



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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JOHN ST. CROIX
EXECUTIVE DIRECTOR

Memorandum

To: Members, Ethics Commission

From: John St. Croix, Executive Director

Re: Progress for All and other committees formed to urge a person to run for office

Date: August 3, 2011

During the current Mayoral election cycle, two committees formed with the stated intention of convincing Mayor Ed Lee to run for the office which he now holds. The first, called "Progress for All" registered as a committee on May 18, 2011 (and refiled on June 23) and is the sponsor of the "Run, Ed, Run" campaign. The second, called "Support Drafting Ed Lee for Mayor 2011" registered as a committee on July 19. A third group was also formed, but reportedly did not raise or spend any money and therefore did not qualify as a committee.

State and local law provide definitions of types of committees and their filing responsibilities. Initially, the scope of the activities of these committees was unclear. In an informal advice letter date May 17, 2011, the Commission answered a hypothetical question from Enrique Pearce, who would become a hired consultant for Progress for All. However, the question posed in that letter is only tangential to the policy question before the Commission. While it is clear that the citizens expect political activity, particularly fundraising and spending, to be regulated, under which state and local regulations are committees such as the two mentioned above most appropriately placed?

The Progress for All Committee appears to be the more active of the two, reporting fundraising of \$49,000 and spending of \$71,000. The Support Drafting Ed Lee for Mayor in 2011 Committee reports raising \$6,700 and is late in filing its semi-annual report due August 1, 2011. Progress for All has stated on more than one occasion that it is a multi-purpose committee that, while focused on convincing Ed Lee to run for Mayor, also participates in "community events" such as voter registration and voter education on Ranked-Choice Voting.

Among Progress for All's activities were the distribution and display of posters throughout the City; circulation of buttons, signs, t-shirts and stickers; an internet

campaign including banners in news and other outlets; Facebook advertising; internet links; and a website. There were unverified reports of phone banking or phone polling. Some of the internet banners featured the names of other candidates in the race. The Draft Ed Lee Committee has not filed its financial disclosure report, but appears to have spent funds on ads directing people to a web site that connects to its Facebook account. The Draft Ed Lee Committee had a fundraiser scheduled as recently as August 2. Also on August 2, the Progress for All Committee is reported to have stated that it has now disbanded.

In assessing the activity of these campaigns, and in particular Progress for All, it became apparent that whatever effect the campaign might be having on Ed Lee, it was also having a material effect on potential voters. Independent Expenditure Committees have fewer restrictions on them than candidate committees, but their activities are still regulated. I advised Progress for All, through its consultant Enrique Pearce, that it was required to register as an independent expenditure committee. Mr. Pearce stated that they wanted to be cooperative and follow the rules, although he disagreed to some extent that his committee had such filing obligations. Progress for All registered as a General Purpose Committee. Under state law, General Purpose Committees “exist primarily to support or oppose more than one candidate or ballot measure.” I subsequently directed Progress for All, via Mr. Pearce, to refile as a “Primarily Formed Committee.” Mr. Pearce was not pleased with this instruction but indicated that the Committee would comply. It has not. Under state law, a Primarily Formed Committee exists “to support or oppose any of the following:

- a) A single candidate.
- b) A single measure.
- c) A group of specific candidates being voted upon in the same city, county or multicounty election.
- d) Two or more measures being votes upon in same city, county, multicounty or state election.”

The Support Drafting Ed Lee for SF Mayor 2011 registered as a Primarily Formed Committee.

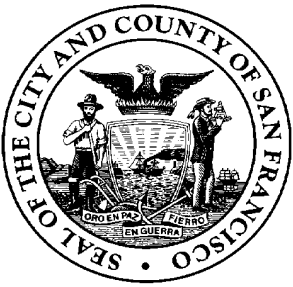
During the period in which Progress for All was active, its stated purpose was to get the attention of Ed Lee to convince him to run for Mayor. However, the citywide campaign that it managed arguably has had a material effect on the voters’ opinions of Ed Lee as Mayor, particularly given the highly positive message indicated in many of Progress for All’s campaign materials. As such, even though Ed Lee has not officially entered the race, Progress for All’s efforts result in the promotion of a single candidate in the public arena.

Lacking more specific guidance for the particulars of this case, and confident that the voters never intended campaigns to function in a vacuum outside of the law’s political regulations, I determined that the proper designation for Progress for All is that it is indeed a Primarily Formed Committee. Although the filing obligations for Primarily Formed Committees and General Purpose Committees are identical, there is a finely stated distinction in law between the two types of committees as a matter of informing the voters of the nature of their primary activities.

In addition, in its informal advice letter to Mr. Pearce dated May 17, 2011, the Commission stated that Campaign Finance Reform Ordinance section 1.115 could apply in this situation, “such that expenditures made by the committee might be considered coordinated expenditures, depending on the facts.” Now that facts have presented themselves, it is clear to me that any personnel involved in the Progress for All Committee, including campaign staff, contracted staff or volunteers, would presumptively violate section 1.115 if Ed Lee were to become a candidate and Progress for All personnel become involved in the Lee campaign in any fashion. Personnel of the Support Drafting Ed Lee for SF Mayor 2011 Committee are similarly situated.

These issues are brought to your attention at your request for an update. As part of a policy discussion, you may determine whether existing law has been sufficient to manage this situation or if new proposals are called for at this time.

S:\C.F.R.O\2011\progressforallstaffmemo8.3.11.doc



ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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CHAIRPERSON

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CHARLES L. WARD
COMMISSIONER

JOHN ST. CROIX
EXECUTIVE DIRECTOR

May 17, 2011

Enrique Pearce
Left Coast Communications
3 Embarcadero Center, Suite 420
San Francisco, California 94111

Dear Mr. Pearce:

You write to ask that the Ethics Commission confirm its oral advice to you via phone on April 27, 2011. The Ethics Commission provides two kinds of advice: written formal opinions or informal advice. *See* S.F. Charter § C3.699-12. Written formal opinions are available to individuals who request advice about their responsibilities under local laws. Formal opinions provide the requester immunity from subsequent enforcement action if the material facts are as stated in the request for advice. *Id.* Informal advice does not provide similar protection. *Id.*

Because your request seeks advice regarding hypothetical facts and does not describe a specific situation involving your responsibilities or those of your clients, the Commission is treating your question as a request for informal advice.

In your letter, you state:

If a campaign consultant is to work on a general purpose committee created for persuading a particular candidate to run for elective office, would it be legal for the same consultant to be hired by the candidate if he/she subsequently decides to enter the race. For purposes of your opinion, please assume that the general purpose committee established to persuade a candidate to run, will accept and expend contributions.

