

1 CITY AND COUNTY OF SAN FRANCISCO
2 ETHICS COMMISSION
3

4 In The Matter Of) Ethics Complaint No. 24-050928
5 The Friends of Tony Hall for Supervisor)
6 (ID #1221830),) Ethics Commission's Findings of Fact, Conclusions
7 and,) of Law, and Order
8 Tony Hall, Candidate,)
9 Respondents)
_____)

10 ETHICS COMMISSION'S FINDINGS OF FACT, CONCLUSIONS OF LAW,
11 AND ORDER

12 The following findings of fact, conclusions of law and order are issued in support of the
13 Ethics Commission's previously announced decision in the matter of Complaint No. 24-050928.

14 On June 9, July 15, October 27, and December 8, 2008, the Commission conducted a
15 hearing on the merits of the complaint. Respondent Tony Hall ("Respondent") was represented
16 by counsel David Waggoner and Peter Bagatelos. Richard Mo and Paul Solis appeared on behalf
17 of the Executive Director and Ethics Commission Staff. Prior to the hearing, the parties
18 submitted hearing briefs. At the hearing, both parties presented sworn testimony, cross-
19 examined witnesses, introduced exhibits and had the opportunity to rebut any evidence
20 presented.¹ The parties also presented opening and closing arguments. After the conclusion of
21 testimony, both parties submitted Proposed Findings of Fact and Conclusions of Law.
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23 On December 8, 2008 the Commission considered the record and the arguments of both
24 parties, deliberated and reached its decision. Each Commissioner certified on the record that he
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26
27 ¹ The Witness List is attached to this Order as Exhibit A and the Exhibit Log is attached
28 as Exhibit B.

1 or she personally heard the testimony and reviewed the evidence, or otherwise reviewed the
2 entire record of the proceedings. This Order is issued in support of the Commission's decision;
3 however, references to specific exhibits or testimony or parts thereof do not mean that the
4 Commission did not consider or weight consistent or contradictory exhibits or testimony or parts
5 thereof not referenced herein, or other relevant evidence submitted by the parties. If any of the
6 findings of fact include conclusions of law, the Commission adopts those conclusions of law; if
7 any of the conclusions of law include factual findings, the Commission makes those findings.
8

9 Having fully considered the positions of the parties and pertinent law and regulations, the
10 Commission makes the following findings, conclusions and order:

11 **Accusation Counts I and II**

12 1. Count I of the Accusation charges Respondent with using campaign funds to repay a
13 \$12,000 personal loan from Olivia Scanlon and Seamus Cudden, in violation of California
14 Government Code ("Cal. Gov't Code") sections 89510 and 89512 and San Francisco Campaign
15 and Governmental Conduct Code ("S.F. C&GCC") sections 1.106 and 1.122. Count II of the
16 Accusation charges Respondent with filing campaign finance reports that falsely claimed a
17 \$12,000 payment to Olivia Scanlon as campaign salary, in violation of San Francisco Campaign
18 and Governmental Conduct Code sections 1.106 and 1.170(f) and California Government Code
19 section 84211(k).
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21 2. All expenditures of campaign funds for the purposes of seeking office must be reasonably
22 related to a political purpose. Expenditures which confer a substantial personal benefit must be
23 directly related to a political, legislative or governmental purpose. Cal. Gov't Code § 89512,
24 S.F. C&GCC § 1.122(b)(i).
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26 3. A "substantial personal benefit" is defined as "an expenditure of campaign funds which
27 results in a direct personal benefit with a value of more than two hundred dollars (\$200) to a
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1 candidate, elected officer, or any individual or individuals with authority to approve the
2 expenditure of campaign funds held by a committee.” Cal. Govt. Code § 89511(b)(3).

3 4. On Counts I and II, the Commission was deeply troubled by portions of the testimony,
4 particularly the lack of credibility on the Respondent's part. The Commission also had concerns
5 relating to timing on the part of Ms. Scanlon, and the timing of the checks.

6 5. The Commission notes that if Mr. Hall is to be believed, his testimony demonstrates a
7 potential abuse of office for payments for the use of influence.

8 6. The Commission, however, finds that the charges alleged in Counts I and II were not
9 proved by a preponderance of the evidence and the Commission therefore makes a finding of no
10 violation on these counts. The Commission makes this finding with a fair amount of reluctance
11 given the testimony that it heard.

