Fair Political Practices Commission ("Commission")

MEMORANDUM

To: Chairman Ravel, Commissioners Eskowitz, Garrett, Montgomery, and Rotunda

From: Gary S. Winuk, Chief of Enforcement
Neal P. Bucknell, Senior Commission Counsel

Date: October 24, 2012

Re: Assignment of Hearing to Administrative Law Judge ("ALJ")

Case Name: In the Matter of Bill Berryhill, Tom Berryhill, Bill Berryhill for Assembly - 2008, Berryhill for Assembly 2008, Stanislaus Republican Central Committee (State Acct.), and San Joaquin County Republican Central Committee/Calif. Republican Victory Fund (FPPC Case No. 10/828)

I. INTRODUCTION

In 2008, Respondent Bill Berryhill was a non-incumbent candidate for the California State Assembly, 26th District. He won the election. Respondent Bill Berryhill for Assembly - 2008 was his candidate controlled committee. (Hereafter, the committee is referred to as “Bill Berryhill for Assembly.”)

In this same election year, Respondent Tom Berryhill was seeking re-election as the incumbent candidate for the California State Assembly, 25th District. He won his election as well. Respondent Berryhill for Assembly 2008 was his candidate controlled committee. (Hereafter, the committee is referred to as “Tom Berryhill for Assembly.”)

Respondents Bill and Tom Berryhill are brothers.

At all relevant times, Respondent Stanislaus Republican Central Committee (State Acct.) was a political party committee in that it was the Republican county central committee for Stanislaus County. (Hereafter, the committee is referred to as the “Stanislaus County Republican Central Committee.”)

Also, at all relevant times, Respondent San Joaquin County Republican Central Committee/Calif. Republican Victory Fund was a political party committee in that it was the Republican county central committee for San Joaquin County. (Hereafter, the committee is referred to as the “San Joaquin County Republican Central Committee.”)
The above-referenced Respondents have requested an administrative hearing on the accusation attached hereto as Exhibit 1 (with an amendment attached hereto as Exhibit 2). The accusation alleges multiple violations of the Political Reform Act (the “Act”).\(^1\)

This memorandum is submitted to each member of the Commission pursuant to Regulation 18361.5, subdivision (b), which provides: “If the Executive Director determines that a hearing on the merits should be conducted before an administrative law judge alone pursuant to Government Code section 11512(a), he or she shall provide a copy of the accusation as well as a memorandum describing the issues involved to each member of the Commission. If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, the matter will be scheduled for a hearing before the Commission when an administrative law judge is available.”

II. PROCEDURAL HISTORY

On September 20, 2012, a probable cause conference was held in this case. Sukhi Brar, Commission Counsel for the Legal Division, presided as the hearing officer.

On September 26, 2012, pursuant to Regulation 18361.4, subdivision (e), Ms. Brar issued an Order Finding Probable Cause and to Prepare and Serve an Accusation. (The order was issued on September 26, 2012, and it was served on the Enforcement Division and Respondents’ counsel via email and regular mail on September 27, 2012.)

On October 5, 2012, the Enforcement Division served the Accusation and related papers on counsel for all Respondents. On October 18 and 19, 2012, all Respondents timely requested an administrative hearing by filing Notices of Defense with the Enforcement Division.

III. PROCEDURAL ISSUES

Every hearing in a contested case must be presided over by an ALJ. The agency itself shall determine whether the ALJ is to hear the case alone or whether the agency itself is to hear the case with the ALJ. (See Section 11512, subd. (a).)

When the agency itself hears the case, the ALJ shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the ALJ. When the ALJ alone hears a case, he or she shall exercise all powers relating to the conduct of the hearing. A ruling of the ALJ admitting or excluding evidence is

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\(^1\) The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.
subject to review in the same manner and to the same extent as the ALJ’s proposed decision in the proceeding. (See Section 11512, subd. (b).)

IV. SUMMARY OF THE ACCUSATION

The accusation includes 16 counts, which are summarized as follows:

Money Laundering and Unlawful Circumvention of Campaign Contribution Limits

**COUNT 1:** On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of $20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed. This was accomplished by making the contribution in the name of another, Respondent Stanislaus County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

**COUNT 2:** On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was $3,600. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of $20,000 that is described in Count 1, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution. Additionally, Respondent Stanislaus County Republican Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. (The Stanislaus County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution
was laundered through the committee.) In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

COUNT 3: On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of $20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed. This was accomplished by making the contribution in the name of another, Respondent San Joaquin County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

COUNT 4: On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was $3,600. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of $20,000 that is described in Count 3, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution. Additionally, Respondent San Joaquin County Republican Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. (The San Joaquin County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution was laundered through the committee.) In this way, Respondents Bill
Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

**COUNT 5:** In connection with a fundraiser that was held on or about October 28th, 2008, and as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was $3,600 per election, and Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, already had contributed the maximum allowed amount to Respondent Bill Berryhill for Assembly as of the end of 2007. However, Respondent Tom Berryhill, by and through his controlled committee, made an additional, over-the-limit in-kind contribution to Respondent Bill Berryhill for Assembly by paying in excess of $4,000 toward the cost of organizing and holding the above-referenced fundraiser of October 28th, which was for the benefit of Respondent Bill Berryhill. Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, attended the fundraiser and accepted this over-the-limit in-kind contribution from his brother. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

**False Reporting**

**COUNT 6:** On or about October 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of $20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84203,
subdivision (a), which requires accurate reporting of information about the sources of contributions received.

**COUNT 7:** On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of $20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84211, subdivision (f), which requires accurate reporting of information about the sources of contributions received.

**COUNT 8:** On or about October 29th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 1 through 2 by falsely reporting that the contribution in question (in the amount of $20,000) was made to Respondent Stanislaus County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere intermediary for the transaction. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

**COUNT 9:** On or about October 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 3 through 4 by falsely reporting that the contribution in question (in the amount of $20,000) was made to Respondent San Joaquin County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere intermediary for the transaction. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly
violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

**COUNT 10:** On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of $20,000 each) were made to Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were made to Respondent Bill Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84211, subdivision (k), which requires accurate reporting of information about the recipients of contributions.

**Failure to Report the Making and Receipt of an In-kind Contribution**

**COUNT 11:** Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly failed to report receipt of the contribution by filing a late contribution report with the Secretary of State within 48 hours of receiving the contribution, in violation of Sections 84203, subdivisions (a) and (b), and 84203.3, subdivision (b).

**COUNT 12:** Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly also failed to report receipt of the contribution on a semi-annual campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (a), (c) and (f).

**COUNT 13:** Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly failed to report the making of the contribution by filing a late contribution report with the Secretary of State within 24 hours of making the contribution, in violation of Section 84203, subdivisions (a) and (b).

**COUNT 14:** Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly also failed to report the making of the contribution on a semi-annual campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the
reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (b), (i) and (k).

**Failure to Report Gifts Received**

**COUNT 15:** As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of park tickets from the Walt Disney Company—worth approximately $244—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

**COUNT 16:** As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of Keith Urban concert ticket(s) from the Pechanga Band of Luiseno Mission Indians—worth approximately $59.50—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

The accusation requests a monetary penalty pursuant to Section 83116, subdivision (c), of up to $5,000 per count, for a total monetary penalty in an amount not to exceed $80,000.

**V.  CONCLUSION**

If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, the matter will be scheduled for a hearing before the Commission when an ALJ is available. (Regulation 18361.5, subd. (b).) Otherwise, hearing of this matter will be conducted before an ALJ alone pursuant to Section 11512, subdivision (a).
BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of

BILL BERRYHILL, TOM BERRYHILL, BILL BERRYHILL FOR ASSEMBLY - 2008, BERRYHILL FOR ASSEMBLY - 2008, STANISLAUS REPUBLICAN CENTRAL COMMITTEE (STATE ACCT.), and SAN JOAQUIN COUNTY REPUBLICAN CENTRAL COMMITTEE/CALIF. REPUBLICAN VICTORY FUND,

Respondents.

Complainant, the Fair Political Practices Commission ("Commission" or "FPPC"), hereby alleges the following:

PARTIES

1. Complainant is the Commission, a state agency charged with the duty to administer, implement, and enforce the provisions of the Political Reform Act.\(^1\) (Sections 83111 and 83116. Hereafter, the Political Reform Act is referred to as the "Act."

\(^1\) The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.
2. In 2008, Respondent Bill Berryhill was a non-incumbent candidate for the California State Assembly, 26th District. He won the election. Respondent Bill Berryhill for Assembly – 2008 was his candidate controlled committee. (Hereafter, the committee is referred to as “Bill Berryhill for Assembly.”)