Because this hypothetical is quite different from the hypothetical facts you presented during your original telephone conversation with staff, the Commission cannot “confirm” its oral advice to you. In a telephone conversation with you subsequent to receiving the letter, you reiterated that no committee has yet been formed to persuade the individual to become a candidate. As we discussed, your hypothetical question is: if a campaign consultant who works for the to-be-established committee performing campaign consulting services for the committee, i.e., participating in campaign management or developing or participating in the development of campaign strategy, may that campaign consultant do the same for Candidate A when and if Candidate A decides to become a candidate for City elective office? In general, under the Campaign Consultant Ordinance, there is no apparent bar against a campaign consultant from providing such services.

However, we also discussed section 1.115 of the Campaign and Governmental Conduct Code, which bars coordination among committees. Section 1.115 provides the following:

SEC. 1.115. COORDINATION OF EXPENDITURES.

(a) GENERAL.

An expenditure is not considered independent and shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit the expenditure is made, if the expenditure funds a communication that expressly advocates the nomination, election or defeat of a clearly identified candidate and is made under the following circumstance:

(1) the expenditure is made at the request, suggestion, or direction of, or in cooperation, consultation, concert or coordination with, the candidate on whose behalf, or for whose benefit, the expenditure is made; or

(2) the communication funded by the expenditure is created, produced or disseminated:

(A) after the candidate has made or participated in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication; or

(B) after discussion between the creator, producer or distributor of a communication, or the person paying for that communication, and the candidate or committee regarding the content, timing, location, mode, intended audience, volume of distribution or frequency of placement of that communication, the result of which is agreement on any of these topics.

(b) REBUTTABLE PRESUMPTION OF COORDINATION.

In addition to subsection (a) of this section, there shall be a presumption that an expenditure funding a communication that expressly advocates the nomination, election or defeat of a clearly identified candidate is not independent of the candidate on whose behalf or for whose benefit the expenditure is made, when:

(1) it is based on information about the candidate or committee's campaign needs or plans provided to the spender by the candidate;

(2) it is made by or through any agent of the candidate in the course of the agent's involvement in the current campaign;

(3) the spender retains the services of a person, including a campaign consultant, who provides, or has provided, the candidate with professional services related to campaign or fundraising strategy for that same election;

(4) the communication replicates, reproduces, republishes or disseminates, in whole or in substantial part, a communication designed, produced, paid for or distributed by the candidate; or

(5) in the same election that the expenditure is made, the spender or spender's agent is serving or served in an executive or policymaking role for the candidate's campaign or participated in strategy or policy making discussions with the candidate's campaign relating to the candidate's pursuit of election to office and the candidate is pursuing the same office as a candidate whose nomination or election the expenditure is intended to influence.

(c) EXCEPTIONS.

Notwithstanding the foregoing, an expenditure shall not be considered a contribution to a candidate merely because:

(1) the spender interviews a candidate on issues affecting the spender;

(2) the spender has obtained a photograph, biography, position paper, press release, or similar material from the candidate;

(3) the spender has previously made a contribution to the candidate;

(4) the spender makes an expenditure in response to a general, non-specific request for support by a candidate, provided that there is no discussion with the candidate prior to the expenditure relating to details of the expenditures;

(5) the spender has invited the candidate or committee to make an appearance before the spender's members, employees, shareholders, or the families thereof, provided that there is no discussion with the candidate prior to the expenditure relating to details of the expenditure;

(6) the spender informs a candidate that the spender has made an expenditure provided that there is no other exchange of information not otherwise available to the public, relating to the details of the expenditure; or

(7) the expenditure is made at the request or suggestion of the candidate for the benefit of another candidate or committee.

(d) DEFINITION.

For purposes of this section, the terms "candidate" includes an agent of the candidate when the agent is acting within the course and scope of the agency.

We both agreed that section 1.115 could apply in this situation, such that expenditures made by the committee might be considered coordinated expenditures, depending on the facts. I hope this has been helpful to you. Please let me know if you have questions.

Sincerely,

John St. Croix
Executive Director

By: Mabel Ng
Deputy Executive Director

S:\ADVICE\campaign consultant\11-0429 Pearce\letter to Pearce 5.2011.doc

Aaron Peskin
470 Columbus Avenue, Suite 211
San Francisco, CA 94133
(415) 986 7014

July 28, 2011

Via Facsimile & U.S. Mail

Chairperson Benedict Y. Hur
Commissioner Beverly Hayon
Commissioner Dorothy S. Liu
Commissioner Jamiene S. Studley
Commissioner Charles L. Ward
San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Re: August 8, 2011 Commission Meeting; Treatment of Mayor Ed Lee
Committees

Dear Chairperson Hur and Commissioners:

I write to thank the Commission for addressing the issue of how to treat the various committees which are currently promoting Mayor Ed Lee's possible candidacy at the Commission's meeting on August 8. The most notable and active of these committees is called the "Progress for All" committee, though at least two other groups are also raising and spending money to promote Mayor Lee's candidacy.¹ The activities of these committees raise unique and potentially troubling legal and policy issues, and I urge the Commission to take action at its meeting to ensure that all Mayoral candidates and independent expenditure committees are treated fairly and operate under the same laws as the election cycle begins its most critical phase.

Progress for All's Activities Supporting Mayor Lee's Candidacy

As you know, Progress for All has raised tens (and perhaps hundreds) of

¹ A committee called "Support Drafting Ed Lee for SF Mayor 2011," organized by Library Commissioner Michael Breyer, filed papers with the Commission last week, and evidently has raised enough money to start airing a TV ad on network TV later this month. (See article and Form 410 attached as Exhibit A.) Another group, called "Draft Mayor Ed Lee Organizing Committee," was started by former Supervisors Michael Yaki and Jim Gonzalez, though it has not yet filed papers with the Commission.

thousands of dollars in unregulated money urging voters to support Mayor Lee's candidacy.² Unlike all other candidates who must abide by the strict \$500 contribution limit and source restrictions (no corporate, union or City contractor money), Progress for All has been able to raise unlimited amounts from any source, making it easy to amass large sums of money for its efforts.

Through Progress for All's activities, Mayor Lee has been the recipient of an invaluable and well-coordinated campaign -- including signs, ads, door-to-door canvassing, a website, campaign headquarters, and perhaps other activities -- touting his Mayoral credentials and urging voters to support him for Mayor. The message of this committee could not be more clear: support and vote for Ed Lee for Mayor. Yet, despite published reports that the Commission's Executive Director has asked the committee to file as a "primarily-formed committee" supporting Mayor Lee,³ Progress for All has refused to do so -- and continues to claim in its official filings that it is a "general purpose" political committee organized for "general civic education and public affairs."⁴ But the fact that Progress for All filed as a political committee (not once but twice), and the fact that Enrique Pearce of Left Coast Communications registered as the committee's "Campaign Consultant,"⁵ are telling admissions by its organizers -- that it is engaged in political activity, and that its only activity is supporting Mayor Lee's candidacy.