12
13 **Accusation Count III**

14 7. Count III of the Accusation charges Respondent with failing to maintain records required
15 to support the use of campaign funds for 35 automobile expenditures, in violation of San
16 Francisco Campaign and Governmental Conduct Code section 1.106 and California Government
17 Code section 89516. Count III also alleges that Respondent’s use of campaign funds to pay for
18 these undocumented expenditures violated San Francisco Campaign and Governmental Conduct
19 Code section 1.122, as Respondent failed to provide any evidence indicating that these vehicle
20 expenses were incurred on behalf of his candidacy for office and reasonably related to a
21 legislative, governmental or political purpose.

22
23 8. Campaign funds may be used for automobile expenditures at the rate set by law, if both
24 of the following requirements are met: 1) the vehicle use is directly related to political,
25 governmental or legislative purposes, Cal. Gov’t Code § 89516(d)(1); and 2) the specific purpose
26 and mileage in connection with each expenditure is documented in a manner approved by the
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1 Internal Revenue Service in connection with deductible mileage expenses, Cal. Gov't Code §
2 89516(d)(2).

3 9. IRS Publication 463 requires that the following records be kept in order to prove
4 transportation expenses via automobile: 1) cost of expense; 2) date of expense; 3) date of the use
5 of the car; 4) business destination; 5) business purpose for the expense; and 6) the mileage for
6 each business use.

7
8 10. Respondent reported 35 separate automobile expenditures on his California Fair Political
9 Practices Commission ("FPPC") Form 460s covering the following periods: 1) January 1 to June
10 30, 2004; 2) July 1 to September 30, 2004; and 3) October 1 to October 18, 2004. (Joint Ex. 4,
11 pgs. 19-25, 27-29; Joint Ex. 8, pgs. 149-152, 160.) These thirty-five automobile expenditures
12 totaled \$1,103.79. (Id.; Joint Ex. 20.) The receipts contained handwritten notations; all but one
13 or two of which were written by Respondent. (Joint Ex. 1, 67:5-8.) According to these
14 notations, these expenditures were for gasoline, oil changes and car washes. (Joint Ex. 20.)
15 Seven of these expenditures were made after August 5, 2004, the date Respondent resigned from
16 the Board of Supervisors. (Id.)

17
18 11. Respondent did not submit or maintain any documentation to indicate the following
19 information regarding any of these expenditures: 1) the purpose/nature of the automobile
20 expense; 2) the date of the use of the automobile; 3) the business destination; and 4) the mileage
21 for each business use. (Joint Ex. 1, 71:5-11; 76:24-77:2, 7-11; Transcript of Hearing on the
22 Merits ["HOTM"] 295:13-296:6.)

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24 12. The thirty-five automobile expenditures were as follows:

	Date	Events	Cost
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26	1	Pacheco Olympic	\$29.00
27	2	Twin Peaks Auto	\$48.00
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	Date	Events	Cost
3	5/22/2004	Twin Peaks Auto	\$16.01
4	6/1/2004	Twin Peaks Auto	\$25.53
5	6/4/2004	Twin Peaks Auto	\$21.01
6	6/7/2004	Twin Peaks Auto	\$26.15
7	6/10/2004	Twin Peaks Auto	\$19.32
8	6/10/2004	Twin Peaks Auto	\$36.64
9	6/13/2004	Auto City Gasoline	\$28.20
10	6/13/2004	Auto City Car Wash	\$16.99
11	6/17/2004	Castro Chevron	\$29.00
12	6/18/2004	Twin Peaks Auto	\$48.00
13	6/21/2004	Twin Peaks Auto	\$28.01
14	6/27/2004	Twin Peaks Auto	\$28.29
15	7/2/2004	Auto 280	\$130.20
16	7/3/2004	Silver Gas	\$33.58
17	7/5/2004	Twin Peaks Auto	\$36.00
18	7/7/2004	Shell Gasoline	\$22.55
19	7/7/2004	Divisadero Car Wash	\$22.95
20	7/11/2004	Twin Peaks Auto	\$24.56
21	7/11/2004	Twin Peaks Auto	\$12.00
22	7/17/2004	Twin Peaks Auto	\$28.20
23	7/22/2004	Twin Peaks Auto	\$48.00
24	7/26/2004	Twin Peaks Auto	\$30.00
25	7/26/2004	Twin Peaks Auto	\$26.19

