

Public Objection – FPPC Case No. 2021-00266

From: Webster Lincoln

Re: Objection to Proposed Stipulation and Fine for Antonio Lopez and Committee to Elect Antonio Lopez for East Palo Alto City Council 2020

To: Chair and Members of the Fair Political Practices Commission

Dear Commissioners,

I respectfully submit this formal objection to the proposed stipulation and \$1,263 penalty imposed on Councilmember Antonio Lopez and his 2020 campaign committee.

While I recognize that the matter was resolved through the FPPC's *Streamline Program*, I object to the approval of this disposition on the grounds that:

1. The penalty is grossly inadequate.

The violations include failure to timely file required reports, improper handling of campaign funds, and missing expenditure records totaling over \$14,000. These are not trivial clerical oversights; they reflect ongoing disregard for the transparency obligations of the Political Reform Act. A total fine of \$1,263 does not meaningfully deter such conduct or uphold accountability for an elected official.

2. The pattern of misconduct extends beyond campaign reporting.

In a separate civil case (Webster Lincoln v. Antonio Lopez, San Mateo County Superior Court Case No. 20-CIV-05468), the court recently ruled that Mr. Lopez engaged in abusive and improper judgment-collection tactics.

- The Court found that a false proof of service had been filed under penalty of perjury and issued an order quashing the service.
- The Court also granted a protective order to prevent further harassment, finding that Mr. Lopez's actions were "*distracting, harassing, and intimidating.*"

These findings indicate a troubling pattern of ethical indifference and misuse of legal processes to intimidate opponents, conduct that undermines public trust in the integrity of elected officials.

3. Public confidence in enforcement is at stake.

By approving a minimal penalty without consideration of these broader issues, the Commission risks sending a message that repeated and serious violations of campaign law — combined with abusive post-election conduct — will be met with only nominal consequences.

For these reasons, I respectfully request that the Commission reject the proposed stipulation or, at minimum, delay approval pending a more thorough review of Mr. Lopez's conduct and compliance history.

Thank you for your attention to this matter and for your continued commitment to fair and transparent political practices.

Sincerely,



Webster Lincoln
East Palo Alto, California

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

Law and Motion Calendar
Honorable Nina Shapirshteyn
1050 Mission Road, South San Francisco, CA 94080
Department 11, Courtroom K
11/06/25

If you intend to appear on any case on this calendar, you must give notice by 4:00 pm the court day before the hearing pursuant to California Rules of Court, Rule 3.1308(a)(1), and San Mateo County L.R. 3.403(b).

Failure to comply with notice as outlined will result in no oral presentation.

Notice of Appearance and Courtesy Copies

1. Email Dept11@SanMateoCourt.org before 4:00 pm the court day before with a copy to all parties or their counsel of record. The email must include the name of the case, the case number, and the name of the party contesting the tentative ruling OR call (650) 261-5111 before 4:00 pm the court day before and follow the instructions on the message.
2. Courtesy Copies: You must email a copy of any reply brief, or an Opposition to a Motion for Summary Judgment in an Unlawful Detainer matter to: LawAndMotionReplyBriefs@SanMateoCourt.org

Day of Hearing

Appearances can be In Person or Remote. If appearing remotely by Zoom, please use your first and last name and mute your audio until your case is called. All parties must use a device with a camera if you are appearing remotely. Please login to the zoom hearing by 1:50 pm.

Remote Appearance Zoom Information

RECORDING OF A COURT PROCEEDING IS STRICTLY PROHIBITED.

<https://sanmateocourt.zoomgov.com/>

Meeting ID: 161 576 6143

Password: 142907

Zoom telephone dial-in: +1 (669)-254-5252

TO ASSIST THE COURT REPORTER, the parties are ORDERED to: (1) state their name each time they speak and only speak when directed by the Court; (2) not to interrupt the Court or anyone else; (3) speak slowly and clearly; (4) connect from a computer if at all possible, rather than a cell phone; (5) if a cell phone is absolutely necessary, the parties must be stationary and not driving or moving; (6) no speaker phones under any circumstances; (7) provide the name and citation of any cases referenced; and (8) spell all names, even common names.

Case	Title / Nature of Case
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02:00 PM

20-CIV-05468 WEBSTER LINCOLN VS. ANTONIO LOPEZ, ET AL.
LINE: 1

WEBSTER LINCOLN
ANTONIO LOPEZ

PRO PER
ANN M. RAVEL

PETITIONER: WEBSTER LINCOLN'S MOTION TO QUASH APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION; REQUEST FOR PROTECTIVE ORDERS; REQUEST FOR SANCTIONS

TENTATIVE RULING:

Contestant Webster Lincoln's Motion to Quash Application and Order for Appearance and Examination (the "Motion ") is GRANTED in part, and DENIED in part.

