

ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

PAUL A. RENNE
CHAIRPERSON

BRETT ANDREWS
VICE-CHAIRPERSON

BEVERLY HAYON
COMMISSIONER

BENEDICT Y. HUR
COMMISSIONER

PETER KEANE
COMMISSIONER

JOHN ST. CROIX
EXECUTIVE DIRECTOR

June 5, 2015

Supervisor Mark Farrell
c/o James Sutton
150 Post Street, Suite 405
San Francisco, CA 94108

Dear Supervisor Farrell:

On December 8, 2014 the Ethics Commission issued a letter to you requesting a forfeiture in the amount of \$181,403.04 in relation to a stipulation adopted by the Fair Political Practices Commission on November 20, 2014. The stipulation found that your campaign consultant, Christopher Lee, coordinated with the "Common Sense Voters, Vote for Mark Farrell" committee.

Your legal representation has argued to the Ethics Commission that this forfeiture request is invalid both because the statute of limitations has expired and because you have not been found to have been complicit in these coordination activities.

Arguments have been presented to the Ethics Commission that the statute of limitations has been tolled in this case due to the "doctrine of fraudulent concealment." The courts, in some instances, have granted estoppel to the statute of limitations in various cases where a defendant deliberately concealed evidence, in particular for the purposes of running the clock on the limitations statute. At present, it does not seem likely that a court would apply that doctrine in this case.

In reviewing this matter, the Ethics Commission is troubled by the circumstances of the coordination activities. However, the commission also realizes that you are not named as a respondent in the stipulation reached with the Fair Political Practices Commission based on the investigation they conducted and that the Commission does not have evidence before it that you committed an act of fraud.

Therefore, the Commission has decided to waive the demand of forfeiture presented to you in the December 8, 2014 letter.

Sincerely,

John St. Croix
Executive Director



ETHICS COMMISSION

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JOHN ST. CROIX
EXECUTIVE DIRECTOR

Via U.S. Mail

December 9, 2014

Supervisor Mark Farrell
c/o James Sutton
150 Post Street, Suite 405
San Francisco, CA 94108

RE: Forfeitures due from 2010 election

Dear Supervisor Farrell:

I am writing to you regarding forfeitures that have not yet been paid relating to the 2010 election.

On November 20, 2014, the Fair Political Practices Commission ("FPPC") approved a Stipulation between its staff and Common Sense Voters, Vote for Mark Farrell for Supervisor 2010 ("CSV") and Christopher Lee. In 2009, you created the Mark Farrell for District 2 Supervisor 2010 committee and retained Chris Lee as your committee's campaign consultant. The FPPC found that Mr. Lee coordinated with CSV, its principal officer, and its campaign consultant regarding the setup, fundraising, and initial campaign planning of CSV. The FPPC found that Mr. Lee's interactions caused CSV to become your candidate-controlled committee.

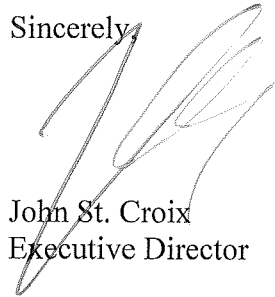
As CSV was a candidate-controlled committee, it was subject to the \$500 contribution limits in section 1.114 of the San Francisco Campaign and Governmental Conduct Code ("SF C&GCC"). In addition, CSV's expenditures were not considered independent and have been treated as contributions to you from the persons making the expenditures to the candidate on whose behalf, or for whose benefit the expenditures are made, in accordance with section 1.115 of SF C&GCC. Pursuant to section 1.114(f) of SF C&GCC, each committee that receives a contribution which exceeds the limits "shall pay promptly the amount received...in excess of the amount permitted by this Section to the City and County of San Francisco and deliver the payment to the Ethics Commission for deposit in the General Fund of the City and County."