3. In this same election year, Respondent Tom Berryhill was seeking re-election as the incumbent candidate for the California State Assembly, 25th District. He won his election as well. Respondent Berryhill for Assembly 2008 was his candidate controlled committee. (Hereafter, the committee is referred to as “Tom Berryhill for Assembly.”)

4. Respondents Bill and Tom Berryhill are brothers.

5. At all relevant times, Respondent Stanislaus Republican Central Committee (State Acct.) was a political party committee within the meaning of Section 85205 in that it was the Republican county central committee for Stanislaus County. (Hereafter, the committee is referred to as the “Stanislaus County Republican Central Committee.”)

6. Also, at all relevant times, Respondent San Joaquin County Republican Central Committee/Calif. Republican Victory Fund was a political party committee within the meaning of Section 85205 in that it was the Republican county central committee for San Joaquin County. (Hereafter, the committee is referred to as the “San Joaquin County Republican Central Committee.”)

**JURISDICTION**

7. When the Commission determines there is probable cause for believing that the Political Reform Act has been violated, it may hold a hearing in accordance with the Administrative Procedure Act to determine if a violation has occurred. (Section 83116.)

8. On September 26, 2012, pursuant to Regulation 18361.4, subdivision (e), the Commission issued an Order Finding Probable Cause and to Prepare and Serve an Accusation in this case. A true and correct copy of the order is attached hereto as Exhibit 1. (The order was issued on September 26, 2012, and it was served on the Enforcement Division and Respondents' counsel via email and regular mail on September 27, 2012.)

9. The order included a finding that Respondents violated the Act as set forth in this Accusation.
10. This Accusation was prepared and served in accordance with the terms of the order.

11. There is a five year statute of limitations in this case (per Section 91000.5), but Respondents’ violations, as alleged below, occurred less than five years ago.

**SUMMARY OF THE CASE**

12. This case arises from multiple violations of the Act, which were carried out by the Respondents in 2008.

13. The Act imposes campaign contribution limits with respect to the making and receiving of certain contributions. However, these limits are adjusted periodically, and different limits apply depending upon who is contributing and who is receiving.

14. For example, back in 2008, an individual wishing to contribute to a candidate for the California State Assembly could not contribute more than $3,600 per election. However, at that time, there was no limit on contributions from a political party committee (such as a county central committee) to that same candidate.² For more information about contribution limits, see Exhibit 3 hereto, which is an FPPC publication regarding the contribution limits that were in effect for the general election that was held on November 4, 2008.)

15. Money laundering occurs when an individual makes a contribution in the name of another. This is prohibited by the Act because it deprives the public of important information about the true source of campaign contributions, and it facilitates the unlawful circumvention of campaign contribution limits.

16. For example, an individual wants to contribute $20,000 to a candidate, but he is prohibited from doing so because of a contribution limit of $3,600. However, this same limit does not apply to contributions from a county central committee to the candidate, so the individual uses a county central committee as a “straw man” or intermediary for the contribution to the candidate. Thereafter, the individual files campaign statements/reports to the effect that he simply made a sizable contribution to a

² Back in 2008, there was a calendar year limit of $30,200 with respect to how much an individual could contribute to a political party committee. However, individuals could exceed this amount so long as the excess was not used by the committee to support/oppose candidates for state office.
county central committee, and the committee files statements/reports to the effect that it decided to
contribute the money to the candidate—effectively concealing the fact that the individual was the true
source of funds, and the committee was a mere "straw man" or intermediary. By laundering the
contribution in this way, the parties have committed multiple violations of the Act (making a contribution
in the name of another, making and accepting an over-the-limit contribution, and false reporting).

17. Another area that is covered by the Act is the reporting of gifts. Public officials, including
members of the California State Assembly, are required to file statements of economic interests, which
must disclose, among other things, the receipt of gifts worth $50 or more.

18. In this case, Respondents carried out a money laundering scheme to help Respondent Bill
Berryhill get elected to the California State Assembly in 2008. The scheme was similar to the example
described above, but it involved contributions laundered through two different county central
committees.

19. Also, the scheme involved an over-the-limit in-kind contribution from Tom Berryhill to
Bill Berryhill in the form of a fundraiser for Bill that was paid for by Tom.

20. Additionally, the scheme involved false reporting on campaign statements/reports and
non-reporting, which served to conceal Respondents' violations of the Act.

21. Also, this case involves failure to report the receipt of gifts on statements of economic
interests.

APPLICABLE LAW

22. All legal references and discussions of law pertain to the Act's provisions as they existed
at the time of Respondents' violations in 2008.

Importance of Liberal Construction and Vigorous Enforcement of the Political Reform Act

23. When the Political Reform Act was enacted, the people of the state of California found
and declared that previous laws regulating political practices suffered from inadequate enforcement by
state and local authorities. (Section 81001, subd. (h).) To that end, Section 81003 requires that the Act
be liberally construed to achieve its purposes.

24. One of the purposes of the Act is to ensure that receipts and expenditures in election
campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are
inhibited. (Section 81002, subd. (a).) Also, as described above, the Act prohibits money laundering, over-the-limit contributions, false reporting, and non-reporting. Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.” (Section 81002, subd. (f).)

**Definition of Controlled Committee**

25. Section 82013, subdivision (a), defines a “committee” to include any person or combination of persons who receives contributions totaling $1,000 or more in a calendar year. This type of committee is commonly referred to as a “recipient committee.” Under Section 82016, a recipient committee which is controlled directly or indirectly by a candidate, or which acts jointly with a candidate in connection with the making of expenditures, is a “controlled committee.” A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee. (Section 82016, subd. (a).)

**Definition of Contribution**

26. A “contribution” includes any payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that the payment is not made for political purposes. (Section 82015, subdivision (a).)

**Difference Between Monetary, In-kind and Non-monetary Contributions**

27. The most common type of contribution results in the payment of money to a candidate or committee. Such contributions are referred to as “monetary contributions,” but sometimes a contribution of goods or services is made to a candidate or committee—rather than an outright payment to the candidate or committee. Such contributions are referred to as “in-kind” or “non-monetary” contributions. For example, if you pay for a fundraiser that is held for the benefit of a candidate, you are making an in-kind/non-monetary contribution to the candidate because your money is not going directly to the candidate, but the candidate is receiving the benefit of your money in the form of a fundraiser. The terms “in-kind” and “non-monetary” are interchangeable. (See Section 84203.3 as compared to Regulation 18421.1, subd. (f).)
Required Reporting of Contributions on Semi-Annual Campaign Statements

28. At the core of the Act’s campaign reporting system is the requirement set forth in Section 84200, subdivision (a), that a recipient committee file semi-annual campaign statements each year no later than July 31st for the period ending June 30th, and no later than January 31st for the period ending December 31st. (Extensions are allowed when the filing deadline falls on a weekend or holiday.) For more information about reporting periods and filing deadlines, see the schedule attached hereto as Exhibit 2, which was published by the FPPC and which applies to the general election that was held on November 4, 2008.

29. In most cases, campaign statements must be filed in more than one place. Section 84215 (as it was in effect in 2008) requires members of the legislature, candidates for such offices, their controlled committees, and committees formed or existing primarily to support or oppose such candidates or officeholders to file campaign statements with: (1) the California Secretary of State; (2) the elections official of the county in which they are domiciled; and (3) the elections official of the county with the largest number of registered voters in the districts affected. (Hereafter, the “Filing Officers.”)

30. Additionally, candidates and committees must file online/electronically with the California Secretary of State if the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is $50,000 or more. (Section 84605, subd. (a)).

31. With respect to the contents of campaign statements, each statement must include information about the making and receipt of contributions (along with other information that is not pertinent in this case).

32. In this regard, Section 84211, subdivision (a), requires the reporting of “[t]he total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received.” Also, Section 84211, subdivision (c), requires reporting of the total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of $100 or more. Additionally, Section 84211, subdivision (f), requires that certain identifying information be reported for each person from whom a cumulative amount of contributions of $100 or more has been received during the period covered by the campaign statement,
including the following: (1) the person’s full name; (2) his or her street address; (3) his or her occupation; (4) the name of his or her employer, or if self-employed, the name of the business; (5) the date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan; and (6) the cumulative amount of contributions.

33. Also, Section 84211, subdivision (b), requires reporting of “[t]he total amount of expenditures [including contributions] made during the period covered by the campaign statement and the total cumulative amount of expenditures made.” Additionally, Section 84211, subdivision (i), requires reporting of the total amount of expenditures (including contributions) made during the period covered by the campaign statement to persons who have received $100 or more. Also, Section 84211, subdivision (k), requires that certain identifying information be provided for each person to whom an expenditure of $100 or more has been made during the period covered by the campaign statement, including the following: (1) the person’s full name; (2) his or her street address; (3) the amount of each expenditure; (4) a brief description of the consideration for which each expenditure was made; and (5) in the case of an expenditure which is a contribution to a candidate, elected officer, or committee, the date of the contribution, the cumulative amount of contributions made to that recipient, the full name of the recipient, and the office and district/jurisdiction for which he or she seeks nomination or election.

