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8 Investigator/Petitioner

9 **BEFORE THE CAMPAIGN FINANCE ETHICS COMMISSION**
10 **COUNTY OF VENTURA**

11 In the Matter of:
12 LINDA PARKS and VOTE FOR PARKS,
13 Respondents.

CASE NO. 2006-12A

RECOMMENDATION OF DISMISSAL,
REPORT IN SUPPORT THEREOF, AND
PROPOSED DECISION AND ORDER

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15 The Petitioner hereby recommends that the Ventura County Campaign Finance Ethics
16 Commission dismiss the complaint in above-referenced matter on grounds that the evidence does not
17 support any charge of a violation of the Ventura County Campaign Finance Reform Ordinance,
18 pursuant to Section 3.13 of Article XIII of the Ventura County Campaign Finance Ethics
19 Commission Operating Policies (the "Operating Policies"), revised and adopted June 9, 2006.
20 Petitioner's report in support of the recommendation and a proposed decision and order are attached
21 hereto.

22 DATED: April 18, 2007

COLANTUONO & LEVIN, PC

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25 KENNETH C. HARDY

26 Investigator & Petitioner

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555 West 5th Street, 31st Floor
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REPORT OF FINDINGS
CASE NO. 2006-12A

Kenneth C. Hardy was appointed as an investigator in Case No. 2006-12a. Mr. Hardy investigated the matter, including interviewing Linda Parks, Louis Masry, and Joseph Gibson and reviewing the complaint and related documentation, and reports the following:

Joseph Gibson filed a letter dated June 9, 2006, to the Ventura County Elections Division, with enclosures, alleging violations of the Ventura County Campaign Finance Reform Ordinance (“Ordinance”). The allegations revolve around a newspaper ad supporting Linda Parks for Supervisor. The ad states that it was paid for by “The Masry Family for a better Ventura County.” Louis Masry paid for the ad. According to the newspaper, the ad should have cost \$942.40 to run. Louis Masry made a contribution of \$600 to Vote for Parks. See page 14 of California Form 460 filed by Vote for Parks.

Based on the allegations and probable cause determination, the primary issue is whether payment for the ad constitutes a “contribution” from Louis Masry to Linda Parks or the Vote for Parks committee (hereinafter collectively referred to as “Parks”), therefore increasing his total contribution to Parks to approximately \$1,542.40 – which is above the \$600 limit of Ordinance Section 1268(a)¹ – or whether it constitutes an “independent expenditure.” Payments for communications that support a candidate but are not made “at the behest” of the candidate are called independent expenditures and are not contributions to the candidate.² A payment is made at the behest of a candidate or committee if the payment is made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the prior consent of the candidate or committee.³

¹ Ms. Parks was a “participating candidate” as defined under the Ordinance. Under Ordinance Section 1268(a), no person shall make to a participating candidate or the controlled committee of the candidate, and no such candidate or committee shall accept from a person, contributions totaling more than \$600 per election.

² Government Code section 82031.

³ California Code of Regulations, title 2, section 18225.7.

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Mr. Gibson's June 9th letter does not allege that payment for the ad was made at the behest of Parks nor does it describe any alleged acts by Parks or anyone else that, if true, would render such payment as made at the behest of Parks.

Ms. Parks, furthermore, stated that neither she nor anyone on her behalf communicated or coordinated with Louis Masry or anyone on his behalf about the ad. She stated that she did not know of the ad until it was published. Louis Masry stated that neither he nor anyone on his behalf communicated or coordinated with Ms. Parks or anyone on her behalf about the ad. Louis Masry stated that the substantive text of the ad was taken directly from the Re-Elect Linda Parks website. A comparison of the ad and the Re-Elect Linda Parks website indicates that a quotation and a list of issues set forth in the ad share identical wording with information on the web site. The photograph in the ad is of Ed Masry (Louis Masry's father) and Linda Parks. Louis Masry stated that this photograph was selected from a collection of family photographs he had reviewed when his father passed away in 2005. Ms. Parks stated that Ed Masry and she had both run for Thousand Oaks City Council as a "team" in around 2000. A photograph very similar to the one in the ad is found in Ed Masry's campaign material for this City Council election.

Documentation relevant to the above findings is available upon request. The foregoing indicates that the evidence does not support a claim that payment of the ad was made at the behest of Parks and that there was a related violation of Ordinance Section 1268(a).⁴

DATED: April 18, 2007

COLANTUONO & LEVIN, PC



KENNETH C. HARDY
Investigator & Petitioner

⁴ Correspondence from the Elections Division dated February 1, 2007, regarding Case No. 2006-12a, states that contributions have been accounted for and that Parks is "now" in compliance with the Ordinance. It should be noted that the evidence shows that Parks was never out of compliance with the Ordinance in this matter.

1 DECISION AND ORDER

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3 The Ventura County Campaign Finance Ethics Commission, having reviewed the
4 Recommendation of Dismissal and Report of Findings at its meeting on
5 _____, hereby adopts such Recommendation of Dismissal and Report of
6 Findings as its final decision and determination in Case No. 2006-12a. It is hereby ordered that all
7 complaints and charges in Case No. 2006-12a are hereby dismissed.

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10 DATE: _____

11 Honorable William L. Peck
12 Chair, Campaign Finance Ethics Commission

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