Legal Ramifications of Progress for All's Activities

There are two important consequences that follow from Progress for All being an independent expenditure committee supporting Ed Lee. First, all of the money it has spent must be counted against Mayor Lee's "Individual Expenditure Ceiling" if he decides to run. Under City law, the Commission's Executive Director must determine, based on a number of different factors, when communications are supporting or opposing a candidate and adjust a candidate's spending cap accordingly. (San Francisco Campaign reform Ordinance ["CFRO"], section 1.143.) The sole purpose of Progress for All's expenditures is to support Mayor Lee's candidacy, and therefore its expenditures must be included in the total amount of funds spent in support of Mayor Lee. Second, Progress for All must comply with all reporting and disclaimer requirements that apply to independent expenditure committees, including adding Mayor Lee's name to the name of the committee, re-filing as a primarily-formed committee supporting Mayor Lee, and reporting all of its expenditures of \$5,000 or more to the Commission within 24 hours (CFRO section 1.134(c)). I find it deeply troubling

² Progress for All has not yet filed any campaign reports, but its attorney recently sent a letter to the Commission indicating that they have spent \$59,450.65 on its efforts through July 19, 2011. (See letter attached as Exhibit B.)

³ See article attached as Exhibit C.

⁴ See FPPC Form 410 attached as Exhibit D.

⁵ See Campaign Consultant Registration Statement attached as Exhibit E.

that Progress for All has not taken any of these steps, that it has ignored Mr. St. Croix's request to comply with the law, and that it continues to operate in the shadows -- while at the same time engaging in a high-profile, City-wide campaign to sway public opinion in favor of Mayor Lee and urge voters to support his candidacy.

Progress for All's Campaign Consultant Going to Work for Future Mayor Campaign

I would also urge the Commission to clarify the advice letter it sent to Progress for All's consultant Enrique Pearce on May 17, 2011, regarding whether Mr. Pearce could also run Mayor Lee's campaign.⁶ The letter correctly points to CFRO section 1.115 and concludes that expenditures by committees like Progress for All (the committee was not specifically identified) could be considered to be "coordinated expenditures" with a candidate's campaign, depending on the facts. Now we know the facts -- and the Commission should clarify that section 1.115 prohibits Mr. Pearce, or any other consultant working with Progress for All, from working on any future campaign of Mayor Lee. The purpose of section 1.115 and related laws are to ensure that candidates - who must raise money under strict contribution limits and source restrictions and comply with a spending cap - do not receive a direct benefit from or control expenditures paid for by independent expenditure committees, which can raise unlimited amounts without any limits or source restrictions. As such, section 1.115 presumes unlawful coordination between a candidate and an independent expenditure committee when a consultant works for both during the same election.

That presumption should apply here. It would be unlawful and unfair to permit Mr. Pearce (or anyone else similarly situated) -- who has had access to messaging strategy, canvassing results, data collection, polling, and perhaps opposition research paid for by unlimited, unregulated money -- to take that information and use it for a future campaign for Mayor Lee. Accordingly, I would request that the Commission discuss this issue at its meeting, and determine that strategists for any committee supporting Mayor Lee's candidacy should not be permitted to work for his future Mayoral campaign, if he decides to run, and also that the Commission re-issue the advice letter to Mr. Pearce to reflect these determinations.

Potential Coordination Between Mayor Lee and Progress for All

Finally, I request that the Commission determine whether Progress for All has been acting on behalf of Mayor Lee or at his urging. The press has reported that Progress for All is being run by Rose Pak,⁷ who has directly solicited contributions to the committee. Ms. Pak is also a close political confidant of the Mayor, who raised money for his inaugural celebration earlier this year, and who has also been raising money for

⁶ See letter from Pearce and SFEC advice letter attached as Exhibit F.

⁷ See article attached as Exhibit G.

San Francisco Ethics Commission
July 28, 2011
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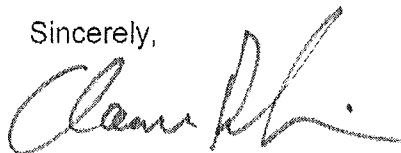
the "Host Committee" maintained by the Mayor's office.⁸ Given the close relationship between Ms. Pak, the Mayor and Progress for All, it is very possible that the committee has "consulted" or "coordinated" with the Mayor, and that therefore its expenditures should be deemed to be made "at his behest." (CFRO section 1.115.)

Making a determination about coordination between the Mayor and Progress for All is critical. If Progress for All has coordinated with Mayor Lee or any of his agents, he has already qualified as a candidate for public office, and Progress for All would be considered his own, candidate-controlled committee. If this is the case, it would also mean Mayor Lee has been a candidate for some time yet has failed to file paperwork informing the public of that fact. Moreover, if Progress for All or any of these other committees has been acting on Mayor Lee's behalf, those committees may have violated the \$500 contribution limit and prohibitions against accepting corporate, union or City contractor money, restrictions that apply to all candidate committees.

It would be easy for the Commission to make the determination of whether Mayor Lee has coordinated with Progress for All or any other of these committees. If Mayor Lee runs, the Commission could ask him to submit an affidavit, as part of his candidate papers, stating whether and to what extent he has had any contact with the organizers of the committees about their activities.

Thank you again for addressing this important issue. I look forward to the discussion at the August 8 meeting.

Sincerely,



Aaron Peskin

cc: Executive Director John St. Croix

⁸ See article attached as Exhibit H.

Exhibit A

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« Posters of... | Main | Adachi lines up the... »

Draft Ed Lee folks have deep pockets

0 0

The folks trying to convince Mayor Ed Lee to run for a full four-year term in November are nothing if not well-funded.

Exactly where those funds are coming from won't be known until at least Monday, when campaign finance reports are to be made public.

One group, headed by Library Commissioner Michael Breyer, has created a 30-second TV commercial that it says will air on San Francisco's ABC, NBC and CBS affiliates starting this Sunday during morning news programs like Meet the Press.

The ad, with excerpts from press coverage superimposed over shots of Lee at his inauguration and elsewhere, praises the mayor for his "no-drama governing style." You can check it out here:

City Insider

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Welcome to the blog from the reporters and editors who tirelessly cover the issues of San Francisco.
By Audrey Cooper, John Coté, Kristen Go, Rachel Gordon, Heather Knight, Marisa Lagos, Meredith May, C.W. Nevius, Jill Tucker, Read Bios

advertisement | your ad here

RECENT ENTRIES

- Circumcision ban to be snipped from ballot
- Not everybody's backing off the Care Not Cash measure
- Mayor Ed Lee signs budget, may run for election
- David Chiu: I'm still relevant in the mayor's race
- Adachi lines up the big guns to pass his pension measure
- Draft Ed Lee folks have deep pockets
- Posters of bicyclists, San Francisco to decorate Market Street
- District Attorney candidates discuss musical expertise or lack thereof
- Tooth Fairy says West Coast rules
- Only a fair showing at State Fair

More »

CATEGORIES

- America's Cup (6)
- Art (35)
- Being green (93)
- Board of Supervisors (467)
- Budget crisis (209)
- Campaign finances (23)
- City Attorney Dennis Herrera (38)
- City Icons (52)
- Crime (117)
- DA George Gascón (9)
- DA Kamala Harris (20)
- Development (90)
- education (4)
- Elections (63)
- Film (12)
- Health programs (95)
- Homeless Issues (35)
- Housing (42)
- if you build it, they will come (123)
- immigration (10)
- In the classroom (98)

Breyer wasn't saying -- yet -- how much the ad and airtime cost, or who's paying for it.