**Required Reporting of Contributions on Late Contribution Reports**

34. Under Section 84203, subdivisions (a) and (b), each candidate or committee that makes or receives a late contribution, must file a late contribution report with each Filing Officer within 24 hours of making or receiving the contribution. Section 82036 defines a “late contribution” to include a contribution aggregating $1,000 or more that is made or received by a candidate or his controlled committee before an election, but after the closing date of the last pre-election campaign statement that was required to be filed by the committee before the election. This period of time before the election is referred to as the late contribution reporting period. In connection with the general election that was held on November 4, 2008, the late contribution reporting period was October 19 through November 3, 2008. (See Ex. 2.)
35. In the case of a late contribution that is an in-kind or non-monetary contribution, the normal 24 hour reporting deadline is extended to 48 hours, but only with respect to reporting receipt of the contribution; reporting the making of such a contribution is subject to the normal 24 hour deadline. (Section 84203.3, subd. (b).)

36. For purposes of calculating the 24 or 48 hour deadline, it is important to note that an in-kind or non-monetary contribution is “made” by the contributor, and “received” by the candidate or committee, on the earlier of the following dates: (a) the date that funds are expended by the contributor in connection with the making of the in-kind/non-monetary contribution; or (b) the date that the candidate or committee, or the agent of the candidate or committee, obtains possession or control of the goods or services, or the date that the candidate or committee otherwise receives the benefit of the expenditure. (Regulation 18421.1, subd. (f).)

37. If the actual value of an in-kind/non-monetary contribution is not known at the time of filing, a good faith estimate of the value must be reported. Later, if it is learned that the actual value differs from the estimate by 20 percent or more, the report with the estimate must be amended within 24 hours. (See Regulation 18425, subd. (b)(1)(B).)

Campaign Contribution Limits

38. The Act imposes campaign contribution limits with respect to the making and receiving of certain contributions. However, these limits are adjusted periodically, and different limits apply depending upon who is contributing and who is receiving. (See Section 85301, subdivision (a), as well as Sections 83124, 85303 and 85305, which prohibit the making and acceptance of over-the-limit contributions.)

39. Attached hereto as Exhibit 3 is an FPPC publication regarding the contribution limits that were in effect for the general election that was held on November 4, 2008. As shown in Exhibit 3, in connection with that election year, an individual wishing to contribute to a candidate for California State Assembly could not contribute more than $3,600 per election. However, at that time, there was no limit on contributions from a political party committee (such as a county central committee) to that same

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candidate. (At the time, there was a calendar year limit of $30,200 with respect to how much an
individual could contribute to a political party committee, but individuals could exceed this amount so
long as the excess was not used by the committee to support/oppose candidates for state office.)

Prohibition Against Money Laundering

40. Money laundering occurs when an individual makes a contribution, directly or indirectly,
in the name of another. This is prohibited by Section 84301 because it deprives the public of important
information about the true source of campaign contributions, and it facilitates the unlawful circumvention
of campaign contribution limits. (Also, see Section 81002, subd. (a): “Receipts and expenditures in
election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed
and improper practices may be inhibited.”)

41. For this reason, Section 84302 requires full disclosure when a person makes a contribution
on behalf of another, or while acting as the intermediary or agent of another. Along these lines, Section
85704 provides: “A person may not make any contribution to a committee on the condition or with the
agreement that it will be contributed to any particular candidate unless the contribution is fully disclosed
pursuant to Section 84302.”

42. If an intermediary fails to disclose the true source of a contribution to a recipient, the
recipient’s duty to properly report the true source of the contribution is not excused if the recipient knows
or has reason to know of the true source of the funds. (Regulation 18432.5, subd. (c).)

Identification of the True Source and the True Recipient of a Contribution

43. As stated above, a “contribution” includes any payment except to the extent that full and
adequate consideration is received, unless it is clear from the surrounding circumstances that the payment
is not made for political purposes. (Section 82015, subdivision (a).)

44. Such a payment made at the “behest” of a committee is a contribution to the committee.
(Section 82015, subdivision (b)(1).) The “behesting” committee is the true recipient of the contribution,
and the other committee (or candidate) is the true source of the contribution.

45. “Made at the behest of” includes contributions that are made in cooperation, consultation,
coordination, or concert with, at the request or suggestion of, or with the express, prior consent of, the
ture recipient. (Regulation 18225.7, subdivision (a).)
Identification of the "Straw Man" or Intermediary in a Money Laundering Transaction

46. As stated above, Sections 84301 and 84302 address the situation that arises when the true source of a contribution gives the contribution to a third party for the purpose of transmitting or delivering the funds to the true recipient. Specifically, Section 84302 deals with third parties who "make a contribution on behalf of another, or while acting as the intermediary or agent of another."

47. In this case, the term "straw man" is used to refer to third parties who "make a contribution on behalf of another, or while acting as the intermediary or agent of another," and an intermediary is a type of "straw man."\(^3\)

48. Regulation 18432.5, subdivision (a), provides that a party "is an intermediary for a contribution if ... [t]he recipient of the contribution would consider the person to be the contributor without the disclosure of the identity of the true source of the contribution."\(^4\)

Required Reporting of Gifts

49. Public officials, including members of the legislature, are required to file statements of economic interests, which must disclose, among other things, the receipt of gifts worth $50 or more. (See Sections 87200, 87203, 87207, subdivision (a), and Regulation 18723.) The filing deadline for annual statements of economic interests filed by members of the California State Assembly is March 1st. (Regulation 18723, subd. (b)(1).)

Liability for Aiding and Abetting

50. Section 83116.5 imposes liability for violating the Act on those who: (i) violate the Act; (ii) purposely or negligently cause another to violate the Act; or (iii) aid and abet another in violating the Act.

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\(^3\) Dictionary.com defines "straw man" to mean "a person whose importance or function is only nominal, as to cover another's activities; front," which is an apt description of the third parties described by Section 84302 when those third parties purport to be the true source of funds.

\(^4\) As stated above, if an intermediary fails to disclose the true source of a contribution to a recipient, the recipient's duty to properly report the true source of the contribution is not excused if the recipient knows or has reason to know of the true source of the funds. (Regulation 18432.5, subd. (c).)
Joint and Several Liability

51. If two or more parties are responsible for a violation of the Act, they are jointly and severally liable. (Section 91006.)

Penalty for Violations of the Act

52. Each violation of the Act is punishable by imposition of a monetary penalty of up to $5,000 per violation, which must be paid to the General Fund of the State of California. (Section 83116, subd. (c).)

Factors to be Considered by the Commission and Administrative Law Judge

53. Regulation 18361.5, subdivision (d), provides:

In framing a proposed order following a finding of a violation pursuant to Government Code section 83116, the Commission and the administrative law judge shall consider all the surrounding circumstances including but not limited to:

(1) The seriousness of the violation;

(2) The presence or absence of any intention to conceal, deceive or mislead;

(3) Whether the violation was deliberate, negligent or inadvertent;

(4) Whether the violator demonstrated good faith by consulting the Commission staff or any other government agency in a manner not constituting a complete defense under Government Code section 83114(b);

(5) Whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and

(6) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

VIOLATIONS OF THE ACT

General Allegations Regarding Counts 1 through 5

54. At all relevant times, Respondent Tom Berryhill was being pressured for money by his brother’s campaign manager, Carl Fogliani.

55. Respondent Bill Berryhill was in a “tight” race. He needed money to help pay for a commercial television campaign attacking his opponent. Both central committees in this case were made aware of this need. He could not have afforded the television commercial without the money that came from his brother through the central committees.

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56. Respondent Tom Berryhill was unhappy with how the California Republican Party spent its money, so he preferred to contribute to county central committees. He knew the people that ran Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee. They had a reputation for being "good" central committees.

57. Respondent Tom Berryhill admits that he was raising money for his brother, but instead of directing the donors to make their contributions to his brother directly, he directed the donors to cut their checks to the central committees.

58. Respondent Tom Berryhill refers to such donors as people who were giving to his brother—even though they wrote their checks to the central committees. The reason for this is that an earmarking agreement was in place. It was a foregone conclusion that the central committees would give the money to Respondent Bill Berryhill for Assembly.