According to CSV's filings, CSV made \$43,399.18 in expenditures in your support and \$148,003.86 in expenditures against other candidates for Supervisor of District 2, for a total of \$191,403.04. As stated above, these expenditures are not considered independent and have been treated as contributions to you. Of the \$191,403.04 spent on your behalf and for your benefit during the 2010 election, \$190,903.04 exceeded the \$500 contribution limit in SF C&GCC section 1.114. Therefore, pursuant to section

1.114(f), you are required to forfeit \$190,903.04 to the City and County of San Francisco and deliver the payment to the Ethics Commission for deposit in the General Fund of the City and County. The Ethics Commission may provide a waiver or reduction of the forfeiture.

If you have any questions or wish to discuss this letter, please feel free to contact me at 415-252-3100.

Sincerely,

A handwritten signature in black ink, appearing to read 'John St. Croix', is written over the printed name and title.

John St. Croix
Executive Director

BELL, McANDREWS & HILTACHK, LLP

Attorneys and Counselors at Law

455 CAPITOL MALL, SUITE 600
SACRAMENTO, CA 95814

(916) 442-7757
FAX (916) 442-7759

May 28, 2015

BY ELECTRONIC MAIL & HAND DELIVERY

Paul A. Renne, Chairperson
rennepa@cooley.com
Peter Keane, Commissioner
pkeane@ggu.edu
Benedict Y. Hur, Commissioner
bhur@kvn.com
Brett Andrews, Commissioner
Beverly Hayon, Commissioner
John St. Croix, Executive Director
San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org

Re: **June 5, 2015 Special Meeting – Mark Farrell, Common Sense
Voters, SF 2010**

Dear Chairman Renne & Commissioners:

At your April 24, 2015 meeting, the Commission voted to allow the Executive Director to determine whether a letter could better describe the reasons for waiving the \$190,903.40 forfeiture imposed on Mark Farrell and the Common Sense Voters, SF 2010, which Mark Farrell and his agent admitted was a controlled committee, not the independent expenditure committee identified in all of its reports to the date it terminated. The draft letter Mr. St. Croix prepared and submitted to the Commission, which stated without explanation that the grounds were “statute of limitations concerns,” was rejected on a 4-1 vote by the Commissioners.

In the interim, although Mr. St. Croix told me and my clients in a face to face meeting on May 6, 2015 that the Ethics Commission was totally unaware of the FPPC’s actions until it received the proposed FPPC Stipulation on November 10, 2014, this statement appears to be untrue. We have learned that the Ethics Commission staff, either deliberately or in a grossly negligent manner, may have chosen not to pursue the Farrell matter sometime between late July 2014 and late August 2014. In late July 2014, the FPPC staff advised the Ethics Commission

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Letter to San Francisco Ethics Commissioners
& John St. Croix, Executive Director
May 28, 2015
Page 2

staff that it was preparing an enforcement action without specifying the detail. On August 20, 2014, the FPPC submitted a copy of the proposed settlement agreement to the Ethics Commission staff. This document asserted that Mark Farrell through his agent controlled Common Sense Voters, SF 2010. The FPPC staff told the Ethics Commission investigator that they were prepared to enter into a joint stipulation with the Ethics Commission and the proposed respondents. Five days later, on August 25, 2014, the FPPC submitted the proposed settlement to James R. Sutton, Esq., on behalf of Chris Lee and Mark Farrell. Evidently, the Ethics Commission indicated to the FPPC staff during that five day period that it would not enter into a joint stipulation.

We may never know all the reasons the Ethics Commission staff “punted” in late 2014 on this matter, or discover what influences, including those of Mr. Farrell, his attorneys or other influential individuals, may have been brought to bear on them to take the very unusual action of walking away from a case the FPPC presented them on a silver platter. However, the Ethics Commission is not powerless to act to enforce its December 9, 2014 forfeiture demand now!

We surmise that you may be advised by your counsel, the City Attorney, by Mr. Sutton, or both, that this decision not to act would subject the forfeiture action to challenge on the grounds of “equitable estoppel,” the principle that would bar government action against a party in the face of government wrongdoing, misjudgment or error that would manifestly be unjust to that party. Implicit in that conclusion is the idea that even if our position on “fraudulent concealment” extending the four year statute of limitations is correct, the government’s action or inaction trumps the statute of limitations tolling issue. This is flatly wrong!