	Date	Events	Cost
26	7/28/2004	Twin Peaks Auto	\$33.37
27	7/30/2004	Twin Peaks Auto	\$28.61
28	8/4/2004	Shell Gasoline	\$30.44
29	8/6/2004	Miraloma Autocare	\$29.30
30	8/13/2004	Twin Peaks Auto	\$27.75
31	8/15/2004	Twin Peaks Auto	\$15.30
32	8/22/2004	Miraloma Autocare	\$28.10
33	8/29/2004	Miraloma Autocare	\$36.50
34	9/4/2004	Miraloma Autocare	\$27.03
35	9/13/2004	Miraloma Autocare	\$33.01
		Total	\$1,103.79

13. The Commission finds that Respondent did not violate section 1.122 of the San Francisco Campaign and Governmental Conduct Code. The evidence does not suggest that these 35 automobile expenditures were not reasonably related to a legislative, governmental or political purpose.

14. The Commission finds that Respondent violated section 89516(d)(2) of the California Government Code and section 1.106 of the San Francisco Campaign and Governmental Conduct Code by failing to document the specific purpose and mileage in connection with reimbursements for gasoline expenditures. The Commission therefore makes a finding of violation on Count III.

15. Based on Finding No. 14, the Commission deems it unnecessary to determine whether Respondent's failure to document the specific purpose and mileage in connection with

1 reimbursements for non-gasoline automobile expenditures constituted an additional set of
2 violations of Section 89516(d)(2) of the California Government Code and Section 1.106 of the
3 San Francisco Campaign and Governmental Conduct Code.

4 16. The Commission adopts Staff's penalty recommendation and imposes a penalty of \$5,000
5 for the violations charged in this count. The Accusation charges Respondent with 35 separate
6 violations, at least 30 of which are based on Respondent's failure to maintain records required to
7 support gasoline expenditures. A penalty of \$5,000 for 30 violations is reasonable in view of the
8 nature of the violations and the maximum possible penalty. The maximum amount is higher than
9 the proposed amount and the Commission exercises its discretion in adopting Staff's
10 recommended penalty.²

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12 **Accusation Count IV**

13 17. Count IV of the Accusation charges Respondent with using campaign funds to pay for 16
14 meal expenses incurred after Respondent's withdrawal of his candidacy, in violation of San
15 Francisco Campaign and Governmental Conduct Code section 1.122(b)(ii).

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17 18. Candidates for local elective office are subject to local campaign finance laws. Cal.
18 Gov't Code § 81013; S.F. C&GCC § 1.100 et seq. Except as otherwise provided in or
19 inconsistent with local law, state campaign finance law also applies to candidates for elected
20 office in San Francisco. S.F. C&GCC § 1.106.

21 19. Local law defines a "withdrawn" candidate as an individual who "ceases to be a
22 candidate" or who "fails to qualify for an office for which contributions have been solicited or
23 accepted." S.F. C&GCC § 1.122(b)(ii).

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26 _____
27 ² The vote on this Finding No. 16 was 4-1, with Commissioner Hansen dissenting.
28 Commissioner Hansen agreed with the Commission in its finding of violation but dissented on
the penalty in favor of a higher fine.

1 20. Under local law, when a candidate ends his or her candidacy, campaign funds held by
2 that individual must be: 1) returned on a “last in, first out” basis to those persons who made
3 contributions; 2) donated to the City and County of San Francisco; or 3) donated to a charitable
4 organization. S.F. C&GCC § 1.122(b)(ii)(A)-(C).

5 21. Local law does not define when an individual ceases to be a candidate for the purposes of
6 S.F. C&GCC § 1.122(b)(ii). Certain reasonable campaign expenses may be billed or accrue after
7 the termination of a campaign, but local law does not specify a post-campaign period during
8 which campaign funds may be used for legitimate campaign expenditures. The Commission,
9 therefore, looks to state law for guidance on when a candidate is considered withdrawn, such that
10 any remaining campaign funds are considered surplus funds that must be returned to contributors
11 or donated to the City and County or to a charitable organization.

13 22. State law provides that campaign funds for a candidate who withdraws from an election,
14 or for a defeated non-incumbent candidate, shall be considered surplus funds at the end of the
15 post-election reporting period following the election from which the candidate withdrew or in
16 which the candidate was defeated. Cal. Gov’t Code § 89519; 2 California Code of Regulations §
17 18951(a)(2).