59. On October 28th, 2008, Respondent Tom Berryhill held a fundraiser. Contributor records show that he raised in excess of $50,000 for his own committee as a result of that fundraiser. However, he admits that the fundraiser wound up being for the benefit his brother. He talked about the importance of his brother's race, and he directed contributors to support his brother by making their contributions to the central committees. (Most of the money that Respondent Tom Berryhill raised for his own committee as a result of that fundraiser wound up being laundered to his brother's committee through the central committees. The primary purpose of the fundraiser was to help Respondent Bill Berryhill get elected—regardless of how the fundraiser might have been promoted at the outset.)

60. On the evening of October 29th, 2008, Respondent Bill Berryhill's campaign manager, Mr. Fogliani, sent an email to Respondent Tom Berryhill that said, "call me."

61. Later that evening, Respondent Tom Berryhill replied, "Think I can get mony [sic] earlier. Tom. Late morning."

62. Even later in the evening, Mr. Fogliani replied, "Even better."

63. Campaign records reflect that the next day, on October 30th, 2008, Respondent Stanislaus County Republican Central Committee received a contribution in the amount of $20,000 from Respondent Tom Berryhill's committee. Bank records reflect that it deposited the check that same day.

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Also, that same day, the committee contributed the exact same amount of money to Respondent Bill Berryhill for Assembly.

64. Campaign records reflect that the day after that, on October 31st, 2008, Respondent San Joaquin County Republican Central Committee received a contribution in the amount of $20,000 from Respondent Tom Berryhill’s committee. Bank records reflect that it deposited the check that same day. Also, that same day, the committee contributed the exact same amount of money to Respondent Bill Berryhill for Assembly (plus an extra thousand dollars).

65. Bank records reflect that neither central committee had sufficient funds to make its contribution without the money that was received from Respondent Tom Berryhill’s committee.

66. During the morning of October 31st, 2008, while Respondent San Joaquin County Republican Central Committee was in the process of figuring out how to expedite its contribution to Respondent Bill Berryhill’s committee, Mr. Fogliani emailed wire transfer information to Respondent Tom Berryhill for Respondent Bill Berryhill’s campaign account. Respondent Tom Berryhill already had contributed the maximum allowed amount to his brother’s campaign, which means he did not need wire transfer information for his brother’s account—unless he was the true source of the money that was still in the process of being laundered to his brother.

67. On the afternoon of October 31st, 2008, Mr. Fogliani emailed Respondent Tom Berryhill and asked, “Find any new dough?”

68. By splitting his contribution between two central committees, Respondent Tom Berryhill made sure that every penny would go to his brother’s committee. Otherwise, if Respondent Tom Berryhill had given $40,000 to just one central committee (instead of $20,000 to two), the central committee only would have been allowed to contribute $30,200 to his brother’s committee. (See contribution limit set forth in Ex. 3.)

69. The Chairman of Respondent San Joaquin County Republican Central Committee admitted that he may have received advance notice of the contribution from Respondent Tom Berryhill’s committee.

70. More importantly, Respondent San Joaquin County Republican Central Committee decided to make its contribution to Respondent Bill Berryhill for Assembly “[p]robably a day or two
before” the check was written. This is consistent with a prior earmarking agreement about how the money would be spent. The committee reported that it received the money from Respondent Tom Berryhill the same day that the committee wrote the check to Respondent Bill Berryhill for Assembly—so “a day or two before” the check was written equates to “a day or two before” the committee received Respondent Tom Berryhill’s money.

71. Respondent Bill Berryhill’s campaign was “worried” that Respondent San Joaquin County Republican Central Committee would “change” its “mind” about passing along the money from Respondent Tom Berryhill. This also is consistent with a prior earmarking agreement about how the money would be spent.

72. The policy of Respondent Stanislaus County Republican Central Committee was for the Executive Board to meet to approve all campaign contributions “above about $1,000 or so, for sure.” However, this was not done with respect to the contribution from Respondent Tom Berryhill’s committee in the amount of $20,000 that was laundered through the central committee.

73. The policy of Respondent San Joaquin County Republican Central Committee was to take 15% to 20% off the top of all donations that the committee received in order to help pay for operations of the committee, voter registration, bills, and Proposition 8. Whatever was left over would be spent on different candidates, including candidates that had been “targeted” by the California Republican Party. However, this was not done with respect to the contribution from Respondent Tom Berryhill’s committee in the amount of $20,000 that was laundered through the central committee.

74. Telephone calls, texts and emails during the period of the laundering are consistent with a laundering scheme. For example, records show that Respondent Tom Berryhill was in communication during this time with the Chairman of Respondent Stanislaus County Republican Central Committee, the committee treasurer, an Executive Board Member of the Committee, his brother, and his brother’s campaign manager. Also, records show that Respondent Bill Berryhill was in communication during this time with his own campaign manager, a member of Respondent Stanislaus County Republican Central Committee, and Respondent Bill Berryhill met with the Chairman of Respondent San Joaquin County Republican Central Committee to discuss the need for money to pay for his commercial television campaign. Additionally, records show that Respondent Bill Berryhill’s campaign manager was in
communication during this time with the Chairman of Respondent San Joaquin County Republican Central Committee. These communications show ample opportunity for discussion of the logistics of the money laundering in this case.

75. Sometimes, James DeMartini, Vice Chairman of Respondent Stanislaus County Republican Central Committee, dealt with Respondent Bill Berryhill's campaign manager, Mr. Fogliani, but most of the time, Mr. DeMartini dealt with Respondent Bill Berryhill directly because they had known each other for a long time. Mr. DeMartini admits that he could have had contact with Respondent Bill Berryhill about the $20,000 transaction in this case.

76. Respondent Tom Berryhill had a meeting with the Vice Chairman of Respondent Stanislaus County Republican Central Committee on October 28th, 2008, at 6:00 p.m.

77. The relationships between the parties are consistent with a laundering scheme. For example, Respondents Tom and Bill Berryhill are brothers. Their campaign and family accounting firm is Clendenin, Bird & Company, PC. The Chairman of Respondent Stanislaus County Republican Central Committee, Joan Clendenin, happens to be married to a founding partner with that accounting firm. Also, the Executive Director of Respondent Stanislaus County Republican Central Committee, Ann Fogliani, happens to have been married to Respondent Bill Berryhill's campaign manager, and she was reporting to Mrs. Clendenin while she was the Executive Director. Additionally, the Vice-Chairman of Respondent Stanislaus County Republican Central Committee, James DeMartini, took Respondent Tom Berryhill's spot on the committee approximately 20 years ago, and there is a close relationship between the two. Also, Respondent Bill Berryhill has done harvesting for Mr. DeMartini in the past. Additionally, Doug Miller was both an Executive Board Member of Respondent Stanislaus County Republican Central Committee and an employee of Respondent Tom Berryhill.

78. Although Respondents claim that Respondent Bill Berryhill was in a “targeted” race, campaign records reflect that neither central committee made any monetary contributions to Respondent Bill Berryhill in 2008 prior to the time of the laundering in this case, which took place during the last week before the election.

79. The central committees were not free to decide where to spend Respondent Tom Berryhill's money. They already had decided to give it to his brother, and Respondent Tom Berryhill
knew this. *It was a foregone conclusion*, which is not necessarily illegal, but the central committees are “straw men” or intermediaries under such circumstances; they must be reported as such, and Respondent Tom Berryhill’s contribution limit would apply—not the more lenient contribution limit that applies when central committees are the true source. However, in this case, the sole purpose of the laundering was to circumvent Respondent Tom Berryhill’s contribution limit, and Respondents filed false campaign statements/reports to cover up their laundering scheme.

80. The money laundering in this case was carried out so that Respondent Bill Berryhill could pay for a television commercial attacking his opponent right before the election. When interviewed by the FPPC, Respondent Bill Berryhill downplayed his own knowledge of the commercial and characterized himself as not being aware of it until the last minute—when he allegedly found out from his wife at a gas station (who had heard about it from his campaign manager’s wife).

81. However, this is contradicted by an email from Dale Fritch, Chairman of Respondent San Joaquin County Republican Central Committee, which talked about how Mr. Fritch “picked up the 20K check,” and which stated: “Let’s give 21K to Bill Berryhill. They are willing to take a check. *I met with Bill and they are desperate for money to put out a commercial campaign that they are already committed for.*”

82. Also, although Respondent Bill Berryhill claimed in his interview that he did not expect the contribution that he received from Respondent San Joaquin County Republican Central Committee, he had told his campaign manager words to the effect that money for the commercial would be coming.

83. Bill Berryhill was aware of the money laundering scheme, participated in it, and had full knowledge of the true source of the contributions in this case.