"You can find out all our spending information when we disclose it with the Ethics Commission," he wrote in an e-mail. That won't be until Sept. 29, since Breyer just formed his independent expenditure committee on July 19 -- after the last filing period closed on June 30.

Breyer said there are donors who have given as little as \$5 and some "have given hundreds."

At least Breyer acknowledges his committee is formed to support a specific candidate (he even named it Support Drafting Ed Lee for SF Mayor 2011).

The group behind the Run, Ed, Run campaign, calling itself Progress for All, contends in its official filings with the Ethics Commission that it has been formed for "general civic education and public affairs," not to support a particular candidate.

But the group, which is actively backed by Lee confidante and Chinese Chamber of Commerce powerhouse Rose Pak, acknowledged in a letter to the Ethics Commission dated July 22 that it's trying to "encourage Mayor Ed Lee to put his name on the ballot."

The letter indicates the group wanted to voluntarily disclose its spending in advance of the Monday deadline "to ensure full transparency in the political process." Progress for All spent more than \$59,000 from June 4 to July 19, including \$19,300 for signs, \$15,000 for online advertising and \$6,000 to design its website, the letter says.

It makes no mention of the donors.

Posted By: John Coté (Email) | July 26 2011 at 07:09 AM

Listed Under: Race for Room 200

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Statement of Organization Recipient Committee

ORIGINAL

STATEMENT OF ORGANIZATION

DATE FILED
FILED
 JUL 19 PM 2:49
 SAN FRANCISCO ETHICS COMMISSION

CALIFORNIA FORM 410

For Official Use Only



Termination - See Part 5 List I.D. number.

Amendment List I.D. number.

Statement Type Initial Not yet qualified or

Date of Termination

Date qualified as committee (if applicable)

1. Committee Information

NAME OF COMMITTEE
 Support Drafting Ed Lee for SF Mayor 2011

CITY STATE ZIP CODE AREA CODE/PHONE
 San Francisco CA 94115 (415) 937-2900

MAILING ADDRESS (IF DIFFERENT)

2. Treasurer and Other Principal Officers

NAME OF TREASURER
 Michael Charles Breyer

CITY STATE ZIP CODE AREA CODE/PHONE
 San Francisco CA 94115 (415) 937-2900

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)
 Michael Charles Breyer

CITY STATE ZIP CODE AREA CODE/PHONE
 San Francisco CA 94115 (415) 937-2900

OPTIONAL FAX/E-MAIL ADDRESS
 mcbreyer@gmail.com

COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT THAN COUNTY OF DOMICILE
 USA

Attach additional information on appropriately labeled continuation sheets.

3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 7/18/2011 DATE

Executed on 7/18/2011 DATE

Executed on _____ DATE

Executed on _____ DATE

By _____ TITLE OF TREASURER OR ASSISTANT TREASURER

By _____ TITLE OF OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

By _____ SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

By _____ SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

COMMITTEE NAME

Support Drafting Ed Lee for SF Mayor 2011

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "non-partisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
			<input type="checkbox"/> Non-Partisan
			<input type="checkbox"/> Non-Partisan

- List the financial institution where the campaign bank account is located (controlled "candidate election" committees only)

NAME OF FINANCIAL INSTITUTION	AREA CODE/PHONE	BANK ACCOUNT NUMBER
ADDRESS	CITY	STATE ZIP CODE

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below.

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY AS APPLICABLE)	CHECK ONE
Ed Lee (Currently not a candidate)	Mayor, San Francisco City & County (currently not a candidate)	SUPPORT <input checked="" type="checkbox"/> OPPOSE
		SUPPORT <input type="checkbox"/> OPPOSE

Exhibit B

KAUFMAN LEGAL GROUP
A PROFESSIONAL CORPORATION

July 19, 2011

VIA EMAIL & U.S. MAIL

John St. Croix
San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102-6053
Email: ethics.commission@sfgov.org

RE: Progress for All

Dear Mr. St. Croix:

We are writing on behalf of Progress for All (ID # 1338720), to provide you with information regarding payments made by the committee in furtherance of its "Run Ed Run" campaign, a grass-roots effort to encourage Mayor Ed Lee to put his name on the ballot for this November's mayoral election.

As we discussed in our recent telephone conversation, Progress for All supports the efforts of the Ethics Commission to ensure full transparency in the political process. Along those lines, Progress for All will be filing a semi-annual report disclosing all of its activities, on or before the August 1, 2011 deadline. In addition, Progress for All has elected to voluntarily disclose to the public in this letter a record of the organization's payments in connection with its "Run Ed Run" campaign.

The following schedule details payments to date made by Progress for All to encourage Ed Lee to become a candidate for Mayor:

<u>Date</u>	<u>Payee</u>	<u>Purpose</u>	<u>Amount</u>
6/4/2011	Left Coast Communications	Signs	\$ 300.00
6/10/2011	Left Coast Communications	Buttons	\$ 250.00
6/11/2011	Left Coast Communications	Run Ed Run Website Design	\$ 6,000.00
6/13/2011	Left Coast Communications	Donation Cards	\$ 250.00
6/16/2011	Left Coast Communications	Run Ed Run On-Line Petition	\$ 3,500.00
6/16/2011	Left Coast Communications	Signs	\$ 4,000.00
6/18/2011	Left Coast Communications	T-Shirts	\$ 1,500.00
6/19/2011	Left Coast Communications	Facebook Advertising	\$ 250.00
6/22/2011	Left Coast Communications	Phone	\$ 200.00
6/24/2011	Left Coast Communications	Banner	\$ 350.00

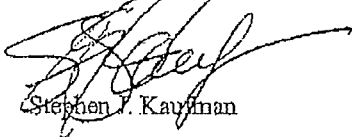
John St. Croix
July 19, 2011
Page: 2

6/24/2011	Left Coast Communications	Stickers	\$ 2,000.00
6/24/2011	Left Coast Communications	Facebook Advertising	\$ 5,500.00
6/24/2011	Left Coast Communications	On-Line Advertising	\$ 15,000.00
6/26/2011	Left Coast Communications	Facebook Advertising	\$ 349.99
6/27/2011	Left Coast Communications	Signs	\$ 15,000.00
6/28/2011	Left Coast Communications	Internet Links	\$ 24.36
7/1/2011	1563 Mission Street, LLC	Office Rent	\$ 4,000.00
7/3/2011	Left Coast Communications	Facebook Advertising	\$ 349.85
7/10/2011	Left Coast Communications	Facebook Advertising	\$ 265.40
7/19/2011	Left Coast Communications	Internet Links	\$ 361.05
		Total	<u>\$ 59,450.65</u>

Copies of written communications are enclosed.

