

2531 Crestview Drive  
Newport Beach, California 92663  
October 6, 2009

Fair Political Practices Commission  
c/o Mr. Ronald Rotunda

Re: My Proposed Gift of One Year's Tuition to Chase Arthur

Dear Commission Members:

About three months ago my wife and I attended a party for my son's friends who were all graduating seniors from Mater Dei High School, as well as their parents, at the home of Commissioner Craig and Jill Arthur, and their son Chase. During this time that all of our son's friends were talking about their choices of colleges and announcing their plans, there was some mystery about where Chase would be going. The word was that, even at this late date, he had not made up his mind and his college plans were not yet set. I think it is safe to say that all of us found this to be unusual, to the degree that, in somewhat poor taste, I made some comment about the situation in Jill's presence. The circumstances were even more unusual because Craig was not present at the party.

Then, for reasons still unknown to me, when I happened later to be in the kitchen with Jill, she broke down and explained to me that her family was having some severe problems, and that there would not be any money for Chase to attend college. As a result, he would be forced to attend Orange Coast College for a couple of years.

Nothing more happened that evening, but after we left and as I thought about it, it really impressed me that this was a potential tragedy. I really do not know Jill or Craig that well, but for the past four years at Mater Dei I had the opportunity rather extensively to observe Chase in numbers of situations. The reason was because Chase and our son had been on the same basketball team for two years, and also because Chase had spent a fair amount of time at our home due to his friendship with our son. So during this period of time, I had formed a real admiration for Chase, and had seen genuine potential for leadership in him.

As a result of all of this, the next day I telephoned Jill and volunteered to pay the necessary amount of money for Chase's tuition. I had inherited some money from my parents, and, having observed them for all of my life, felt that they would really approve of this use of some of their money. This was expressly intended not to be a loan, but a gift – from me (and my parents) to Chase.

I think it is safe to say that my offer was completely unexpected by Jill, and a significant shock to her. She took several days to contemplate the situation, but eventually she accepted my offer on Chase's behalf. But I told her that this was to be completely anonymous. Only she and Craig were to know my identity, and expressly Chase was not to know. So to this moment, other than my wife, no one knows anything about this, except now for you. So to maintain this situation, I request that the details of this matter continue to be kept completely confidential.

With regard to possible ethical considerations, you should know something about me. As of last January, I retired from my position for the past 25 years as a judge of the Orange County Superior Court. The only way that I really had occasion to meet Craig was through our mutual attendance at Chase's and our son's basketball games, and I don't really know him at all from the Court. In fact, I only consider us to be acquaintances, although I have a high regard for both Craig and Jill from the short times we have spent together, and have always considered both of them to be quite family oriented.

So other than what I have told you, I do not have any dealings or relationships with Craig whatsoever, or any of the work he is doing on the court – nor any anticipation of that situation changing. In addition, I do not have any dealings or relationships Jill whatsoever, or with the City of Santa Ana, where Jill has an executive position – nor any anticipation of that situation changing. In short, there is not even a realistic possibility that there is or could be any connection between this gift to their son and either of their professional responsibilities or decisions.

I know there could be an issue about whether Chase is really even a dependent of Craig and Jill's in the first place, since I believe he now is 19 years old and legally an adult. I take no position on that issue whatsoever. But what I do understand is that it is your commission's legitimate concern to protect the integrity and ethics of our system of justice and of government – as well as any possible appearance of favoritism or impropriety. And in that regard, I am completely in accord with your mandate. But I am also completely convinced that there is no difficulty whatsoever, or even a reasonable possibility, of such a problem. So the facts of this situation alone should be enough to allow this opportunity for Chase to go forward without delay or hindrance.

Any alternative decision in my opinion would truly elevate form over substance. This is an unsolicited opportunity for a deserving and promising young man to be able to pursue his potential and go to college. This result will not only benefit him, but it will also demonstrably benefit our society as well. But if, on the contrary, this deserving and promising young man were to be deprived of this opportunity, it would literally be an intentional and unnecessary wound to him, and to our society.

As a result, it is my request for there to be no action in this matter that would in any fashion intercede to delay or deny this opportunity to Chase Arthur. In reliance upon this promised gift, Chase has already excitedly enrolled at Santa Clara University, where he has already begun his classes. Any action to change this situation would not only be contrary to reason, it would actually be unnecessarily cruel.

If I can furnish any additional information of any kind on this important matter, please do not hesitate to contact me on my cell phone at 714 328-8829. And in good faith, I am relying upon each of you to keep this matter confidential.

Sincerely yours,

Judge James P. Gray (Ret.)  
Orange County Superior Court