

Ourania Riddle

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December 1, 2010

Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Commission Chairman: Dan Schnur
Commissioners: Timothy A. Hodson, Elizabeth Garrett,
Lynn Montgomery, Ronald D. Rotunda

RE: In the Matter of George Barich, FPPC No. 09/774.

Dear Commissioners:

My name is Ourania Riddle and I would like to address the Commission on behalf of George Barich. On December 9, 2010, I will be in Texas and will be unable to address you in person during the Commission's meeting. Therefore, I am submitting this letter as my comments on agenda item number 6. "In the Matter of George Barich, FPPC No. 09/774."

The Fair Political Practices Commission alleges that Mr. Barich violated the Political Reform Act on two counts:

COUNT 1: Respondent George Barich made a cash campaign contribution of \$1,000, in violation of Section 84300, subdivision (a), of the Government Code.

COUNT 2: Respondent George Barich failed to establish a single campaign bank account upon receipt of contributions of \$1,000 or more for his 2008 Cotati City Council campaign, in violation of Section 85201 of the Government Code.

Regarding Count 1 alleged violation: I have a personal knowledge of the fact that Mr. Barich was approached by Adrienne Lauby, member of the Coalition to Protect Cotati's Future, and was asked to make a sizable contribution knowing Mr. Barich was a successful businessman. and fellow Coalition member. Mr. Barich offered a contribution in a way of a check, but was told by Ms Lauby that they did not have a checking account any longer and asked Mr. Barich if he could give cash instead. Mr. Barich agreed to do so. Mr. Barich is just an ordinary citizen. How many citizens or even attorneys do you personally know who are aware of the laws governing campaigns and contributions? In fact, most citizens just have minimal knowledge of legal matters. They do not know whether their right to give cash can be deemed illegal in certain situations. If WE, the citizens, were politically involved and alert, the City of Bell scandal would not have happened. Mr. Barich may be naïve as to campaign contribution limitations and trusted Ms Lauby to know the legality of what she was doing in requesting a cash donation of this size, but I believe Mr. Barich did not try to hide his identity, had no reason to do so, and did not try to circumvent the law. As it is indicated in your staff's report the "Coalition to Protect Cotati's Future (I.D. No. 1262047) was a primarily formed ballot measure committee." They had the responsibility to do the proper reporting and had a duty to refuse any contribution which appeared to be in violation of the law. Since they failed to do what was required of them and failed to instruct their donors of the campaign limitations, Mr. Barich should not be held responsible. If you really think about it he actually was the real victim here.

Regarding Count 2 alleged violation: I have been the campaign treasurer for at least a dozen local candidates in recent years. I have read the campaign manual several times. My understanding is that the purpose of reporting campaign receipts and expenditures is to ensure the voters are informed and know who is financing political campaigns. When Mr. Barich told me that he was notified by FPPC of his failure to open a campaign bank account and properly and timely prepare and file campaign statements to accurately report his 2008 campaign activities, I volunteered to help him with his fillings.

When Mr. Barich provided me with his records, I realized that Mr. Barich was not trying to hide anything.

He may have been a sloppy bookkeeper, but all of his paperwork was there, he was not hiding anything. He funded his own campaigns one hundred percent (100%) which is a key point not to be overlooked. The public's right to know was never an issue. In fact, I believe Mr. Barich should be the poster child for every political campaign in this state because he refused all contributions, which he refused, refused all contributions and spent his own hard-earned money to finance his own campaigns. The voters knew who was financing this candidate.

When I asked him why he did not report his 2008 campaign loans and expenditures his answer was logical and simple. The definition for a "Political contribution" is "a contribution made to a politician or a political campaign or a political party". Mr. Barich was financing his own political campaign. Therefore, he did not view his own money as "contribution" and relied on the Cotati City Clerk for her interpretation of the law. This woman, Tammy Taylor, is the election official who should also have known the law and should have instructed Mr. Barich properly in her well paid position in the city government of Cotati.

I helped Mr. Barich prepare and file all the required forms for his 2008 campaign and I believe them to now be correct. In addition, I am happy to report that with my help Mr. Barich has indeed filed, in a timely manner, all required forms for his 2010 campaign.

The initial complaint filed against Mr. Barich was nothing more than political sour grapes from his political opponents in Cotati. Mr. Barich cooperated fully with the FPPC investigators and I believe told the truth.

In my humble opinion and from previous observations, this governmental agency has a tendency to pick on an easy target, like Mr. Barich, who hasn't violated the spirit of the law, while relying on the advice of your investigators and staff attorneys that concentrate on the strict interpretation of the law to the detriment of the process.

I am sure the FPPC investigators spent valuable staff time investigating Mr. Barich's alleged violations. So, now they feel he must pay by suggesting unreasonable fines. They must punish him and find a way to recover the cost for the time spent on this investigation. It is my understanding that the real wrongdoers in this case have been fined, but you should not be punishing unsuspecting victims like Mr. Barich. I know of another State agency, the California Regional Water Quality Control Board, who imposes administrative penalties on cities, so they can balance their own budget or further their draconian unfunded mandates which rarely have solid scientific bases. I hope this is not the case with the FPPC.

To impose any fine on Mr. Barich would suggest to donors like Mr. Barich that they themselves should investigate the legal status of the groups and organizations they give to which places an unreasonable burden on the public to ask questions they don't even know to ask.

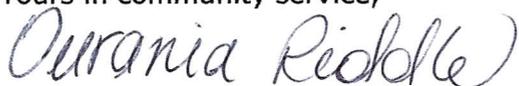
Yes, FPPC forms must be filed, bank accounts should be opened and closed as required by law, and the voters do have a right to know who is pulling the strings of politicians. However, this suggested penalty (\$7,500) is way over the top as a punishment for a minor infraction that harmed no one. It is my opinion, after reviewing the records of Mr. Barich's political campaigns that go back a decade, that he indeed followed the bad advice of his city clerk, tried to do the right thing, and never intended to deny the public's right to know. I ask you to take this into consideration.

The reporting of the donation was out of Mr. Barich's control. Thus, he should not be punished for the violations of others. Those who actually bundled the cash contribution, admitted full responsibility for their poor judgment to the local press and are the only guilty parties here. Your contemplated fine on Mr. Barich will have a chilling effect on political novices who simply want to get involved and help their communities. I ask you to take this into consideration.

I believe that if California had more public officials who funded their own campaigns like Mr. Barich, the citizens would be better served. The FPPC should go the extra mile to help candidates for office like Mr. Barich, rather than punishing them.

I respectfully request the Commission reject the proposed administrative penalties imposed on Mr. Barich in their entirety.

Yours in community service,



Ourania Riddle

December 1, 2010

Enclosed please find a letter with my comments on agenda item number 6 which will be heard at the December 9, 2010 Commission meeting.

Could you please distribute my comments to the Commissioners?

If you have any questions please call me at (707) 678-9468.

Thank you,

A handwritten signature in cursive script that reads "Ourania Riddle". The signature is written in dark ink and is positioned above the printed name.

Ourania Riddle