19 23. Whether a candidate has withdrawn or not, funds in a candidate’s campaign account may
20 be used only on behalf of the candidacy for expenses associated with holding an office, provided
21 that such expenditures are reasonably related to a legislative, governmental, or political purpose.
22 S.F. C&GCC § 1.122(b)(i); Cal. Gov’t Code §§ 89510(b), 89512.

24 24. Campaign funds used for an election victory celebration must be directly related to a
25 political, legislative or governmental purpose. Cal. Gov’t Code § 89513(f)(3).

26 25. In December 2000, Respondent Anthony Hall was elected to serve as a member of the
27 San Francisco Board of Supervisors (“the Board”) representing District 7. (Joint Ex. 1, 18:16-
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1 23.) Respondent served in this position from January 2001 until August 5, 2004. (Id., 19:20-
2 20:3.)

3 26. In 2004, Respondent campaigned for re-election to the Board to represent District 7.
4 (HOTM 302:10-12.) Before August 4, 2004, the Mayor of San Francisco contacted Respondent
5 to offer him a position as the Executive Director of the Treasure Island Development Authority
6 (“TIDA”). (Joint Ex. 1, 167:20-168:7; HOTM 233:12-20.)

7 27. On August 2, 2004, Respondent’s campaign manager, Frank Gallagher, sent a letter to
8 Respondent stating: “the notion of you *foregoing* your campaign for re-election in favor of taking
9 the position as Executive Director of [TIDA] is obviously worth consideration.” (Joint Ex. 10.)
10 (emphasis added). Mr. Gallagher went on to “request a \$5,000 termination fee” for services to
11 Respondent’s campaign. (Id.; HOTM 302:24-303:10.) Nine days later, on August 11, 2004,
12 Respondent’s campaign committee provided a \$5,000 check to Mr. Gallagher. (HOTM 303:11-
13 14; 514:19-515:6.)

15 28. On August 4, 2004, Respondent sought, and the Ethics Commission granted, a waiver
16 from the one-year post-employment restriction to work as the Executive Director of TIDA.
17 (HOTM 303:22-24; 304:7-13.)

18 29. On August 5, 2004, Respondent resigned from his position as Supervisor and accepted
19 the position as Executive Director of TIDA. (Joint Ex. 1, 20:3-9; Joint Ex. 9; HOTM 304:22-
20 305:6.) Respondent began his tenure as the Executive Director of TIDA immediately after his
21 resignation. (HOTM 306:2-5.)

22 30. Respondent’s name did not appear anywhere on the November 2004 ballot. (HOTM
23 365:23-25; 595:1-4.) Although Respondent claims that he had “discussions” with campaign staff
24 about a possible write-in candidacy after his withdrawal from the race, no records,
25 correspondence or filings with any agency corroborate this assertion. (HOTM 306:6-12; 595:1-
26 12.) Moreover, Respondent “didn’t take any steps” toward becoming a write-in candidate for the
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1 November 2004 election and did not qualify as a write-in candidate. (HOTM 365:19-22.)

2 Furthermore, he publicly endorsed three candidates for his former seat on the Board. (HOTM
3 377:2-5.) He also complied with requests from a small number of campaign contributors to
4 refund their contributions in light of his withdrawal from the race. (Joint Ex. 1, 123:8-12; HOTM
5 250:17-19; Joint Ex. 4, pgs. 16-17, 30-31.)

6 31. As Respondent's campaign manager, Mr. Gallagher thought that, upon taking the position
7 at TIDA, Respondent's campaign for re-election terminated "if not that day then shortly
8 thereafter." (HOTM 527:21-24.).

9
10 32. Respondent's treasurer, Beverly Greene, testified that after Respondent accepted the
11 position at TIDA, the campaign was considering "various options with what one could do with
12 surplus funds" and that the campaign was "thinking about . . . charity." (HOTM 415:1-4.)

13 33. Respondent's candidacy in 2004 is treated under state law as being exactly the same as a
14 non-incumbent defeated candidate. Funds in his 2004 committee account were permitted to be
15 used throughout 2004 in the same manner as a candidate defeated in the November 2004 general
16 election could use his or her committee funds.

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18 34. There were funds remaining in Respondent's 2004 campaign account after August 4,
19 2004, but these were not considered surplus funds under applicable state law until after
20 December 31, 2004. Those funds could continue to be used for any purpose reasonably related to
21 a political purpose throughout the calendar year 2004.