While “equitable estoppel” may bar a governmental agency from acting against an allegedly *innocent* wrongdoer, here the wrongdoer – who engaged in the fraudulent concealment of his wrongdoing – *is not innocent*, and thus is not permitted to benefit from such wrongdoing by invoking this doctrine of equity.

As the California Supreme Court has said in several important cases, generally, four elements must be present for the doctrine of equitable estoppel to apply. “First, the party to be estopped (in this case, the Ethics Commission) must have been aware of the [true] facts.” *Lusardi Constr. Co. v. Aubry* (1992) 1 Cal. 4th 976, 994-95; *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 488. Here, by virtue of Farrell’s and his agent Lee’s fraudulent concealment, the Ethics Commission’s knowledge of the facts did not occur until late August 2014. “Second, that party must either intend that its act or omission be acted upon, or must so

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Letter to San Francisco Ethics Commissioners
& John St. Croix, Executive Director
May 28, 2015
Page 3

act that the party asserting estoppel has a right to believe it was intended.” (*Id.*) In this case, that matter had never been brought by the Ethics Commission staff to the Commissioners, so the staff’s intent not to act certainly is in doubt and Farrell’s reliance on its non-action also in doubt. “Third, the party asserting estoppel must be unaware of the true facts.” (*Id.*) Here, Farrell and Lee indisputably were aware of the true facts, and are were not innocent parties at all. “Fourth, the party asserting estoppel must rely on the other party’s conduct, to its detriment.” (*Id.*, quoting *Lentz v. McMahon* (1989) 49 Cal.3d 393, 398–399.)

However, even when these elements are present, the Supreme Court has been very clear that equitable estoppel will not be applied against the government if to do so would nullify a strong rule of policy adopted for the benefit of the public. (*Lentz v. McMahon* (1989) 49 Cal.3d 393, 398–399; accord, e.g., *Mansell, supra*, 3 Cal.3d at pp. 488-489.) Importantly, the rule of fraudulent concealment as discussed in our previous submissions, is just such a “strong rule of policy adopted for the benefit of the public.” The tolling, or extension of the statute of limitations here, is appropriate, and Farrell and his agents are powerless to prevent it by invoking “equitable estoppel,” where they were clearly wrongdoers.

As we have stated in writing and orally at Commission hearings over the past six months, this unparalleled cheating is a stain upon the San Francisco electoral process, and the Commission cannot wash its hands of the matter where the grounds to forbear are so meritless. Failure to act not only validates the illegal action but diminishes the stature of the Commission as the government agency charged with protecting the San Francisco electorate and the integrity of the elections process.

We hope this information is informative and useful to you in your further deliberations.

Very truly yours,

A handwritten signature in blue ink that reads "Charles H. Bell, Jr." with a stylized flourish at the end.

Charles H. Bell, Jr.

CHB/cfd

BELL, McANDREWS & HILTACHK, LLP

Attorneys and Counselors at Law

455 CAPITOL MALL, SUITE 600
SACRAMENTO, CA 95814

(916) 442-7757
FAX (916) 442-7759

May 7, 2015

BY ELECTRONIC MAIL & HAND DELIVERY

Paul A. Renne, Chairperson
rennepa@cooley.com
Peter Keane, Commissioner
pkeane@ggu.edu
Benedict Y. Hur, Commissioner
bhur@kvn.com
Brett Andrews, Commissioner
Beverly Hayon, Commissioner
John St. Croix, Executive Director
San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102-6053
ethics.commission@sfgov.org

Re: **Agenda Item # III, April 24, 2014 Meeting – Mark Farrell, Common Sense Voters, SF 2010**

Dear Chairman Renne & Commissioners:

At your April 24, 2015 meeting, the Commission voted to allow the Executive Director to determine whether a letter could better describe the reasons for waiving the \$190,903.40 forfeiture imposed on Mark Farrell and the Common Sense Voters, SF 2010, which Mark Farrell and his agent admitted was a controlled committee, not the independent expenditure committee identified in all of its reports to the date it terminated. The draft letter Mr. St. Croix prepared and submitted to the Commission, which stated without explanation that the grounds were “statute of limitations concerns,” was rejected on a 4-1 vote by the Commissioners.

