continue 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: Second Supplemental Memorandum with additional attachments from Hanson Bridgett LLP to Elections Commission dated January 7, 2011.

Chair de Funiak, provided the public an opportunity to speak. Public Comment was presented by Robert Sandoval, Charlie Ly. (See attached January 12, 2011 transcript for complete comments reported by Noelia Espinola, CSR, License Number 8060, Advantage Reporting Service).

Action: Upon motion by Commissioner Smith, seconded by Commissioner Shepard, the Commission unanimously adopted the Evaluator's Five Recommendations from the November 8, 2010 report and the Evaluator's recommendation relative to the newsletters from the January 7, 2011 report. (Vote 4-0)

Each Commissioner certified that he or she personally heard the testimony at the hearing and reviewed the entire evidence in the record.

Action: Upon motion by Commissioner Louie, seconded by Commissioner Shepard, the Commission directed the City Attorney to prepare a resolution reflecting the findings and recommendations of the Commission. (Vote 4-0)

## **VIII. Discussion Items**

There were none.

## **IX. Meeting Schedule and Agenda Items**

The next regular meeting is Wednesday, February 9, 2011. Agenda item to include discussion regarding FY 2011-2012 Election Commission Workplan.

## **X. Public Comment**

Thomas Nguyen thanked the Commission for their investigation.

**XI. Adjournment**

The meeting was adjourned at approximately 6:14 p.m.

  
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FRED DE FUNIAK, CHAIR

ATTEST:

  
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NORA PIMENTEL, CMC  
DEPUTY CITY CLERK and SECRETARY TO THE COMMISSION

Attachment: Transcript of Hearings dated January 12, 2011, Reported by Noelia Espinola, CSR, License Number 8060. Advantage Reporting Services