22 35. The Commission finds that Respondent did not violate San Francisco Campaign and
23 Governmental Conduct Code section 1.122(b)(ii) by continuing to use campaign funds during
24 the period between his withdrawal from candidacy and December 31, 2004.

25
26 36. Even though Respondent did not violate San Francisco Campaign and Governmental
27 Conduct Code section 1.122(b)(ii), the Commission notes that Respondent violated California
28 Government Code sections 89510(b) and 89512 and San Francisco Campaign and Governmental

1 Conduct Code section 1.122(b)(i) by using his funds to pay for meals with no legislative,
2 governmental or political purpose. Of the 16 meals in dispute, Respondent claims to have hosted
3 eight “thank you” meals for his supporters. But, pursuant to guidance issued by the FPPC,
4 candidates may only use campaign funds for a single “thank you” event or election night
5 celebration, and Respondent claims to have hosted “thank you” meals up to nearly three months
6 after he ended his candidacy. Respondent vaguely claims that he discussed a write-in candidacy
7 after August 5, 2004 at various meals with his supporters or took his staff out for dinners, but he
8 never took any steps toward becoming a write-in candidate and stopped all of his campaign
9 activity – including staff meetings – after early August.
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11 37. Count IV of the Accusation does not charge a violation of California Government Code
12 sections 89510(b) and 89512 or San Francisco Campaign and Governmental Conduct Code
13 section 1.122(b)(i). For that reason only, the Commission makes a finding of no violation on
14 Count IV and imposes no penalty based on the findings in this count.
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16 **Accusation Count V**

17 38. Count V of the Accusation charges Respondent with using campaign funds to pay for
18 goods not reasonably related to a legislative, governmental or political purpose, in violation of
19 San Francisco Campaign and Governmental Conduct Code sections 1.106 and 1.122 and
20 California Government Code sections 89510 and 89512.

21 39. Funds in a committee’s campaign account may be used only on behalf of the candidacy
22 or for expenses associated with holding an office, provided that such expenditures are reasonably
23 related to a legislative, governmental, or political purpose. S.F. C&GCC § 1.122(b)(i); Cal.
24 Gov’t Code §§ 89510(b), 89512.
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26 40. All expenditures of campaign funds for the purposes of seeking office must be reasonably
27 related to a political purpose. Expenditures which confer a substantial personal benefit must be
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1 directly related to a political, legislative or governmental purpose. Cal. Gov't. Code § 89512,
2 S.F. C&GCC § 1.122(b)(i).

3 41. A "substantial personal benefit" is defined as "an expenditure of campaign funds which
4 results in a direct personal benefit with a value of more than two hundred (\$200) to a candidate,
5 elected officer . . . with authority to approve the expenditure of campaign funds held by a
6 committee." Cal. Gov't. Code § 89511.

7 42. On April 16, 2004, Respondent spent \$320.36 to purchase purses at Red Garter in
8 Virginia City, Nevada as gifts for his daughters. (HOTM 297:24-298:9; Joint Ex. 8, pg. 148;
9 Joint Ex. 11.) The purchases were purely personal, and served no political, governmental, or
10 legislative purpose. (Joint Ex. 1, 150:8-10; Joint Ex. 11; HOTM 246:8-25; 386:11-12; 581:20-
11 582:3.)

12 43. On his FPPC Form 460 covering campaign committee activity from January 1 to June 30,
13 2004, Respondent listed, in Schedule E (Payments Made), the \$320.36 expenditure from Red
14 Garter. (Joint Ex. 8, pg. 148; Joint Ex. 11.) In that official filing, Respondent reported the
15 expenditure under the expense code "OFC," which represents "office expenses." (Id.)
16 Respondent reviewed and signed each FPPC Form 460 under penalty of perjury, and indicated
17 that he had used "all reasonable diligence in preparing and reviewing" the statements. (Joint
18 Exs. 4, 8, 21; Joint Ex. 1, 58:13-24; 62:16-18; 63:23-64:3; HOTM 321:10-12.)

19 44. Respondent did not reimburse his campaign committee for these personal expenditures
20 until "a couple of weeks before" his February 9, 2007 deposition regarding Ethics Complaint No.
21 24-050928, almost three years after he bought the gifts for his daughters using campaign funds.
22 (Joint Ex. 1, 150:19-25; 151:1-10; HOTM 301:2-3.)