84. However, even if Respondent Bill Berryhill were completely unaware of what his campaign manager was doing (which would be implausible given the facts of this case) Respondent Bill Berryhill still would be responsible for his campaign manager’s misconduct. Section 85301, subdivision (a), which is charged in Counts 2, 4, and 5, holds the candidate responsible—not the candidate’s campaign manager—for accepting over-the-limit contributions. Similarly, the filing requirements that are the subject of the other counts involving Respondent Bill Berryhill (Counts 6, 7, 11, and 12) are imposed upon the candidate and committee—not the campaign manager. This is consistent with
principles of agency and the doctrine of respondeat superior. (See Civ. Code, § 2295: “An agent is one who represents another, called the principal, in dealings with third persons. Such representation is called agency.” See also, Civ. Code, § 2332: “As against a principal, both principal and agent are deemed to have notice of whatever either has notice of, and ought, in good faith and the exercise of ordinary care and diligence, to communicate to the other.”)

85. All of the foregoing paragraphs are incorporated by reference, as if in full, into each of the counts set forth below.

<table>
<thead>
<tr>
<th>Count 1: Money Laundering – Section 84301</th>
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<tbody>
<tr>
<td>Respondents: Tom Berryhill and Tom Berryhill for Assembly (source of funds)</td>
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<tr>
<td>Stanislaus County Republican Central Committee (aided and abetted)</td>
</tr>
</tbody>
</table>

86. On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of $20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed.

87. This was accomplished by making the contribution in the name of another, Respondent Stanislaus County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere “straw man” or intermediary for the funds.

88. Respondent Tom Berryhill, by and through his controlled committee, made the contribution at the behest of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of, his brother’s controlled committee, Respondent Bill Berryhill for Assembly.

89. Respondent Tom Berryhill, by and through his controlled committee, was the true source of the contribution, and his brother’s controlled committee, Respondent Bill Berryhill for Assembly, was the true recipient.
90. When Respondent Tom Berryhill, by and through his controlled committee, caused the contribution to be received by Respondent Stanislaus County Republican Central Committee (on or about October 30th, 2008), it was for the purpose of laundering the money to his brother’s controlled committee—a purpose which was carried out by Respondent Stanislaus County Republican Central Committee that same day.

91. The laundering was accomplished with two checks. On or about October 30th, 2008, Respondent Stanislaus County Republican Central Committee deposited the first check from Respondent Tom Berryhill’s committee into its own bank account, and that same day, the central committee completed the contribution by writing a second check to Respondent Bill Berryhill for Assembly in the exact same amount as the first check.

92. At all relevant times, Respondent Tom Berryhill knew and intended that his contribution was to be eventually deposited with his brother’s controlled committee.

93. After the laundering, Respondent Tom Berryhill, by and through his controlled committee, filed false campaign statements and reports to conceal the true source of the funds and the “straw man” or intermediary role of the central committee. Respondent Stanislaus County Republican Central Committee filed similarly false campaign statements and reports in this regard.

94. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

95. In aggravation, Respondent Tom Berryhill, by and through his controlled committee, made the contribution on the condition or with the agreement that Respondent Stanislaus County Republican Central Committee would give the money to his brother’s controlled committee, in violation of Section 85704.
Count 2: Making and Accepting Over-the-limit Contribution – Sections 85301(a), 83124, and 85305

Respondents: Tom Berryhill and Tom Berryhill for Assembly (source of funds)
Bill Berryhill and Bill Berryhill for Assembly (accepted funds)
Stanislaus County Republican Central Committee (aided and abetted)

96. On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office.

97. At the time, the contribution limit for contributions to Respondent Bill Berryhill was $3,600.

98. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of $20,000 that is described in Count 1, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution.

99. Additionally, Respondent Stanislaus County Republican Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere “straw man” or intermediary for the funds. (The Stanislaus County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution was laundered through the committee.)

100. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.
Count 3: Money Laundering – Section 84301

Respondents: Tom Berryhill and Tom Berryhill for Assembly (source of funds)
San Joaquin County Republican Central Committee (aided and abetted)

101. On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of $20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed.

102. This was accomplished by making the contribution in the name of another, Respondent San Joaquin County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere “straw man” or intermediary for the funds.

103. Respondent Tom Berryhill, by and through his controlled committee, made the contribution at the behest of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of, his brother’s controlled committee, Respondent Bill Berryhill for Assembly.

104. Respondent Tom Berryhill, by and through his controlled committee, was the true source of the contribution, and his brother’s controlled committee, Respondent Bill Berryhill for Assembly, was the true recipient.

105. When Respondent Tom Berryhill, by and through his controlled committee, caused the contribution to be received by Respondent San Joaquin County Republican Central Committee (on or about October 31st, 2008), it was for the purpose of laundering the money to his brother’s controlled committee—a purpose which was carried out by Respondent San Joaquin County Republican Central Committee that same day.

106. The laundering was accomplished with two checks. On or about October 31st, 2008, Respondent San Joaquin County Republican Central Committee deposited the first check from Respondent Tom Berryhill’s committee into its own bank account, and that same day, the central
committee completed the contribution by writing a second check to Respondent Bill Berryhill for Assembly in the exact same amount as the first check (with the exception of an extra thousand dollars).

107. At all relevant times, Respondent Tom Berryhill knew and intended that his contribution was to be eventually deposited with his brother’s controlled committee.

108. After the laundering, Respondent Tom Berryhill, by and through his controlled committee, filed false campaign statements and reports to conceal the true source of the funds and the “straw man” or intermediary role of the central committee. Respondent San Joaquin County Republican Central Committee filed similarly false campaign statements and reports in this regard.

109. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

110. In aggravation, Respondent Tom Berryhill, by and through his controlled committee, made the contribution on the condition or with the agreement that Respondent San Joaquin County Republican Central Committee would give the money to his brother’s controlled committee, in violation of Section 85704.

| Count 4: Making and Accepting Over-the-limit Contribution – Sections 85301(a), 83124, and 85305 |
| Respondents: Tom Berryhill and Tom Berryhill for Assembly (source of funds) |
| Bill Berryhill and Bill Berryhill for Assembly (accepted funds) |
| San Joaquin County Republican Central Committee (aided and abetted) |

111. On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office.

112. At the time, the contribution limit for contributions to Respondent Bill Berryhill was $3,600.

113. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount
of $20,000 that is described in Count 3, and Respondent Bill Berryhill, by and through his controlled
commitee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution.

114. Additionally, Respondent San Joaquin County Republican Central Committee aided and
abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section
83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true
source of the contribution—when in fact it was a mere “straw man” or intermediary for the funds. (The
San Joaquin County Republican Central Committee would not have been subject to this same
contribution limit, which is why the contribution was laundered through the committee.)

115. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom
Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section
85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance
of over-the-limit contributions.

| Count 5: Making and Accepting Over-the-limit In-kind Contribution in the Form of a Fundraiser – Sections 85301(a), 83124, and 85305 |
| Respondents: Tom Berryhill and Tom Berryhill for Assembly (source of contribution) |
| Bill Berryhill and Bill Berryhill for Assembly (accepted contribution) |

116. In connection with a fundraiser that was held on or about October 28th, 2008, and as part
of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State
Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill
for Assembly unlawfully circumvented the campaign contribution limit for contributions to a candidate
for elective state office.

117. At the time, the contribution limit for contributions to Respondent Bill Berryhill was
$3,600 per election, and Respondent Tom Berryhill, by and through his controlled committee,
Respondent Tom Berryhill for Assembly, already had contributed the maximum allowed amount to
Respondent Bill Berryhill for Assembly as of the end of 2007.

118. However, Respondent Tom Berryhill, by and through his controlled committee, made an
additional, over-the-limit in-kind contribution to Respondent Bill Berryhill for Assembly by paying in

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excess of $4,000 toward the cost of organizing and holding the above-referenced fundraiser of October 28th, which was for the benefit of Respondent Bill Berryhill.

119. Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, attended the fundraiser and accepted this over-the-limit in-kind contribution from his brother.

120. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

| Count 6: False Reporting (Late Contribution Report Filed 10/31/08) – Section 84203(a) |
|---------------------------------|----------------------------------|
| Respondents: Bill Berryhill and Bill Berryhill for Assembly |

121. On or about October 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false late contribution report with the Secretary of State.

122. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of $20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere “straw men” or intermediaries for the transactions.

123. As alleged in Counts 1 and 3, the contributions were made at the behest of Respondent Bill Berryhill’s controlled committee. Respondents Bill Berryhill and Bill Berryhill for Assembly knew or should have known that the true source of the contributions was Respondent Tom Berryhill, by and through his controlled committee, and that the central committees were mere “straw men” or intermediaries.

124. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the sources of contributions received.
### Count 7:
False Reporting (Semi-annual Campaign Statement Filed 2/3/09) –
Section 84211(f)

| Respondents: | Bill Berryhill and Bill Berryhill for Assembly |

125. On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State.

126. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of $20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere "straw men" or intermediaries for the transactions.