I have attached two documents, the first entitled “Statute of Limitations --- Key Questions and Answers” that addresses why the statute of limitations, if it were applicable, was tolled (extended). This attachment focuses on the actions of Chris Lee, Farrell’s agent, after it became known that his actions had resulted in coordination that fundamentally tainted the activity. Under well-settled principles of agency law, of course, Farrell is responsible for the acts

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Letter to San Francisco Ethics Commissioners
& John St. Croix, Executive Director
May 7, 2015
Page 2

of his agent. It also evaluates why under any set of circumstances, the December 9, 2014 forfeiture was timely.

The second, entitled "Farrell and Common Sense Voters Timeline – Timeline of Undisputed Evidence and Investigative Activity of FPPC," sets forth in detail what happened, including the activity that led to the FPPC stipulation in which Farrell and his agent admitted that CSV was his controlled committee. This includes the timeline of the investigation, including major gaps in time of this investigation. As you know, the FPPC investigation led to charges against Farrell and CSV in late August 2014, almost four years after the activity and forty five months after the complaint was filed.

It is important to note that during the entire period of time, neither the FPPC nor the SFEC discussed, or made any further inquiries of, the complainant or her attorney, and hence, we had absolutely no knowledge of the course of the investigation or the settlement issues --- knowledge which Farrell, Michaela Alioto-Pier, and all their agents, and their attorneys, had by virtue of the investigation and interviews.

We hope this information is informative and useful to you in your further deliberations.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Charles H. Bell, Jr." with a stylized flourish at the end.

Charles H. Bell, Jr.

CHB/cfd

FARRELL/COMMON SENSE VOTERS TIMELINE

Timeline of Undisputed Evidence and Investigative Activities of FPPC

DATES	ACTIVITY
~Late August 2010	Michaela Alioto-Pier's appeal fails – ending her reelection option.
September 9, 2010	Alioto-Pier, Farrell, Farrell staff and Rich Schlackman meet – shortly afterward CSV is formed, although it is not registered until 10/2/10. Alioto-Pier agrees to directly assist Farrell campaign (see below) and to spearhead IE fundraising effort for Farrell. [From FPPC Stipulation, Exh. 1, p.1.]
~September 10, 2010	Jack Helfand, Farrell associate and fundraiser, leaves Farrell committee to act as fundraiser/principal of CSV. [From FPPC Stipulation, Exh. 1, p.1.]
September 13, 2010	Chris Lee – Farrell's consultant – hires Schlackman as CSV consultant; provides fundraising information to CSV and draft material for IE communication. [From FPPC Stipulation, Exh. 1, p.1. Lee FPPC interview, p. 2.]
~September 13, 2010	Rich Schlackman comes on board for CSV. Chris Lee admits on 10/20/2012 to FPPC that Schlackman was identified to do IE work to CSV principal Helfand. However, Schlackman is long-time consultant for Alioto-Pier, was present at September 9, 2010 meeting between Farrell and Alioto-Pier, and could be deemed to be part of the coordination by virtue of Lee's reference and close working relationship with Alioto-Pier whose admitted involvement made her an (uncharged) agent of Farrell in the CSV matter. [From FPPC Stipulation, Exh. 1, p.1. Alioto-Pier interview. Lee interview, p. 2.]
Sept – Nov 2010	Alioto-Pier works to raise funds, endorse and appear in ads for Farrell while raising 89% of CSV's contributions. Admits in February 2013 to raising money from Coates and Wilsey for CSV. [From FPPC Stipulation, Exh. 1, p.1.]
October 2, 2010	CSV registers as independent committee supporting Farrell. Names Jack Helfand as principal officer and Stacy Owens as treasurer. Helfand is a Farrell business associate and former Farrell finance committee member, and Owens is also Farrell's main campaign committee treasurer.
October 6, 2010	Farrell meets for <u>2 hours</u> with Dede Wilsey – to collect \$500 check for his committee. After Wilsey gives him \$500, 2 weeks later (10/18/10) she gives CSV \$50,000. [Farrell FPPC interview.] Alioto-Pier admits raising money from Wilsey. [From FPPC Stipulation, Exh. 1, p.1.]
October 15, 2010	Farrell attends fundraiser at Tom Coates' home. [From Reilly Complaint and Farrell interview.]
October 16, 2010	Regular pre-election report period closes. CSV reports about \$30,500 in activity on report.