23 45. Respondent has admitted to violating the law relating to his purchases at the Red Garter
24 in Virginia City, Nevada. The purchases were made for his and his family's personal gain and
25 not for a legislative, governmental, or political purpose. Respondent did not reimburse his
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1 campaign committee for over two years – and only after receiving a subpoena for a deposition
2 from Ethics Commission staff. For these reasons, the Commission finds that Respondent
3 violated San Francisco Campaign and Governmental Conduct Code section 1.122(b)(i) and
4 California Government Code sections 89510(b) and 89512.

5 46. The Commission adopts Staff's penalty recommendation and imposes a penalty of \$1,000
6 for this violation. This amount is reasonable in view of the nature of the violation and the
7 maximum possible penalty. The maximum amount is higher than the proposed amount and the
8 Commission exercises its discretion in adopting Staff's recommended penalty.³
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10 **Accusation Count VI**

11 47. Count VI of the Accusation charges Respondent with failing to report a \$12,000 personal
12 loan on his leaving office Statement of Economic Interest ("Form 700"), in violation of S.F.
13 C&GCC section 3.1-102.

14 48. Although the Commission believes that Form 700 was not filled out properly, the
15 Accusation charges Respondent with failing to list \$12,000 as a loan. Since the Commission did
16 not find that the \$12,000 was a loan, see Findings 1 – 6, the Commission makes a finding of no
17 violation on the charge as listed and imposes no penalty based on the findings in this Count VI.
18

19 **Further Findings by the Commission**

20 49. The allegations presented in the complaint to the Commission raise significant questions
21 of campaign finance, ethics and integrity at the heart of the Commission's responsibilities. The
22 issues were complex and serious as demonstrated by the extended analysis required by the
23 Commission to reach our determination. The Commission rejects Respondent's suggestion that
24 this was in any way a travesty or that the investigation was excessive, unprofessional or
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26 ³ The vote on this Finding No. 46 was 4-1, with Commissioner Hansen dissenting.
27 Commissioner Hansen agreed with the Commission in its finding of violation but dissenting in
28 favor of a higher penalty.

1 politically motivated on the part of the Staff or Commission, and it therefore finds that there has
2 been no due-process violation as alleged by Respondent.

3 50. The Commission acknowledges the extensive work of both Staff and Respondent in this
4 proceeding.

5 **IT IS SO ORDERED.**

6
7 Dated: January 12, 2009

8 _____
SUSAN J. HARRIMAN, Chairperson

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EMI GUSUKUMA, Vice-Chairperson

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12 _____
EILEEN HANSEN, Commissioner

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14 _____
JAMIENNE S. STUDLEY, Commissioner

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16 _____
CHARLES L. WARD, Commissioner

CITY AND COUNTY OF SAN FRANCISCO ETHICS COMMISSION
ETHICS COMPLAINT NO. 24-050928

EXHIBIT A
WITNESS LIST FOR HEARING ON THE MERITS

CITY AND COUNTY OF SAN FRANCISCO ETHICS COMMISSION
ETHICS COMPLAINT NO. 24-050928
WITNESS LIST FOR HEARING ON THE MERITS

Staff's Witnesses

Olivia Scanlon
Seamus Cudden
Dave Jensen
Jim Ross

Respondent's Witnesses

Ralph Ochoa
Carlos Rodriguez
Nora Hall
Tony Hall
Beverly Greene
Katherine Molinari
Roger Ewing
Yiannis Gutow
Peter Fatooh
Michael Buckley
Frank Gallagher
Eamon Murphy
Peter Bagatelos