127. As alleged in Counts 1 and 3, the contributions were made at the behest of Respondent Bill Berryhill’s controlled committee. Respondents Bill Berryhill and Bill Berryhill for Assembly knew or should have known that the true source of the contributions was Respondent Tom Berryhill, by and through his controlled committee, and that the central committees were mere "straw men" or intermediaries.

128. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84211, subdivision (f), which requires accurate reporting of information about the sources of contributions received.

### Count 8:
False Reporting (Late Contribution Report Filed 10/29/08) –
Section 84203(a)

| Respondents: | Tom Berryhill and Tom Berryhill for Assembly |

129. On or about October 29th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State.

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130. This filing concealed the violations described in Counts 1 through 2 by falsely reporting that the contribution in question (in the amount of $20,000) was made to Respondent Stanislaus County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere "straw man" or intermediary for the transaction.

131. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

<table>
<thead>
<tr>
<th>Count 9: False Reporting (Late Contribution Report Filed 10/30/08) – Section 84203(a)</th>
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</thead>
<tbody>
<tr>
<td>Respondents: Tom Berryhill and Tom Berryhill for Assembly</td>
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</tbody>
</table>

132. On or about October 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State.

133. This filing concealed the violations described in Counts 3 through 4 by falsely reporting that the contribution in question (in the amount of $20,000) was made to Respondent San Joaquin County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere "straw man" or intermediary for the transaction.

134. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

<table>
<thead>
<tr>
<th>Count 10: False Reporting (Semi-annual Campaign Statement Filed 2/3/09) – Section 84211(k)</th>
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</thead>
<tbody>
<tr>
<td>Respondents: Tom Berryhill and Tom Berryhill for Assembly</td>
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</tbody>
</table>

135. On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State.
136. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of $20,000 each) were made to Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were made to Respondent Bill Berryhill for Assembly, and the central committees were mere “straw men” or intermediaries for the transactions.

137. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84211, subdivision (k), which requires accurate reporting of information about the recipients of contributions.

<table>
<thead>
<tr>
<th>Count 11:</th>
<th>Failure to Report Receipt of In-kind Contribution on Late Contribution Report – Sections 84203(a)(b) and 84203.3(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondents:</td>
<td>Bill Berryhill and Bill Berryhill for Assembly</td>
</tr>
</tbody>
</table>

138. Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly failed to report receipt of the contribution by filing a late contribution report with the Secretary of State within 48 hours of receiving the contribution, in violation of Sections 84203, subdivisions (a) and (b), and 84203.3, subdivision (b).

<table>
<thead>
<tr>
<th>Count 12:</th>
<th>Failure to Report Receipt of In-kind Contribution on Semi-annual Campaign Statement – Section 84211(a)(c)(f)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondents:</td>
<td>Bill Berryhill and Bill Berryhill for Assembly</td>
</tr>
</tbody>
</table>

139. Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly also failed to report receipt of the contribution on a semi-annual campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (a), (c) and (f).

<table>
<thead>
<tr>
<th>Count 13:</th>
<th>Failure to Report Making of In-kind Contribution on Late Contribution Report – Section 84203(a)(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondents:</td>
<td>Tom Berryhill and Tom Berryhill for Assembly</td>
</tr>
</tbody>
</table>

140. Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly failed to report the making of the contribution by filing a late contribution
report with the Secretary of State within 24 hours of making the contribution, in violation of Section 84203, subdivisions (a) and (b).

| Count 14: Failure to Report Making of In-kind Contribution on Semi-annual Campaign Statement – Section 84211(b)(i)(k) |
| Respondents: Tom Berryhill and Tom Berryhill for Assembly |

141. Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly also failed to report the making of the contribution on a semi-annual campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (b), (i) and (k).

| Count 15: Failure to Report Receipt of Gift (Park Tickets from Walt Disney Company) on Statement of Economic Interests – Sections 87203, 87207(a), and Regulation 18723 |
| Respondent: Tom Berryhill |

142. As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of park tickets from the Walt Disney Company—worth approximately $244—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

| Count 16: Failure to Report Receipt of Gift (Ticket(s) for Keith Urban Concert) on Statement of Economic Interests – Sections 87203, 87207(a), and Regulation 18723 |
| Respondent: Tom Berryhill |

143. As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of Keith Urban concert ticket(s) from the Pechanga Band of Luiseno Mission Indians—worth approximately $59.50—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.
PRAYER

WHEREFORE, Complainant prays as follows:

1. That the Commission hold a hearing pursuant to Section 83116, and at such hearing find that Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, Stanislaus County Republican Central Committee, and San Joaquin County Republican Central Committee violated the Act as alleged herein;

2. That the Commission order Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, Stanislaus County Republican Central Committee, and San Joaquin County Republican Central Committee to pay a monetary penalty pursuant to Section 83116, subdivision (c), of up to $5,000.00 for each violation of the Act alleged herein, for a total monetary penalty in an amount not to exceed $80,000;

3. That the Commission grant such other and further relief as it deems just and proper.

Dated: 10/5/12

Gary S. Winuk
Chief of Enforcement
Fair Political Practices Commission
EXHIBIT 1
BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of

BILL BERRYHILL, TOM BERRYHILL, BILL BERRYHILL FOR ASSEMBLY – 2008, BERRYHILL FOR ASSEMBLY 2008, STANISLAUS REPUBLICAN CENTRAL COMMITTEE (STATE ACCT.). SAN JOAQUIН COUNTY REPUBLICAN CENTRAL COMMITTEE/CALIF. REPUBLICAN VICTORY FUND,

Respondents.

FPPC No. 10/828
ORDER FINDING PROBABLE CAUSE AND TO PREPARE AND SERVE AN ACCUSATION

This matter came on for a probable cause conference pursuant to Regulation 18361.4 on September 20, 2012. Commission Counsel Sukhi K. Brar presided over the hearing under the authority of Regulation 18361(b). Respondents Tom Berryhill, Berryhill for Assembly 2008, Stanislaus Republican Central Committee (State Acct.), San Joaquin County Republican Central Committee/Calif. Republican Victory Fund were represented by Charles Bell and Brian Hildreth. Respondents Bill Berryhill and Bill Berryhill for Assembly – 2008 were represented by Steven Churchwell. Appearing for the Enforcement Division were Enforcement Division Counsel Neal P. Bucknell, and Investigator Paul Rasey. The purpose of a probable cause conference is for the General Counsel or an attorney from the Legal Division to determine whether probable cause exists to believe that a respondent violated the Political Reform Act (the “Act”) as alleged by the Enforcement Division in its Report in Support of a Finding of Probable Cause.

2 The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated.
Probable cause to believe a violation has occurred can be found to exist when "the evidence is sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that a proposed respondent committed or caused a violation." (Regulation 18361.4(e).) A finding of probable cause does not constitute a finding that a violation has actually occurred. (Ibid.)

The Report in Support of a Finding of Probable Cause alleges that the respondents herein violated the Act as follows:

**COUNT 1:** On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of $20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed. This was accomplished by making the contribution in the name of another, Respondent Stanislaus County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

**COUNT 2:** On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was $3,600. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of $20,000 that is described in Count 1, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution. Additionally, Respondent Stanislaus County Republican Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. (The Stanislaus County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution was laundered through the committee.) In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.
COUNT 3: On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of $20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed. This was accomplished by making the contribution in the name of another, Respondent San Joaquin County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

COUNT 4: On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was $3,600. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of $20,000 that is described in Count 3, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution. Additionally, Respondent San Joaquin County Republican Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. (The San Joaquin County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution was laundered through the committee.) In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

COUNT 5: In connection with a fundraiser that was held on or about October 28th, 2008, and as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was $3,600 per election, and Respondent Tom Berryhill, by and through his
controlled committee, Respondent Tom Berryhill for Assembly, already had contributed the maximum allowed amount to Respondent Bill Berryhill for Assembly as of the end of 2007. However, Respondent Tom Berryhill, by and through his controlled committee, made an additional, over-the-limit in-kind contribution to Respondent Bill Berryhill for Assembly by paying in excess of $4,000 toward the cost of organizing and holding the above-referenced fundraiser of October 28th, which was for the benefit of Respondent Bill Berryhill. Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, attended the fundraiser and accepted this over-the-limit in-kind contribution from his brother. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

**False Reporting**

**COUNT 6:** On or about October 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of $20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the sources of contributions received.

**COUNT 7:** On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of $20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84211, subdivision (f), which requires accurate reporting of information about the sources of contributions received.