October 18, 2010	<u>3 days after Coates' fundraiser for Farrell and 2 days after close of regular campaign reporting period</u> , Coates gives \$100,000 to CSV. Coates gives another \$41,000 to CSV on October 25, 2010. [From CSV campaign reports, on file with SF Ethics.] Note – it is common for last minute negative campaigns to raise pre-arranged late money after such regular reports because the special reports are much less visible. Over \$170,000 of CSV's contributions were received during the last two weeks of the campaign.
October 23, 2010	CSV begins \$190,000 IE campaign against Janet Reilly and files 24 hour reports. This activity is after the last regular pre-election report (period closing 10/16/10) on which CSV's activity would be reported. Next report, for year end 12/31/10, was filed on 1/31/11, and discloses full scope of CSV's contributions received and IEs made. 24-hour reports falsely disclose CSV as IE committee; fail to identify Farrell as controlling candidate; identify contributions which are in excess of limits to candidate controlled committee, but falsely fail to characterize them as candidate contributions.
November 2, 2010	Election Day
December 23, 2010	Janet Reilly files complaint with FPPC and SFEC alleging numerous violations of state and local law. Original complaint's theory is that Alioto-Pier, a candidate, illegally was involved with CSV (because under state law, candidates could not control or run an IE campaign for another candidate). Complaint suggests FPPC and SFEC investigate whether Farrell controlled CSV due to same treasurer, donors and Coates/Willsey connections. Alioto-Pier could have been charged as agent of Farrell in CSV activity due to her admitted involvement with both Farrell and CSV. [Alioto-Pier FPPC interview.]
January 11, 2011	FPPC sends Janet Reilly's attorney letter saying FPPC will investigate 12/23/10 complaint. FPPC had previously opened an investigation of CSV per a 11/2/10 complaint that did not raise IE or candidate-control issues. <u>Neither Reilly nor her attorney hear anything further about the investigation, interviews, document production or receive any requests for information from the FPPC during the entire 4 year course of the matter. We receive a copy of the FPPC stipulation the day it is released to the public on November 10, 2014.</u>
January 26, 2011	SFEC (St Croix) sends Janet Reilly's attorney letter saying FPPC would take lead to investigate, but SFEC would monitor for SF-specific violations. <u>Neither Reilly nor her attorney hear anything further from SFEC until November 20, 2014 letter from St. Croix.</u>
January 31, 2011	CSV files year end post-election report erroneously disclosing its activity as contributions to an IE committee, not a candidate-controlled committee and failing to disclose Farrell control or contributions in violation of SF C & GC 1.114.

**Note: The Following Dates Noted by Asterisk Are Possible Statute of Limitations
Fraudulent Concealment Tolling Start Dates**