We hope that this information is helpful to you and to the public. Please contact me should you have any further questions.

Very truly yours,



Stephen J. Kaufman

cc: Ivy Lee, Treasurer

SJK:ssg

Exhibit C

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October 9, 2003

Ed Lee's backers face questions of disclosure

June 26, 2011 | By Phillip Matier and Andrew Ross, Chronicle Columnist

Considering that the "candidate" keeps saying no, the "Run Ed Run" mayoral campaign is the most unusual play to hit San Francisco politics in a while - and it has some pretty big names behind it.

Many of those fronting the effort, we might add, are linked to Rose Pak - the Chinatown powerhouse who helped push Ed Lee in as mayor after Gavin Newsom went off to be lieutenant governor.

Pak was front and center Saturday morning when about 300 "Ed Heads" (including Chronicle columnist and former Mayor Willie Brown) showed up for the opening of the campaign's headquarters on Mission Street.

"Pretty good, eh?" Pak said, pointing to the overflow crowd that spilled out onto the sidewalk.

The group's goal is to collect 50,000 signatures urging Lee to allow his name to be placed on the November ballot.

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New Burmese restaurant with great reviews; Mention Ad for free dessert
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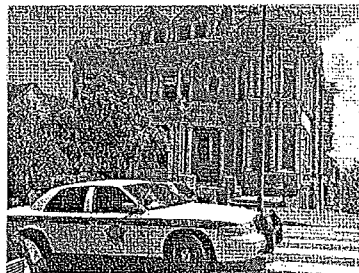
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0 0



A sheriff's car and furniture sit outside a home at Pacific Avenue and Divisadero Street, whose owners could not keep up with the mortgage payments.

Credit: The Chronicle

advertisement | your ad here

But the main committee behind the push, Progress for All, is facing questions about whether it is fully complying with public disclosure requirements.

"If they think they are going to write their own rules, I would beg to disagree," said John St. Croix, executive director of the city's Ethics Commission. "They are there for the purpose of electing a candidate, and that's how we are going to regulate them."

When the committee first filed with the city last month, its stated purpose was "general civic education and public affairs."

The only name on the form was Ceazar Cabrerros, a volunteer treasurer with an Oakland address and phone number that went unanswered.

No sooner did we question Progress for All's chief consultant, Enrique Pearce, about his group's meager filing Thursday than the organization submitted an amended form with the Ethics Commission.

This time it identified Progress for All's principal as Gordon Chin, a longtime Pak confidant who for years has headed the Chinatown Community Development Center and has served on the board of the Chinese Chamber of Commerce, where Pak has her office.

Pearce - who was brought into the operation by Pak herself - said the group has been an open book, with its RunEdRun.org website listing Chin as a co-chair, along with city Planning Commission President

Christina Olague, Assistant District Attorney **Victor Hwang** and curiously enough, **Eddy Zheng**. He's the ex-felon turned celebrity community worker who is fighting his deportation to China.

Chin's name is also on the lease for the group's campaign headquarters.

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1 | 2 | Next

Exhibit D

Statement of Organization
Recipient Committee

Type or print in ink

ORIGINAL

Statement Type Initial
Not yet qualified or

Amendment
List I.D. number, # _____

Termination - See Part 5
List I.D. number, # _____

Date qualified as committee _____

Date qualified as committee (if applicable) _____

Date of Termination _____

1. Committee Information

NAME OF COMMITTEE
Progress for All

2. Treasurer and Other Principal Officers

NAME OF TREASURER
Ceazar Cabreros

STREET ADDRESS (NO P.O. BOX)

STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE
San Francisco CA 94612 510.463.1897

CITY STATE ZIP CODE AREA CODE/PHONE
Oakland CA 94612 510.463.1897

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS (IF DIFFERENT)

STREET ADDRESS (NO P.O. BOX)

OPTIONAL: FAX / E-MAIL ADDRESS

CITY

STATE ZIP CODE AREA CODE/PHONE

COUNTY OF DOMICILE
San Francisco

NAME OF PRINCIPAL OFFICER(S)
Ceazar Cabreros

COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT THAN COUNTY OF DOMICILE

STREET ADDRESS (NO P.O. BOX)

Attach additional information on appropriately labeled continuation sheets.

CITY STATE ZIP CODE AREA CODE/PHONE
Oakland CA 94612

3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 05/11/11 DATE

By _____

TREASURER

Executed on 05/11/11 DATE

By _____

SIGNATURE OF CONTROLLING OFFICER

STATE MEASURE PROponent

Executed on _____ DATE

By _____

SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, OR STATE MEASURE PROponent

Executed on _____ DATE

By _____

SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, OR STATE MEASURE PROponent

STATEMENT OF ORGANIZATION
CALIFORNIA FORM 410
For Official Use Only

Date Stamp
FILED
24 MAY 18 AM 11:23
SAN FRANCISCO ETHICS COMMISSION
PM 5/16/11 TS

ENTERED

Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

COMMITTEE NAME

Progress for All

4. Type of Committee

Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "non-partisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROponent	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
			<input type="checkbox"/> Non-Partisan
			<input type="checkbox"/> Non-Partisan

- List the financial institution where the campaign bank account is located (controlled "candidate election" committees only)

NAME OF FINANCIAL INSTITUTION

ADDRESS

AREA CODE/PHONE

CITY

BANK ACCOUNT NUMBER

STATE

ZIP CODE

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE
		SUPPORT / OPPOSE
		SUPPORT / OPPOSE

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

COMMITTEE NAME

Progress for All

4. Type of Committee (Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

CITY Committee COUNTY Committee STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

General civic education and public affairs

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

Small Contributor Committee

Date qualified

5. Termination Requirements By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
- This committee does not anticipate receiving contributions or making expenditures in the future;
- This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
- This committee has no surplus funds; and
- This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
 - There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
 - Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

Exhibit E

San Francisco Ethics Commission
Campaign Consultant Cover Sheet
 San Francisco Campaign & Governmental Conduct Code Section 11500 et seq

2011 11500 et seq 0:23
 San Francisco Ethics Commission

Please Print Legibly

Filer Name: Left Coast Communications	Registration Number: _____
Address: _____	
Telephone: _____	Email: _____

Amendment (Explain) _____

Attached to this coversheet are the following forms (check all that apply):

- Form 1: Campaign Consultant Registration Report
- Form 2: Campaign Consultant Re-Registration Report
- Form 3: Campaign Consultant Quarterly Report
- No Form 3 is attached because the filer engaged in no reportable activity during the reporting period
- Form 4: Campaign Consultant Client Authorization Statement
- Form 5: Campaign Consultant Client Termination Statement Form
- Form 6: Campaign Consultant Termination Statement

Filing period covered (check all that apply):

- Initial registration: Date qualified June 6, 2011
- Re-Registration
- Quarterly filing for the period starting _____ and ending _____
- Amendment of form(s) filed on _____

Registration Fees	For filers whose campaign consultant earnings are	Registration Fee	Amount
Tier 1	Less than \$5,000	\$50	
Tier 2	Equal to or greater than \$5,000, but not greater than \$20,000	\$200	
Tier 3	Greater than \$20,000	\$400	400.00
	Clients <u>1</u> x	\$50	50.00
Penalties	Days late _____ x (after deadline)	\$50	
	Days late _____ x (after deadline, 30 days before election)	\$100	
	Total Amount Due		450.00

I certify under penalty of perjury under the laws of the State of California that the information provided on this Campaign Consultant Cover Sheet and all accompanying forms is true, complete and correct.