Background

In November 2020, Defendant Antonio Lopez ("Defendant") was elected to the East Palo Alto City Council, winning his seat against Contestant by 69 votes. Contestant sought to annul the election alleging that Defendant violated the Elections Code by campaigning within 100 feet of a ballot drop-box on Election Day, allowing a taco truck to block a handicapped parking space there, and offering free tacos. This Court ruled in favor of Defendants. (Judgment, April 21, 2021.) The Court's Order was affirmed by the Court of Appeal (Remittitur, July 7, 2022), and the Court awarded attorney's fees to Defendant (Order Amending July 28, 2022 Order, filed on December 9, 2022).

Defendant filed an Application and Order for Appearance and Examination ("AOEx") of Contestant as a Judgment Debtor on May 26, 2023, for which there is no record of the hearing that had been set in June 2022. Defendant again filed an AOEx on May 19, 2025, which was set for hearing on July 3, and then July 17, 2025. Contestant filed the instant Motion to Quash Application and Order for Appearance and Examination on July 7, 2025, and on July 11, 2025, filed an *ex parte* application to stay the debtor's examination (the "Examination"), which this Court denied.

Contestant filed a Notice of Special Appearance and Formal Protest on July 15, 2025 (the "Protest"), objecting to the Examination for violation of his due process rights. At the hearing of the AOEx on July 17, 2025, the Court noted that "it does not have the jurisdiction on the validity of the

service that Judgment Debtor is claiming was improper," and to preserve Contestant's due process rights, ordered the hearing off calendar. (Minute Order, July 17, 2025.)

Defendant again filed an AOEx on August 28, 2025, the hearing of which has been set for December 18, 2025. The Court's records show that the Court filed an Affidavit of Service of the AOEx on Contestant, counsel for Defendant, and counsel for both Defendant Solorzano and the City of East Palo Alto on August 28, 2025, though the email to the last was undeliverable twice on August 29, 2025. Contestant again filed an ex parte application to stay the Examination, which this Court denied, noting that Contestant "must file a noticed motion." (Order, October 16, 2025.)

Through the Motion, Contestant seeks an Order quashing service of the AOEx declared in the Proof of Service ("PoS") filed on May 29, 2025, on the grounds of defective service, along with a protective Order precluding service during Court appearances in other matters, and sanctions against Defendant for filing a false PoS.

The Motion Is Granted As to the Request to Quash Service.

Contestant does not dispute Defendant's right to collect the Judgment through proper legal channels, only the improper means used, which violate statutory law and due process.

Contestant declares that Defendant made no effort to contact him regarding payment, to serve him, nor to collect for about 24 months, from May 2023 through May 28, 2025. (Decl. Webster, ¶ 4.) On May 28, 2025, Contestant was in Court as the plaintiff in another matter, with his mother and their counsel in the hallway from about 1:15 p.m. until about 1:30 p.m. (*Id.*, ¶ 6.) No service occurred throughout that time. (*Ibid.*) At that time the bailiff opened the Courtroom doors and allowed only parties and their counsel to enter the Courtroom. (*Ibid.*; Decl. Niambi Lincoln, ¶ 3.) Contestant was seated at the counsel table throughout the jury selection process, which concluded at 4:42 p.m. (W. Lincoln Decl., ¶ 6; N. Lincoln Decl., ¶ 6.) Contestant was not personally served. (W. Lincoln Decl., ¶ 7; N. Lincoln Decl., ¶ 6.) During the process, Contestant noted that the bailiff informed Judge Finigan that a process server was outside wanting to serve one of the parties, and Judge Finigan did not permit this. (*Id.*, ¶ 8; nonparty N. Lincoln observed this as well (N. Lincoln Decl., ¶ 5).) Contestant later learned that a PoS was filed declaring personal service upon him at 1:23 p.m. in the Courtroom on May 28, 2025, which declaration is false. (*Id.*, ¶ 10; nonparty N. Lincoln declares this as well (N. Lincoln Decl., ¶ 7).)

Contestant also has learned that counsel for his opponent in the other case has been in communication with Defendant's counsel, suggesting their coordination. (*Id.*, ¶ 12.) Contestant is concerned that Defendant's counsel is improperly using debt-collection tools to interfere with his

ability to litigate the other matter, as the attempt to serve him during jury selection was distracting, harassing, and intimidating (W. Lincoln Decl., ¶ 27, 25) and could prejudice potential jurors against him. As of November 2024, Contestant is an elected City Councilmember who maintains a public schedule, and regularly attends publicly noticed council meetings at which lawful service could be accomplished easily (*id.*, ¶ 2).

The governing statute provides, in pertinent part, that “The judgment creditor *shall personally serve* a copy of the order on the judgment debtor not less than 30 days before the date set for the examination. Service shall be made *in the manner specified in Section 415.10.*” (Code Civ. Proc., § 708.110, subd. (d) (emphasis added).) Moreover, “A summons may be served by personal delivery of a copy of the summons and of the complaint *to the person to be served.*” (*Id.*, § 415.10 (emphasis added).)

Here, the PoS, which claims that Contestant was personally served in the Courtroom at 1:23 p.m., is demonstrably false. (W. Lincoln Decl., ¶¶ 6-10; N. Lincoln Decl., ¶¶ 2-6.)