CITY AND COUNTY OF SAN FRANCISCO ETHICS COMMISSION
ETHICS COMPLAINT NO. 24-050928

EXHIBIT B
EXHIBIT LOG FOR HEARING ON THE MERITS

CITY AND COUNTY OF SAN FRANCISCO ETHICS COMMISSION
ETHICS COMPLAINT NO. 24-050928
EXHIBIT LOG FOR HEARING ON THE MERITS

Joint Exhibit No.	Description	Marked for Identification	Objection?	Admitted?	Notes
1.	2/09/07 - Transcript of Tony Hall deposition.	6/09/08	No	Yes 7/15/08	
2.	5/03/07 - Transcript of Tony Hall deposition.	6/09/08	No	Yes 7/15/08	
3.	7/5/04 - Friends of Tony Hall check request form for \$12,000 payment to O. Scanlon.	6/09/08	No	Yes 7/15/08	
4.	11/23/05 - Friends of Tony Hall for Supervisor FPPC Form 460 (7/1/04-9/30/04) filed 11/23/05.	6/09/08	No	Yes 7/15/08	
5.	9/03/04 - Tony Hall Statement of Economic Interest ("SEI") - Leaving Office.	6/09/08	No	Yes 7/15/08	
6.	8/31/04 - Tony Hall SEI - Assuming Office.	6/09/08	No	Yes 7/15/08	
7.	10/27/05 - Tony Hall SEI - Leaving Office.	6/09/08	No	Yes 7/15/08	
8.	7/23/04 - Friends of Tony Hall for Supervisor FPPC Form 460 (1/01/04 - 6/30/04).	6/09/08	No	Yes 7/15/08	
9.	8/05/04 - Resignation letter to Clerk of the Board of Supervisors.	6/09/08	No	Yes 7/15/08	
10.	8/02/04 - Letter from Frank Gallagher to Tony Hall.	6/09/08	No	Yes 7/15/08	
11.	4/16/04 - Receipt from Red Garter.	6/09/08	No	Yes 7/15/08	
12.	Copy of check number 5089, \$7,000, from Cudden R. Seamus Construction to Tony Hall.	6/09/08	Yes	Yes 6/9/08	
13.	Copy of check number 5093, \$5,000, from Cudden R. Seamus Construction to Tony Hall.	6/09/08	Yes	Yes 6/9/08	
14.	11/06/06 - Declaration of Olivia Scanlon.	6/09/08	No	Yes 6/9/08	
15.	12/03/07 - Declaration of Seamus Cudden.	6/09/08	No	Yes 6/9/08	
16.	12/10/07 - Declaration of David Jensen.	6/09/08	Yes	No 6/9/08	
17.	7/5/04 - Check request form and copy of check number 1048, \$12,000, from Friends of Tony Hall to Olivia Scanlon.	6/09/08	No	Yes 6/9/08	
18.	2/20/04 - Handwritten note from Tony Hall to Frank Gallagher.	6/09/08	No	Yes 7/15/08	
19.	Meal receipts.	6/09/08	No	Yes 7/15/08	
20.	Gasoline receipts.	6/09/08	No	Yes 7/15/08	
21.	11/23/05 - Friends of Tony Hall for Supervisor FPPC Form 460 (10/01/04 - 10/16/04).	6/09/08	No	Yes 7/15/08	
22.	6/27/08 - Subpoena - Wells Fargo	7/15/08	No	Yes 7/15/08	
23.	Copy of check number 5089, \$7,000, from Cudden R. Seamus Construction to Tony Hall,	7/15/08	No	Yes 7/15/08	

CITY AND COUNTY OF SAN FRANCISCO ETHICS COMMISSION

ETHICS COMPLAINT NO. 24-050928

EXHIBIT LOG FOR HEARING ON THE MERITS

	with notation for "services."				
24.	8/11/08 – Subpoena – Bank of America	10/27/08	No	Yes 10/27/08	