**COUNT 8:** On or about October 29th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State
Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 1 through 2 by falsely reporting that the contribution in question (in the amount of $20,000) was made to Respondent Stanislaus County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere intermediary for the transaction. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

COUNT 9: On or about October 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 3 through 4 by falsely reporting that the contribution in question (in the amount of $20,000) was made to Respondent San Joaquin County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere intermediary for the transaction. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

COUNT 10: On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of $20,000 each) were made to Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were made to Respondent Bill Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84211, subdivision (k), which requires accurate reporting of information about the recipients of contributions.

Failure to Report the Making and Receipt of an In-kind Contribution

COUNT 11: Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly failed to report receipt of the contribution by filing a late contribution report with the Secretary of State within 48 hours of receiving the contribution, in violation of Sections 84203, subdivisions (a) and (b), and 84203.3, subdivision (b).

COUNT 12: Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly also failed to report receipt of the contribution on a semi-annual campaign statement that was filed with
the Secretary of State on or about February 3rd, 2009 (for the reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (a), (c) and (f).

COUNT 13: Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly failed to report the making of the contribution by filing a late contribution report with the Secretary of State within 24 hours of making the contribution, in violation of Section 84203, subdivisions (a) and (b).

COUNT 14: Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly also failed to report the making of the contribution on a semi-annual campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (b), (l) and (k).

Failure to Report Gifts Received

COUNT 15: As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of park tickets from the Walt Disney Company—worth approximately $244—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

COUNT 16: As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of Keith Urban concert ticket(s) from the Pechanga Band of Luiseno Mission Indians—worth approximately $59.50—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

Based on the facts presented to me in documents submitted by the Enforcement Division and by Respondent, and on evidence and argument presented by the parties during the probable cause conference, I find that notice was given as provided by Section 83115.5 and Regulation 18361.4. I further find that there is probable cause to believe the Respondents violated the Political Reform Act as alleged in Enforcement’s Report in Support of a Finding of Probable Cause. Notwithstanding this finding of probable cause, Respondents are presumed to be innocent of any violation of the Act unless and until a violation is proved in a subsequent proceeding.

Respondents have submitted a motion to strike the use of the term “money laundering” because they believe the Enforcement Division’s use of the term is legally improper and is pejorative. That motion to strike is denied. The term “money laundering” is used to describe a situation where the source
or nature of funds is intentionally disguised by channeling funds through an intermediary. The term is commonly used to describe concealment of the true source of funds in the area of campaign finance law in California and around the nation. That is the precise activity Enforcement has charged Respondents with in this matter and therefore the use of the term is appropriate.

I therefore direct that the Enforcement Division issue an Accusation against Respondents in accordance with this Finding.

IT IS SO ORDERED.

Dated: 9/26/12

Sukhi K. Brar, Commission Counsel
Fair Political Practices Commission
Candidates for State Office
Committees Primarily Formed to Support/Oppose Candidates for State Office
Committees Primarily Formed to Support/Oppose State Measures

**Being Voted on November 4, 2008**

<table>
<thead>
<tr>
<th>Filing Deadline</th>
<th>Type of Statement</th>
<th>Period Covered (^{1/})</th>
<th>Method of Delivery (^{2/})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within 10 Business Days</td>
<td>$5,000 Report (^{3/})</td>
<td>Any time other than 90-day election cycle (see below)</td>
<td>Online or Electronically with Secretary of State</td>
</tr>
<tr>
<td>July 31, 2008</td>
<td>Semi-Annual</td>
<td>7/1/08 - 6/30/08</td>
<td>Personal Delivery</td>
</tr>
<tr>
<td>Within 24 Hours</td>
<td>90-Day Election Cycle Report (^{4/})</td>
<td>8/6/08 - 11/4/08</td>
<td>Online or Electronically with Secretary of State</td>
</tr>
<tr>
<td>October 6, 2008</td>
<td>Pre-Election</td>
<td>7/1/08 - 9/30/08</td>
<td>Personal Delivery</td>
</tr>
<tr>
<td>Within 48 Hours</td>
<td>Issue Advocacy Report (^{5/})</td>
<td>9/20/08 - 11/3/08</td>
<td>Online or Electronically with Secretary of State</td>
</tr>
<tr>
<td>October 23, 2008</td>
<td>Pre-Election</td>
<td>10/1/08 - 10/18/08</td>
<td>Personal Delivery</td>
</tr>
<tr>
<td>Within 24 Hours</td>
<td>Late Contributions (^{6/}) and Late Independent Expenditures (^{6/})</td>
<td>10/19/08 - 11/3/08</td>
<td>Personal Delivery</td>
</tr>
<tr>
<td>February 2, 2009</td>
<td>Semi-Annual</td>
<td>10/19/08 - 12/31/08</td>
<td>Personal Delivery</td>
</tr>
</tbody>
</table>

**State Ballot Measure Expenditures**

| Within 10 Business Days | $5,000 496/497 Report \(^{7/}\) | 1/ - date of expenditure | Online or Electronically with Secretary of State |

**Footnotes:**

\(^{1/}\) **Period Covered:** The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.

\(^{2/}\) **Electronic Filers:** Committees must file electronically with the Secretary of State if, since January 1, 2000, they receive contributions or make expenditures totaling $50,000 or more. For more information, visit the Secretary of State's web site at:\n
\[^{3/}\] **5,000 Reports:** Electronic filers must file Form 497 if they receive a contribution of $5,000 or more from a single source at any time other than the 90-day election cycle (see footnote 4), including after the election. No paper copies are required, and no copies are required to be filed with other filing officers. This report is not required for committees primarily formed to support or oppose state candidates.

\(^{4/}\) **90-Day Election Cycle Reports:** “Election cycle” is defined as 90 days prior to an election and ending on the date of election.
Electronic filers must file Form 497 if they receive a contribution of $1,000 or more from a single source during the period. This report is not required for committees primarily formed to support or oppose state candidates.

Electronic filers must also file Form 496 if an independent expenditure of $1,000 or more is made during the period to support or oppose a state candidate or a state ballot measure being voted on November 4, 2008. (Also see footnote 8.)

No paper copies are required, and no copies are required to be filed with other filing officers, including during the late period.

Extended Deadlines: Because the October 5 deadline falls on Sunday, and the January 31, 2009 filing deadline falls on Saturday, these filing deadlines are extended to October 6, 2008, and February 2, 2009, respectively.

Issue Advocacy Reports: A committee must file Form E-530 if a payment or a promise of payment of $50,000 or more is made during the 45 days prior to an election for a communication that clearly identifies a state candidate being voted on in the election but does not expressly advocate the election or defeat of the candidate. No paper copy is required and no copies are required to be filed with other filing officers.

Late Non-Monetary Contributions: The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind contribution is received.

Prohibition on Candidate Independent Expenditures: A controlled committee may not make independent expenditures to support or oppose candidates and may not contribute to another committee for the purpose of making independent expenditures to support or oppose other candidates.

State Ballot Measure Expenditures: Electronic filers must file Form 496 or 497 each time they make contributions or independent expenditures totaling $5,000 or more to support or oppose the qualification or passage of a single state ballot measure. No paper copies are required, and no copies are required to be filed with other filings officers. Independent expenditures of $1,000 or more made within 90 days before a state election are required to be reported within 24 hours. (See footnote 4.)

Additional Notes:

- Primarily Formed Ballot Measure Committees: Prior to the semi-annual period in which the measure(s) supported or opposed is being voted on, committees must file quarterly campaign statements in addition to semi-annual statements. Following the election, quarterly statements may also be required. Please refer to the Q&A’s for additional information.

- Candidates: After an election, reporting requirements will depend on whether the candidate is successful.

- Late Statements: Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, filing deadlines may not be extended. Late statements are subject to a $10 per day late fine.

- All statements are public documents.

- Contribution Limits: Contributions to state candidates and to committees that make contributions to state candidates are subject to contribution limits. Some committees that feature state candidates in advertisements are also subject to contribution limits.

- Paid Spokesperson: A committee that makes an expenditure totaling $5,000 or more to an individual to appear in an advertisement to support or oppose a ballot measure must report the expenditure within 10 days on FPPC Form 511.

As of the date of this publication (10/07), the Campaign Disclosure Manual for State candidates (Manual 1) contains the most recent information on campaign disclosure requirements. Be sure to check the FPPC web site (www.fppc.ca.gov) for updated information.
California Contribution Limits
What You Need to Know Before You Contribute – Fast Facts

Candidates seeking a state office and committees that make contributions to state candidates are subject to contribution limits from a single source. Contributions from affiliated entities are aggregated for purposes of the limits. (Regulation 18215.1.) The chart below shows the current limits per contributor and type of office sought. The primary, general, special and special run-off elections are considered separate elections.