 Signature

6/8/11
 Date

San Francisco Ethics Commission

FORM 1: CAMPAIGN CONSULTANT REGISTRATION REPORT

INSTRUCTIONS: This form, which contains nine (9) parts, must be filed before the filer provides campaign consulting services or accepts any economic consideration for the provision of campaign consulting services.

PART I - CAMPAIGN CONSULTANT INFORMATION

Name of Filer: Left Coast Communications

Business Telephone: [REDACTED]

Business Address: [REDACTED]
Number Street City State Zip Code

(See Sec. 1.515(a)(1).)

PART II - CAMPAIGN CONSULTANT EMPLOYEE INFORMATION

Report the names of any individuals employed by the filer to assist in providing campaign consulting services:

Employee Name: Juan Enrique Pearce

Employee Name: _____

Employee Name: _____

Employee Name: _____

(See Sec. 1.515(a)(3).)

If additional space is required, check here and attach additional sheets.

PART III - CAMPAIGN CONSULTANT EMPLOYER INFORMATION

If filer is an individual, report the name of the filer's employer and describe the business activity engaged in by the employer:

Name of Filer's Employer: SELF

Employer's Telephone: _____

Business Address: _____

Describe with a high degree of specificity the business activity engaged in by the filer's employer:

Number Street City State Zip Code

(See Sec. 1.515(a)(2).)

PART IV - REPORT OF PAYMENTS PROMISED BY OR RECEIVED FROM CLIENTS

Report the total economic consideration, including payments, fees, commissions, reimbursements for expenses, gifts, or anything else of value promised or received from each client in exchange for campaign consulting services during the three months preceding the date of registration.

Name of Client: Progress for All

Telephone: _____

Address: _____

The total economic consideration *promised* by the client for campaign consulting services during the preceding three months, provided the total is \$500 or more: \$ 5,000.00

The total economic consideration *received* from the client for the campaign consulting services during the preceding three months, provided the total is \$500 or more: \$ 0.00

(See Sec. 1.515(a)(6) & (7); Manual at p. 6.)

If additional space is required, check here and attach additional sheets

PART V - POLITICAL CONTRIBUTIONS MADE BY THE FILER

A. TOTAL POLITICAL CONTRIBUTIONS

Report the cumulative total amount of all political contributions made or delivered by the filer, or made by a client at the filer's behest, or for which the filer served as an agent or intermediary during the preceding three months, in support of or in opposition to each individual local candidate or local ballot measure, provided that the cumulative total is \$500 or more: \$ _____

If the cumulative total of all political contributions is less than \$500, check this box:
(See Sec. 1.515(a)(9); Manual at p. 7.)

B. POLITICAL CONTRIBUTIONS OF \$100 OR MORE

1. MADE OR DELIVERED BY THE FILER

For each political contribution of \$100 or more made or delivered by the filer, or for which the filer served as an agent or intermediary, during the preceding three months, in support of or in opposition to local candidates or local ballot measures, report the following:

Amount of the contribution: \$ 0.00

Name of the City officer or candidate for City elective office for whom the contribution was made, or the measure for or against which the contribution was made:

If the contribution was made to a committee, identify the name of the committee:

If the filer made the contribution as an agent or intermediary, report the name and business address of the individual or entity that was the true source of the contribution:

Name	Street	City	State	Zip Code
------	--------	------	-------	----------

2. MADE OR DELIVERED BY CLIENT OF FILER AT THE FILER'S BEHEST

For each political contribution of \$100 or more made by a client of the filer at the behest of the filer during the preceding three months, in support of or in opposition to local candidates or measures, report the following:

Name of Client: _____

Amount of the contribution: \$ 0.00

Name of the City officer or candidate for City elective office for whom the contribution was made, or the measure for or against which the contribution was made:

If the contribution was made to a committee, identify the name of the committee:

(See Sec. 1.515(a)(8); Manual at p. 7)

If additional space is required, check here and attach additional sheets.

PART VI - GIFTS TO LOCAL OFFICEHOLDERS

A. GIFTS PROMISED BY FILER

For any gifts promised by the filer to a local officeholder during the reporting period which in the aggregate total \$50 or more, report the following:

Amount of gift: \$ 0.00

Date of gift: / /

Name and official title of the beneficiary of the gift:

First	Last	Title	Department
-------	------	-------	------------

Description of the gift:

(See Sec. 1.515(e)(5); Manual at pp. 7-8.)

B. GIFTS MADE BY FILER

For any gifts actually made by the filer to a local officeholder during the reporting period which in the aggregate total \$50 or more, report the following:

Amount of gift: \$ 0.00

Date of gift: / /

Name and official title of the beneficiary of the gift:

First	Last	Title	Department
-------	------	-------	------------

Description of the gift:

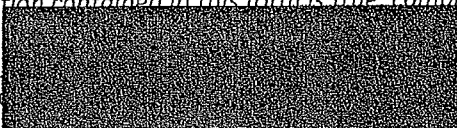
(See Sec. 1.515(e)(5); Manual at pp. 7-8.)

If additional space is required, check here and attach additional sheets.

PART VII - DISCLOSURE OF STATUS AS LOBBYIST; DISCLOSURE OF REGISTRATION WITH TAX COLLECTOR

- I am required to register with the Ethics Commission as a lobbyist pursuant to the Lobbyist Ordinance, S.F. Campaign & Governmental Conduct Code Section 2.100, *et seq.*
- I am not required to register with the Ethics Commission as a lobbyist pursuant to the Lobbyist Ordinance, S.F. Campaign & Governmental Conduct Code Section 2.100, *et seq.*
- I am required to register with the Tax Collector, pursuant to the Business Tax Ordinance, S.F. Municipal Code, Part III, Section 1001, *et seq.*
- I am not required to register with the Tax Collector, pursuant to the Business Tax Ordinance, S.F. Municipal Code, Part III, Section 1001, *et seq.*

I certify under penalty of perjury under the laws of the State of California that all of the information contained in this form is true, complete and correct.

Signature  Date 6/8/11

Type or Print Name
JUAN ENRIQUE PEACCE

(See Secs. 1.515(a)(4); 1.515(a)(5).)

