

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Kenneth C. Hardy
COLANTUONO & LEVIN, PC
555 West 5th Street, 31st Floor
Los Angeles, California 90013
Telephone: (213) 533-4206
Facsimile: (213) 533-4191
khardy@cllaw.us

Investigator/Petitioner

RECEIVED
AUG 30 2007

OFFICE OF CLERK
BOARD OF SUPERVISORS

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

In the Matter of:

FRIENDS OF STEVE BENNETT,

Respondent.

CASE NO. 2007-02

NOTICE OF MOTION AND MOTION TO
DISMISS COMPLAINT; MEMORANDUM
OF POINTS AND AUTHORITIES;
PROPOSED DECISION AND ORDER

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that at the next regularly scheduled meeting of the Ventura County Campaign Finance Ethics Commission (the "Commission"), which meeting shall take place at the County Government Center, Hall of Administration, Board of Supervisors Hearing Room, 800 South Victoria Avenue, California 93009, Petitioner will move the Commission to dismiss Complaint No. 2007-02 in its entirety. Petitioner files this motion pursuant to Section 13.03 of the Ventura County Campaign Finance Ethics Commission Operating Policies (the "Operating Policies"), revised and adopted July 11, 2007.

1 The motion to dismiss is based on the memorandum of points and authorities filed
2 concurrently herewith and any oral argument and additional material presented to the Commission at
3 the hearing on the matter.

4 DATED: August 22, 2007

COLANTUONO & LEVIN, PC

5
6 
7 KENNETH C. HARDY
8 Investigator & Petitioner

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Colantuono & Levin, PC
555 West 5th Street, 31st Floor
Los Angeles, CA 90013

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF
POINTS AND AUTHORITIES

I.
FACTS

Respondent Steve Bennett¹ is a member of the Ventura County Board of Supervisors. On June 4, 2007, Respondent filed with Ventura County a Form 501 "Candidate Intention Statement," indicating his intent to seek reelection to the Board. A direct primary election is scheduled for June 3, 2008. On August 2, 2007, Carroll Dean Williams filed a complaint with the Ventura County Campaign Finance Commission containing a number of charges, discussed below.

II.
ANALYSIS

Charge No. 1. Respondent currently holds office as a Ventura County Supervisor but is not currently a "County candidate" as that term is defined by Section 1264(a) of the Ventura County Campaign Finance Reform Ordinance (the "Ordinance"), because nominations do not begin until February 11, 2008.

Analysis. Neither Section 1264(a) nor any other section of the Ordinance requires a person to be nominated before being considered a candidate. Section 1264(a) simply provides that a " 'County candidate' means any individual who is a candidate for Supervisor, Sheriff," etc. Section 1264(a) also provides that Government Code section 82007 also applies to such individuals. Section 82007 defines a candidate as, among other things, an individual "who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any elective office, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time." Thus, Respondent does not need to be nominated to be considered a candidate for purposes of the Ordinance.

¹ Respondent means Steve Bennett and/or the Friends of Steve Bennett (a controlled committee of Mr. Bennett).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

XIV, which discusses disqualification standards and procedures for members of the Ventura County Campaign Finance Ethics Commission (the "Commission"). Complainant does not describe what he intends to do with this information. If complainant wishes to make a request or seek action under Article XIV, he may of course do so. Petitioner does not seek any action under Article XIV.

IV.

CONCLUSION

Based on the foregoing, we respectfully request that the Campaign Finance Ethics Commission dismiss Case No. 2007-02 in its entirety.

DATED: August 22, 2007

COLANTUONO & LEVIN, PC



KENNETH C. HARDY
Investigator & Petitioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECISION AND ORDER

The Ventura County Campaign Finance Ethics Commission, having reviewed the Motion for Dismissal, supporting papers, any opposition, and oral arguments, at its meeting on _____, hereby grants the Motion for Dismissal in its entirety. It is hereby ordered that all complaints and charges in Case No. 2007-02 are dismissed.

DATE: _____

Honorable William L. Peck
Chair, Campaign Finance Ethics Commission

Colantuono & Levin, PC
555 West 5th Street, 31st Floor
Los Angeles, CA 90013

PROOF OF SERVICE
In the Matter of: Friends of Steve Bennett
Case No. 2007-02

I, Paul A. McConnell, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 555 West 5th Street, 30th Floor, Los Angeles, California 90013. On August 22, 2007, I served the document(s) described as **NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES; PROPOSED DECISION AND ORDER** on the interested parties in this action as follows:

By placing the original a true copy thereof enclosed in a sealed envelope addressed as follows:

Carroll Dean Williams
2851 Apache Avenue
Ventura, CA 93001

BY MAIL: The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after service of deposit for mailing in affidavit.

OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by FEDERAL EXPRESS UPS Overnight Delivery [specify name of service: _____] with delivery fees fully provided for or delivered the envelope to a courier or driver of FEDERAL EXPRESS UPS OVERNIGHT DELIVERY [specify name of service: _____] authorized to receive documents at 555 West 5th Street, 30th Floor, Los Angeles, California 90013 with delivery fees fully provided for.

BY FACSIMILE: The foregoing document was transmitted to the above-named persons by facsimile transmission from (213) 533-4191 before 5:00 p.m. on said date and the transmission was reported as complete and without error.

[State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[Federal] I declare that I am employed in the offices of a member of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on August 22, 2007, at Los Angeles, California.


Paul A. McConnell