Per-election Limits on Contributions to State Candidates
(For elections held on or after January 1, 2007)

<table>
<thead>
<tr>
<th>Contributor</th>
<th>Legislature</th>
<th>Statewide Except Governor</th>
<th>Governor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person</td>
<td>$3,600</td>
<td>$6,000</td>
<td>$24,100</td>
</tr>
<tr>
<td>Small Contributor Committee</td>
<td>$7,200</td>
<td>$12,100</td>
<td>$24,100</td>
</tr>
<tr>
<td>Political Party</td>
<td>NO LIMIT</td>
<td>NO LIMIT</td>
<td>NO LIMIT</td>
</tr>
</tbody>
</table>

Calendar Year Limits on Contributions to Other State Committees
(2007 and 2008)

<table>
<thead>
<tr>
<th>Contributor</th>
<th>Committee (Not Political Party) that Contributes to State Candidates</th>
<th>Political Party for State Candidates</th>
<th>Small Contributor Committee</th>
<th>Committee/Political Party Not for State Candidates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person</td>
<td>$6,000</td>
<td>$30,200</td>
<td>$200</td>
<td>NO LIMIT*</td>
</tr>
</tbody>
</table>

*State committees (including political parties) may receive contributions in excess of the limits identified above as long as the contributions are NOT used for state candidate contributions. (Regulation 18534.)

Calendar Year Limits on Contributions to State Officeholder Committees
Recently enacted legislation (SB 145) allows elected state officeholders to set up officeholder accounts subject to contribution limits specified below.

<table>
<thead>
<tr>
<th>Contributor</th>
<th>Legislature</th>
<th>Statewide Except Governor</th>
<th>Governor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Source Person, Small Contributor Committee or Political Party</td>
<td>$3,000</td>
<td>$5,000</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

Aggregate From all Sources

- Legal Defense Funds
Contributions raised for a legal defense fund are not subject to contribution limits or the voluntary expenditure ceiling. However, a candidate or officeholder may raise, in total, no more than is reasonably necessary to cover attorney's fees and other legal costs related to the proceeding for which the fund is created. (Section 85304.)
• Communications Identifying State Candidates
Any committee that makes a payment or a promise of payment totaling $50,000 or more for a communication that:
1. Clearly identifies a state candidate; but
2. Does not expressly advocate the election or defeat of the candidate; and
3. Is disseminated, broadcast, or otherwise published within 45 days of an election, may not receive a contribution from any single source of more than $30,200 in a calendar year if the communication is made at the behest of the candidate featured in the communication. (Section 85310.)

• Contributions from State Lobbyists
A state lobbyist may not contribute to a state officeholder’s or candidate’s committee if the lobbyist is registered to lobby the agency of the elected officer or the agency to which the candidate is seeking election. The lobbyist also may not contribute to a local committee controlled by any such state candidate. (Section 85702.)

• Recall Elections
A state officeholder who is the subject of a recall may set up a separate committee to oppose the qualification of the recall measure and, if the recall petition qualifies, the recall election. Neither contribution limits nor voluntary expenditure ceilings apply to the committee to oppose the recall that is controlled by the officeholder who is the target of the recall attempt. Candidates running to replace an officeholder who is the target of a recall are subject to the contribution limits and the expenditure limits applicable to the election for that office. (Section 85315.)

• Ballot Measure Committees
Contributions to ballot measure committees controlled by a candidate for elective state office are not limited. However, contributions to a state candidate controlled ballot measure committee from another state candidate controlled committee are subject to a limit of $3,600. (Section 85305.)

• Contribution Limits for Local Candidates and Committees
Check with the pertinent local jurisdiction for information regarding limits imposed by a local campaign ordinance.

Expenditure Ceilings
Using the formula specified in regulation 18544, the Commission has established the following voluntary expenditure ceilings for elections held on or after January 1, 2007:

<table>
<thead>
<tr>
<th>Office</th>
<th>Primary/Special Election</th>
<th>General/Special Runoff Election</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembly</td>
<td>$483,000</td>
<td>$845,000</td>
</tr>
<tr>
<td>Senate</td>
<td>$724,000</td>
<td>$1,086,000</td>
</tr>
<tr>
<td>Governor</td>
<td>$7,243,000</td>
<td>$12,071,000</td>
</tr>
<tr>
<td>Lt. Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Supt. of Public Instruction, Treasurer</td>
<td>$4,828,000</td>
<td>$7,243,000</td>
</tr>
<tr>
<td>Board of Equalization</td>
<td>$1,207,000</td>
<td>$1,811,000</td>
</tr>
</tbody>
</table>

FPPC May 2007
866-ASK-FPPC
PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814. On the date below, I served the following document(s):

STATEMENT TO RESPONDENT

ACCUSATION

NOTICE OF DEFENSE (TWO COPIES)

COPIES OF GOVERNMENT CODE SECTIONS 11506 THROUGH 11508

☐ By fax transmission. I faxed the document(s) from the Fair Political Practices Commission in Sacramento, California to:

☐ The person(s) at the fax number(s) listed below based on an agreement of the parties to accept service by fax transmission.

☐ To the person(s) and the regional Office of Administrative Hearings at the fax numbers listed below pursuant to Title 1 of the California Code of Regulations at section 1006.

No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

☐ By United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and:

☐ Deposited the sealed envelope or package with the United States Postal Service, with the postage fully prepaid for Click here for mailing options.

☐ Placed the envelope or package for collection and mailing by Click here for mailing options, following my company’s ordinary business practices. I am readily familiar with this business’ practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

☒ By personal service.
I personally delivered the document(s) listed above to the offices of Respondents’ counsel at the address(es) shown on the service list below. This was done pursuant to agreements with Respondents’ counsel so that Respondents would not suffer the inconvenience of being personally served.

By providing the document(s) listed above with instructions for registered process server to personally deliver the envelope(s) to the person(s) at the address(es) set forth on the service list below. The signed proof of service by the registered process server is attached.

By overnight delivery. I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) at the address(es) listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

By email or electronic transmission. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the person(s) at the e-mail address(es) listed below. I did not receive, within a reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

**SERVICE LIST**

**Respondents Bill Berryhill and Bill Berryhill for Assembly – 2008, care of their attorney:**
Mr. Steve Churchwell, Esq.
DLA Piper
400 Capitol Mall, Suite 2400
Sacramento, CA 95814-4428

**Respondents Tom Berryhill, Berryhill for Assembly 2008, Stanislaus Republican Central Committee (State Acct.), and San Joaquin County Republican Central Committee/Calif. Republican Victory Fund, care of their attorney:**
Mr. Charles Bell, Esq.
Bell, McAndrews & Hiltachk, LLP
455 Capitol Mall, Suite 600
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 5, 2012.

Neal Bucknell, Senior Commission Counsel
BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of

BILL BERRYHILL, TOM BERRYHILL, BILL BERRYHILL FOR ASSEMBLY - 2008, BERRYHILL FOR ASSEMBLY 2008, STANISLAUS REPUBLICAN CENTRAL COMMITTEE (STATE ACCT.), and SAN JOAQUIN COUNTY REPUBLICAN CENTRAL COMMITTEE/CALIF. REPUBLICAN VICTORY FUND.

Respondents.

Paragraph 9 of the Accusation is hereby deleted in its entirety and replaced with the following paragraph:

9. The order included a finding of probable cause in connection with the counts that are set forth below in this Accusation, and the order is hereby incorporated by reference, as if in full, into this Accusation.

Dated: 10/15/12

Gary S. Winuk
Chief of Enforcement
Fair Political Practices Commission
IN THE MATTER OF BILL BERRYHILL, TOM BERRYHILL, ET AL.
FPPC Case No. 10/828

PROOF OF SERVICE

I am a citizen of the United States, employed in the City and County of Sacramento, California. I am over the age of eighteen years and not a party to the above-entitled action. My business address is 428 J Street, Suite 620, Sacramento, California. On the date below, I served the following document(s):

1. STATE AGENCY REQUEST TO SET (with attachments)
2. AMENDMENT TO ACCUSATION (the accusation was previously served)

MANNER OF SERVICE
(Cal. Code Regs., tit. 1, § 1008)

By United States Mail. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed below and placed the envelope or package for collection and mailing following the ordinary business practices of the Fair Political Practices Commission. I am familiar with these business practices for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident of or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Sacramento, California.

PARTY(IES) SERVED AND ADDRESS:

<table>
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<tr>
<th>Respondents Tom Berryhill, Berryhill for Assembly 2008, Stanislaus Republican Central Committee (State Acct.), and San Joaquin County Republican Central Committee/Calif. Republican Victory Fund, care of their attorney:</th>
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<td>400 Capitol Mall, Suite 2400</td>
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<tr>
<td>Sacramento, CA 95814-4428</td>
</tr>
</tbody>
</table>

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on 10/22, 2012, in Sacramento, California.

Linda Studer