- October 3, 2012* (Some 21 months elapse, during which FPPC conducts discovery. Investigator timeline shows no activity from 1/13/11 to 6/4/12 – some 17 ½ months.) FPPC interviews Chris Lee. Lee admits sending emails with Farrell donor names to IE principal, and admits sending emails about how to organize IE committee and at least one draft campaign communication to IE.
- December 20, 2012* (25 months after CSV’s activity) FPPC and SFEC first interview Farrell and disclose Lee involvement. Farrell is quoted as saying Lee acted as “rogue agent.” Only FPPC summary is available. FPPC destroyed tapes of its Farrell interviews sometime around November 2014; we don’t know if SFEC had or has such tapes. Farrell’s attorney’s comments during interview divert blame or knowledge from Farrell. Farrell disclaims knowledge or responsibility.
- January 30, 2013 FPPC interviews Alioto-Pier by telephone from Italy. Alioto-Pier admits working with both Farrell’s campaign committee and CSV and raising 89% of CSV’s contributions.
- February 25, 2013* FPPC and SFEC have second interview with Farrell by telephone. FPPC destroyed tapes of its Farrell interviews sometime around November 2014; we don’t know if SFEC had or has such tapes.
- August 25, 2014* (18 months later) FPPC sends CSV treasurer and Chris Lee (Farrell’s agent) and Jim Sutton (Farrell’s attorney) proposed Probable Cause settlement document outlining controlled committee allegations and proposed \$17,500 fine. Reilly’s counsel unaware of date SFEC advised of, or participated in any determination of FPPC proposal.
- ~November 9, 2014 (70 days later) Lee signs FPPC stipulation admitting controlled committee status and his role in matter. Stipulation was not signed by Farrell although he would have had to authorize Lee to admit and acknowledge CSV’s Farrell controlled committee status. Fine reduced to \$14,500 from \$17,500.
- November 10, 2014 (47 months after filing of Reilly complaint) FPPC first contacts Janet Reilly’s counsel to advise that settlement stipulation will be on FPPC November 20, 2014 Meeting Agenda. This is same day as FPPC agenda is disseminated to the general public.
- November 20, 2014 FPPC adopts Stipulation. FPPC chairman, in response to Reilly’s attorney’s letter of November 17, 2014, criticizes FPPC enforcement staff for not naming Farrell, but does not reject stipulation.
- November 20, 2014 SFEC Executive Director St Croix sends letter to Reilly’s counsel stating that SFEC is satisfied with FPPC’s resolution of the matter, notwithstanding January 11, 2011 statement that SFEC would monitor for SF-related violations. St Croix states that SF Ethics Commissioners “are aware” of this position.

December 2, 2014	Reilly's counsel sends letter to SF Ethics Commissioners and St Croix, and separate letter to SF City Attorney Dennis Herrera, strongly objecting to this no further action position and pointing out illegal contributions and C & GC section 1.114(f) forfeiture penalty..
December 9, 2014	SFEC (St Croix) sends letter to Farrell outlining FPPC findings, stating that illegal contribution was made and demanding immediate payment to the City of \$190,903.40 as forfeiture.
February 27, 2015	<u>(70 days later)</u> SFEC announces after closed session that it has directed letter to be sent to Farrell demanding response to December 9, 2014 forfeiture demand by March 15, 2015.
March 23, 2015	After receiving Farrell's response to February 27, 2015 ultimatum in which he requested full waiver of the forfeiture, and Reilly's communication, and after hearing argument by Sutton, and Bell, SFEC commissioners after full discussion fail to make or adopt any motion to grant waiver. Status quo: forfeiture demand in place. St Croix admits next step is to refer the matter to BDR.

STATUTE OF LIMITATIONS

Key Questions and Answers

1. What is fraudulent concealment that tolls (extends) the statute of limitations?

“Fraudulent concealment” means the person knows of material facts related to his or her duties ... and knowingly conceals them in performing or omitting to perform those duties, for the purpose of defrauding the public of information to which it is entitled under this title. (Italics added.)

2. If Farrell’s personal conduct was blameless in 2010 as he claims, what about Chris Lee’s conduct before his late 2012 interview when Lee acknowledged his involvement?

Lee’s conduct concealed the CSV control by Farrell until late 2012 or early 2013. Although Farrell admitted to the FPPC and SFEC in late 2012 and early 2013 that he knew nothing of Lee’s activities, yet, once he learned of them (which he clearly did at his interviews or even as late as August 25, 2014), he took no steps to amend campaign reports or admit that Lee on his behalf had done something wrong.

3. If the FPPC concluded that Mark Farrell did not know of his agents’ acts that resulted in illegal coordination between CSV and Farrell’s campaign, does this defeat “fraudulent concealment”?

No. Lee’s conduct was sufficient to invoke the tolling provision. Farrell’s lack of knowledge of Lee’s illegal coordination in 2010, if true, does not absolve him or CSV of the responsibility to have acted promptly when confronted with evidence of Lee’s illegal coordination or of the FPPC’s conclusion that this was illegal in August 2014.

If Farrell was waiting for a determination from the FPPC or SFEC as to whether the conduct made CSV a Farrell-controlled committee, he would have become aware of that fact on August 25, 2014 when the FPPC sent his counsel a settlement proposal based on the controlled committee status.