PART VIII - ACKNOWLEDGMENT OF RECEIPT OF MATERIALS

I have received copies to the City's Campaign Consultant Ordinance, Campaign Finance Reform Ordinance, Lobbyist Ordinance, Campaign Consultant Manual, and the Campaign Consultant Voluntary Code of Conduct.

Signature _____ Date _____

Type or Print Name

(See Sec. 1.520(c).)

Exhibit F

LEFT COAST

COMMUNICATIONS

leftcoastcommunications.com T: 415.291.9300 F: 415.434.9010

3 Embarcadero Center, Suite 420, San Francisco, CA 94111

2011 APR 29 AM 11:17

SAN FRANCISCO
ETHICS COMMISSION

BY _____

VIA U.S. MAIL

April 27, 2011

San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Re: *Request for Written Advice*

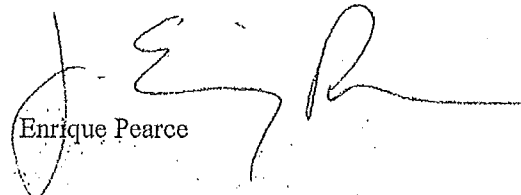
To Whom This May Concern:

I write to confirm the advice I received from the Ethics Commission today *via* phone. My question regards the following scenario:

If a campaign consultant is to work on a general purpose committee created for persuading a particular candidate to run for elective office, would it be legal for the same consultant to be hired by the candidate if he/she subsequently decides to enter the race. For purposes of your opinion, please assume that the general purpose committee established to persuade a candidate to run, will accept and expend contributions.

Please provide a written response detailing whether or not this would be permissible under applicable local and state laws and regulations. Thank you for your attention to this matter.

Sincere regards,


Enrique Pearce



ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

BENEDICT Y. HUR
CHAIRPERSON

JAMIENNE S. STUDLEY
VICE-CHAIRPERSON

BEVERLY HAYON
COMMISSIONER

DOROTHY S. LIU
COMMISSIONER

CHARLES L. WARD
COMMISSIONER

JOHN ST. CROIX
EXECUTIVE DIRECTOR

May 17, 2011

Enrique Pearce
Left Coast Communications
3 Embarcadero Center, Suite 420
San Francisco, California 94111

Dear Mr. Pearce:

You write to ask that the Ethics Commission confirm its oral advice to you via phone on April 27, 2011. The Ethics Commission provides two kinds of advice: written formal opinions or informal advice. *See* S.F. Charter § C3.699-12. Written formal opinions are available to individuals who request advice about their responsibilities under local laws. Formal opinions provide the requester immunity from subsequent enforcement action if the material facts are as stated in the request for advice. *Id.* Informal advice does not provide similar protection. *Id.*

Because your request seeks advice regarding hypothetical facts and does not describe a specific situation involving your responsibilities or those of your clients, the Commission is treating your question as a request for informal advice.

In your letter, you state:

If a campaign consultant is to work on a general purpose committee created for persuading a particular candidate to run for elective office, would it be legal for the same consultant to be hired by the candidate if he/she subsequently decides to enter the race. For purposes of your opinion, please assume that the general purpose committee established to persuade a candidate to run, will accept and expend contributions.

Because this hypothetical is quite different from the hypothetical facts you presented during your original telephone conversation with staff, the Commission cannot "confirm" its oral advice to you. In a telephone conversation with you subsequent to receiving the letter, you reiterated that no committee has yet been formed to persuade the individual to become a candidate. As we discussed, your hypothetical question is: if a campaign consultant who works for the to-be-established committee performing campaign consulting services for the committee, i.e., participating in campaign management or developing or participating in the development of campaign strategy, may that campaign consultant do the same for Candidate A when and if Candidate A decides to become a candidate for City elective office? In general, under the Campaign Consultant Ordinance, there is no apparent bar against a campaign consultant from providing such services.

However, we also discussed section 1.115 of the Campaign and Governmental Conduct Code, which bars coordination among committees. Section 1.115 provides the following:

SEC. 1.115. COORDINATION OF EXPENDITURES.

(a) GENERAL.

An expenditure is not considered independent and shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit the expenditure is made, if the expenditure funds a communication that expressly advocates the nomination, election or defeat of a clearly identified candidate and is made under the following circumstance:

- (1) the expenditure is made at the request, suggestion, or direction of, or in cooperation, consultation, concert or coordination with, the candidate on whose behalf, or for whose benefit, the expenditure is made; or
- (2) the communication funded by the expenditure is created, produced or disseminated:
 - (A) after the candidate has made or participated in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication; or
 - (B) after discussion between the creator, producer or distributor of a communication, or the person paying for that communication, and the candidate or committee regarding the content, timing, location, mode, intended audience, volume of distribution or frequency of placement of that communication, the result of which is agreement on any of these topics.

(b) REBUTTABLE PRESUMPTION OF COORDINATION.

In addition to subsection (a) of this section, there shall be a presumption that an expenditure funding a communication that expressly advocates the nomination, election or defeat of a clearly identified candidate is not independent of the candidate on whose behalf or for whose benefit the expenditure is made, when:

- (1) it is based on information about the candidate or committee's campaign needs or plans provided to the spender by the candidate;
- (2) it is made by or through any agent of the candidate in the course of the agent's involvement in the current campaign;
- (3) the spender retains the services of a person, including a campaign consultant, who provides, or has provided, the candidate with professional services related to campaign or fundraising strategy for that same election;
- (4) the communication replicates, reproduces, republishes or disseminates, in whole or in substantial part, a communication designed, produced, paid for or distributed by the candidate; or
- (5) in the same election that the expenditure is made, the spender or spender's agent is serving or served in an executive or policymaking role for the candidate's campaign or participated in strategy or policy making discussions with the candidate's campaign relating to the candidate's pursuit of election to office and the candidate is pursuing the same office as a candidate whose nomination or election the expenditure is intended to influence.

(c) EXCEPTIONS.

Notwithstanding the foregoing, an expenditure shall not be considered a contribution to a candidate merely because:

- (1) the spender interviews a candidate on issues affecting the spender;
- (2) the spender has obtained a photograph, biography, position paper, press release, or similar material from the candidate;
- (3) the spender has previously made a contribution to the candidate;
- (4) the spender makes an expenditure in response to a general, non-specific request for support by a candidate, provided that there is no discussion with the candidate prior to the expenditure relating to details of the expenditures;

(5) the spender has invited the candidate or committee to make an appearance before the spender's members, employees, shareholders, or the families thereof, provided that there is no discussion with the candidate prior to the expenditure relating to details of the expenditure;

(6) the spender informs a candidate that the spender has made an expenditure provided that there is no other exchange of information not otherwise available to the public, relating to the details of the expenditure; or

(7) the expenditure is made at the request or suggestion of the candidate for the benefit of another candidate or committee.

(d) DEFINITION.