CITY AND COUNTY OF SAN FRANCISCO ETHICS COMMISSION

ETHICS COMPLAINT NO. 24-050928

EXHIBIT LOG FOR HEARING ON THE MERITS

Respondent's Exhibit No.	Description	Marked for Identification	Objection?	Admitted?	Notes
4. 22. ¹	1/12/07 – Copy of Bagatelos legal memo.	6/09/08	Yes	Yes 10/27/08	Admitted for limited purpose of showing cooperation with authorities
2. 23.	7/21/06 - Copy of Bagatelos letter to Richard Mo.	6/09/08	Yes	Yes 10/27/08	Admitted for limited purpose of showing cooperation with authorities
3. 24.	2/23/07 - Copy of Bagatelos memo to Richard Mo.	6/09/08	No	Yes 10/27/08	
4. 25.	11/21/06 - Copy of Bagatelos email to Richard Mo.	6/09/08	Yes	Yes 10/27/08	Admitted for limited purpose of showing cooperation with authorities
5. 26.	11/15/07 - Copy of Bagatelos chronology.	6/09/08	Yes	No 10/27/08	
6. 27.	7/14/06 – Copy of Mo letter to Bagatelos.	6/09/08	Yes	Yes 10/27/08	
7. 28.	9/07/07 – Copy of Hagopian letter to St. Croix.	6/09/08	No	No 10/27/08	
8. 29.	9/19/07 – Copy of St. Croix letter to Hagopian.	6/09/08	No	No 10/27/08	
9. 30.	9/28/07 – Copy of Hagopian letter to St. Croix.	6/09/08	No	No 10/27/08	
10. 31.	2004 - Copies of Respondent's tax information.	6/09/08	No	Yes 7/15/08	
11. 32.	1/10/05 – Copy of Respondent's letter to Seamus Cudden.	6/09/08	No	Yes 7/15/08	
12. 33. ²	2/22/07 – Letter from Eamon Murphy.	6/09/08			
13. 34.	2/22/07 – Copy of letter from David Canepa.	6/09/08	Yes	Yes 7/15/08	Admitted as hearsay evidence
14. 35.	11/22/04 – Copy of Respondent's note regarding phone conversation with Seamus Cudden.	6/09/08	No	Yes 7/15/08	Admitted as hearsay evidence
15. 36.	2/23/07 – Copy of letter from Michael Buckley faxed to Respondent.	6/09/08			
16. 37.	2/27/07 – Copy of Letter from Burt Hamrol.	6/09/08	Yes	No 10/27/08	
17. 38.	11/17/07 – Declaration of Peter Fatooh.	6/09/08	Yes	No 10/27/08	

CITY AND COUNTY OF SAN FRANCISCO ETHICS COMMISSION
ETHICS COMPLAINT NO. 24-050928
EXHIBIT LOG FOR HEARING ON THE MERITS

Respon- dent's Exhibit No.	Description	Marked for Identification	Objection?	Admitted?	Notes
18. 39.	11/16/04 – Declaration of Vincent Desmond.	6/09/08			
19. 40.	11/24/07 – Declaration of Frank Gallagher.	6/09/08	Yes	Yes 7/15/08	Admitted as hearsay
20. 41.	11/19/07 – Declaration of Ralph Ochoa.	6/09/08	No	Yes 10/27/08	
21. 42.	11/21/07 – Declaration of Maureen Kelly.	6/09/08	Yes	No 10/27/08	
22. 43.	11/26/07 – Declaration of Beverly Greene.	6/09/08			
23. 44.	11/23/07 – Declaration of Yanni Gutow.	6/09/08			
24. 45.	Copy of 2004 Form 1099 issued to Olivia Scanlon.	6/09/08	No	Yes 7/15/08	
25. 46.	9/30/04 – Copy of letter with Respondent's signature.	6/09/08	No	Yes 7/15/08	
26. 47.	8/31/07 – San Francisco Chronicle article.	6/09/08	No	No 10/27/08	Moving party may file request that Commission take judicial notice
27. 48.	12/14/07 - San Francisco Chronicle article.	6/09/08	No	No 10/27/08	Moving party may file request that Commission take judicial notice
28. 49.	12/15/07 - San Francisco Chronicle correction.	6/09/08	No	No 10/27/08	Moving party may file request that Commission take judicial notice
29. 50.	Respondent's bank records indicating date of deposit of the checks from Cudden R. Seamus Construction to Respondent, dated June 1, 2004 (check number 5089) and July 15, 2004 (check number 5093).	6/09/08	No	Yes 7/15/08	
30. 51.	2/22/07 – Declaration from David J. Canepa.	6/09/08	Yes	No 10/27/08	

CITY AND COUNTY OF SAN FRANCISCO ETHICS COMMISSION
ETHICS COMPLAINT NO. 24-050928
EXHIBIT LOG FOR HEARING ON THE MERITS

Staff's Exhibit No.	Description	Marked for Identification	Objection?	Admitted?	Notes
4. 52.	Red Garter - website printout	6/09/08			
2. 53.	8/11/04 – Check request form for \$5,000 payment to Frank Gallagher.	6/09/08			
3. 54.	3/09/04 - Letter from Frank Gallagher to Tony Hall	6/09/08	No	Yes 10/27/08	

¹ Respondent's Exhibits and Staff's Exhibits were renumbered at the Hearing on the Merits.

² Respondent's Exhibits 33, 36, 39, 43, and 44, and Staff's Exhibits 52 and 53 were submitted with original papers but not moved into evidence.