4. What reasons might Farrell have had to conceal the fact of illegal coordination after late 2012 and early 2013?

Farrell as a first term Supervisor was facing re-election in 2014, as well as the likelihood that SFEC could demand that he or CSV forfeit nearly \$200,000. Bad publicity and a major financial fine could have jeopardized his reelection chances, and were likely reasons for Farrell to have avoided taking action either before August 25, 2014 or afterward.

5. If SFEC knew of Farrell's illegal coordination in late 2012 or early 2013, wouldn't it have had sufficient time to deal with these issues without potentially running afoul of the statute of limitations?

Maybe, but that doesn't deprive SFEC of the opportunity to take the full four years (with the tolling or extension of the statute of limitations) to investigate and prosecute an action and/or apply the forfeiture remedy of C & GC 1.114(f).

Applications of Statute of Limitations

1. No Statute of Limitations for 1.114(f) Forfeiture Action: There is no specific statute of limitations for the forfeiture penalty for violation of C & GC 1.114(f).
2. Continuing Violations -- Statute of Limitations Inapplicable: Even if there were a 4 year statute of limitations on both forfeiture and administrative actions, the violations have not been cured and remain "unadmitted":
 - A. Failure to amend CSV's statement of organization and Farrell's campaign committee's statement of organization to reflect CSV as a Farrell-controlled committee.
 - B. Failure to identify CSV 2010 contributions (over \$215,000) as over the limits. Campaign law requires the disclosure of illegal contribution activity. *FPPC v. Suitt* (1979) 90 Cal. App. 3d 126.
3. Less Favorable to Farrell:
 - A. Statute Triggered: Filing of year end 2010 campaign report on January 31, 2011. False disclosure of committee as independent committee and false disclosure of expenditures as independent expenditures and false disclosure of contributions as unlimited, and not subject to C & GC 1.114 triggers 4 year statute of limitations.
 - B. Without Fraudulent Concealment Tolling: deadline for administrative action on contribution violations and other disclosures would run in January 2015.
 - A. With Fraudulent Concealment Tolling: Depends on When Material Concealed Facts were revealed:
 1. October 3, 2012 – when Lee admitted involvement with CSV. (add 22 months to tolling – that would extend statute to December 2017.)
 2. January 30, 2013 – following Lee interview when FPPC interviews Alioto-Pier and she admits material involvement with both Farrell and CSV. (add as 25 months to tolling – that would extend statute to March 2017.)
 3. August 25, 2014 – when FPPC develops proposed settlement. We don't know if this was shared with SFEC at that time. (add 3 to 45 months to tolling – that would extend statute to February 2015 - November 2018.)

4. ~November 9, 2014 – when Lee signs or FPPC makes public stipulation. (add 48 months to tolling – that would extend the statute to November 2018.)
4. More Favorable to Farrell:
- B. Statute Triggered: Receipt of each over-limits contribution triggers 4 year statute of limitations.
 - C. Without Fraudulent Concealment Tolling: Deadline for administrative action for contribution violations would run on the illegal contributions in late October 2014 (before Lee and Committee sign stipulation admitting violation, but after service of August 25, 2014 FPPC settlement demand.)
 - D. With Fraudulent Concealment Tolling: Depends on When Material Concealed Facts were revealed:
 1. October 3, 2012 – when Lee admitted involvement with CSV. (add 22 months to tolling – that would extend statute to September 2016.)
 2. January 30, 2013 – following Lee interview when FPPC interviews Alioto-Pier and she admits material involvement with both Farrell and CSV. (add as 25 months to tolling – that would extend statute to December 2016.)
 3. August 25, 2014 – when FPPC develops proposed settlement. We don't know if this was shared with SFEC at that time. (add 3 or 45 months to tolling – that would extend statute to February 2015 - August 2017.)
 4. ~November 9, 2014 – when Lee signs or FPPC makes public stipulation. (add 48 months to tolling – that would extend the statute to November 2018.)

Thomas C. Hayes (second from left) and Supervisor Michela Alioto-Pier also attended (far right).
Farrell (center).