For purposes of this section, the terms "candidate" includes an agent of the candidate when the agent is acting within the course and scope of the agency.

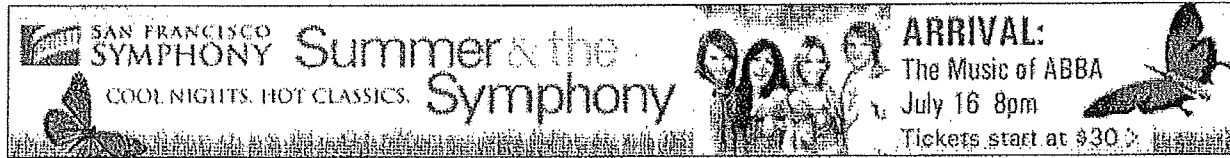
We both agreed that section 1.115 could apply in this situation, such that expenditures made by the committee might be considered coordinated expenditures, depending on the facts. I hope this has been helpful to you. Please let me know if you have questions.

Sincerely,

John St. Croix
Executive Director

By: Mabel Ng
Deputy Executive Director

Exhibit G



SAN FRANCISCO SYMPHONY Summer & the Symphony
COOL NIGHTS. HOT CLASSICS. Symphony
ARRIVAL: The Music of ABBA
July 16 8pm
Tickets start at \$30

Q&A: Rose Pak Talks About Mayor Ed Lee and the Ethics Commission

By Caroline Chen

published: Fri., Jul. 22 2011 @ 7:45AM



FAMILY STORE
Daily Deals



Caroline Chen

Rose Pak

Rose Pak, Chinatown activist and the supposed mastermind behind the Run Ed Run campaign, is one of the best-known characters in San Francisco. This week SF Weekly sat down with Pak to dish about politics, her projects and passions, and life before becoming the biggest power broker in San Francisco.

In this installment: Pak thinks that Ed Lee can be persuaded to run, and questions the ethics of the Ethics Commission.

How's the Ed Lee campaign going?

Slowly, but that's to be expected. We have over 30,000 signatures by now.

By now, you must have talked to Ed Lee ...

No, I've not talked to him. I mean, I always see him, but I know him well enough so that I don't need to clobber him on the head with it, you know.

So why does he keep saying he won't run for mayor?

I think it's because he feels that he committed himself. He made the commitment that he would serve for one year, so that's all he was focused on. And I think with everybody asking him to run, it gets to a saturation point where it ceases to be effective. So that's why I think in the end it will be the sheer number of people signing the petition asking him to run and the Board of Supervisors clamoring for

him to run that will do the trick.

So you think he's still open to a change of heart?

If I didn't think so, I wouldn't keep on trying.

How much money does the campaign have?

I don't know. The funds come from mainly the Chinese community, a lot of it in small amounts. Of course, our friends are coming out with a little bit more. Then they have the Internet thing going on. But, I don't run those things, you know. I just help push.

If Lee does decide to run, would you continue to run this campaign for him, or hand it over?

No, no. Progress for All has been doing outreach on ranked-choice, teaching, and voter registration prior to Run Ed Run. Run Ed Run will fold come August, one way or another. Whether [the chairs] want to continue until the end of the year to run for the voter registration, rank choice education, those things ... I hope that they would continue to function even without an Ed Lee, because that's not how it was formed.

Some have said that Progress for All has been using a loophole in campaign laws ...

It all comes from Jim Stearn's and Leland Yee's campaign offices. I just caution people living in glass houses, you know.

I made it very clear at the beginning that we must make sure we had a ruling from FPCC as well as from the San Francisco Ethics Commission that it was all legal and that everything's on the up and up, and that we would comply with all the rules and finance regulations -- even if it's a \$20 donation, I make people leave their name and address. There's nothing wrong, nothing to hide! We comply with every filing regulation. But it's funny, the filing regulation is not due until the end of July, so we haven't filed anything yet. So why would you be alleging [that we] were violating the law?

And now, for the first time, I raise the question whether our Ethics Commission -- especially the director -- whether he is under undue influence from campaign managers in this town. We wrote him asking for details and asking under different scenarios, which is permissible, then he answered us on the phone and said everything is fine. Then two weeks later he leaks it to a newspaper. Is that ethical? And then he is quoted by a newspaper implying that we're skirting the law? That's no way to conduct an office. If you feel that we have broken the law, let us know -- inform us. We never got a goddamn written thing from him! [Pak bangs the table] So we're demanding that he writes our legal counsel. He does not know his ethics.

What if Lee decides not to run? Who will you back then?

I think different people will reassess. I know right now all of us are together, because we all want Ed Lee. So once Ed Lee decides not to run, I think Dennis Herrera, probably, but I honestly don't know, because we don't discuss it.

On Monday, Pak talks to SF Weekly about Leland Yee and the Central Subway.

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So now we know not to vote for Ed Lee or Dennis Herrera. Please ask her which candidate she hates the most.

Exhibit H

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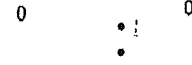
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Also in the group was **Jeffrey Chang**, a San Francisco lawyer working for Prometheus Investment Group, which is hoping to partner up with the Chinese on the high-speed rail deal.

The company's co-founder is **Alexis Wong**, a San Francisco housing developer who spends most of her time these days in Hong Kong and Beijing.

Wong also happens to be a longtime supporter and close friend of Ma.

Ma insists she isn't playing favorites in the rail competition, and expects at least four teams - representing France, Germany, Japan and China - to be in the running when the bid process gets going in earnest later this year.

"I am not involved in any way with the High-Speed Rail Authority's contracting proposals," Ma said. "I'm just like a PR spokesperson to keep high-speed rail on track."

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Her push for the rail line is one reason Ma will be in Washington today at a State Department luncheon for China's president, hosted by Secretary of State **Hillary Rodham Clinton** and Vice President **Joe Biden**.

Party time: Looks like both the Chinese Chamber of Commerce and downtown Chamber of Commerce are pitching in to cover the estimated \$40,000 to \$50,000 tab for Mayor **Ed Lee's** inaugural reception at City Hall.

Chinese chamber boss **Rose Pak** said she had asked execs at the downtown chamber if they could come up with \$30,000 or so. Her group plans to cover the balance once the final bills roll in.

Downtown chamber President **Steve Falk** said his group wasn't a contributor to Lee's Jan. 11 inaugural. Any checks the chamber raised from businesses are being handed over to the city nonprofit fund that pays for special events, he said.

"I don't know what the final total was," Falk said. "But the obvious goal was to minimize any cost to the city."

Word of the two chambers' inaugural largesse came as a group calling itself San Franciscans for Clean Government issued a report Tuesday showing that two Pak-affiliated organizations - the Chinese Chamber and Chinese New Year Festival Committee - spent \$19,506 in 2009 to fly Board of Supervisors President **David Chiu** and Supervisors **Carmen Chu** and **Eric Mar** to China.

That made up half the total that outside interests spent on supervisors' travel in the past two years.

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