Defendant served and filed his Opposition four Court days late, without seeking leave of the Court, demonstrating good cause, nor addressing this at all. The Court has discretion to disregard the Opposition. The Court addresses the Opposition nonetheless.

The Opposition cites the contested PoS, as well as the process server, “Mr. Mendez’s declaration, filed concurrently” (Declaration of Tyler Atkinson in Opposition (the “Atkinson Declaration”), ¶ 6), though there is no such concurrently filed Declaration. However, while the Atkinson Declaration under penalty of perjury declares that Exhibit A is the PoS, Exhibit A is actually a Declaration of Luis Arturo Mendez (the “Mendez Declaration”).

The Mendez Declaration impeaches the PoS. It declares that Mr. Mendez wrote the time of service thereon as 1:23 p.m. “as this was around the time I began my attempt to serve” Contestant. (Mendez Decl., ¶ 4.) Clearly, this was not the time of service. Moreover, the Mendez Declaration declares that Contestant’s then-counsel, “Mr. Orme told me I could give him the papers, which I did.” (*Id.*, ¶ 8.) This does not constitute personal service upon Contestant.

Defendant then argues that this situation featuring the contested statement by Mr. Orme constitutes personal service because Mr. Orme was “in the presence of” Contestant (Opp., 3:14), and Mr. Orme’s authority to accept service can be implied by his contested representation. However, Defendant relies on *Pasadena Medi-Center Associates v. Superior Court* (1973) 9 Cal.3d 773, 781 (*Pasadena*), which has been superseded by statute, so that “with the 1982 changes, the Legislature unequivocally signaled that the service statutes are no longer to be ‘liberally construed.’” In fact, as quoted above, the Law Revision Commission stated that the excuses

for non-compliance are to be 'strictly construed.'" (*Bishop v. Silva* (1991) 234 Cal.App.3d 1317, 1323-24 (discussing changes in the law superseding *Pasadena*).) Further, Contestant declares that he was physically absent and saw no service (W. Lincoln Decl. in Reply, ¶ 8)) when service is declared by the Mendez Declaration to have been made on an attorney who was representing Contestant *in an entirely different matter*, to which any authority he may have had was limited. (*Id.*, ¶ 4.)

Defendant declares that on July 7, 2025, Contestant's counsel confirmed that the process server delivered papers to him at 4:30 p.m. on May 28, 2025. (Atkinson Decl., ¶ 7.) This Declaration impeaches the PoS as to the person served and the time of service. Defendant offers the Mendez Declaration in support of his assertion that Contestant's counsel told the process server that he could consider Contestant to have been served, though "When asked about these events at the beginning of July, 2025, Mr. Orme claimed he could not recall what he said to the process server. (Atkinson Declaration, ¶ 7.)" (Opp., 3:1-2.) This argument does not show the personal service of Contestant declared in the PoS. If anything, it suggests otherwise. The Court notes that the Atkinson Declaration appears largely to be directed to Contestant's *ex parte* application of July 11, 2025, rather than to the Motion.

Defendant asserts that Contestant's "self-serving" claims that he was not properly served do not suffice. However, Contestant's Declaration and those of Niambi Lincoln and of the process server himself, in comparison with Defendant's PoS, show that he was not properly served.

As the Court of Appeal explains:

When, as here, plaintiff alleged that a false declaration of service was executed, the allegation does not involve merely an absence of care, it is potentially an intentional act, i.e., conscious wrongdoing. If the false execution is intentional, it cannot be regarded as a technical mishap. Chaos would result if the legal community could not depend on the truthfulness of declarations of service of process. Public policy requires that it be regarded as serious, with consequences sufficiently adverse to act as deterrence.

(*Kappel v. Bartlett* (1988) 200 Cal.App.3d 1457, 1467 (*Kappel*).)

Further, the defective service must be quashed because "Service of the order creates a lien on the personal property of the judgment debtor for a period of one year from the date of the order *unless extended or sooner terminated by the court*." (Code Civ. Proc., § 708.100, subd. (d) (emphasis added).) This indicates that Defendant's subsequent AOEx does not remedy, waive, nor extinguish any lien from the disputed service. Thus, if Defendant maintains that service was valid, he may try to maintain that a lien was created by it, which would be improper.

For all of these reasons, the Court grants the Motion to quash service of the AOEx.

The Motion Is Granted As to the Request for a Protective Order.

Defendant does not address Contestant's concern that his counsel coordinated with Contestant's opposing counsel in another case to attempt to serve him during the jury selection process therein.

The Court has discretion to issue a protective Order prohibiting service upon Contestant during his Court appearances. (Code Civ. Proc., § 708.200 ("In any proceeding under this article, the court may, on motion of the person to be examined or on its own motion, make such protective orders as justice may require.")) In light of the inaccurate PoS declaring that Contestant was served while appearing in Court as a plaintiff in another matter, moreover, for a sensitive jury-selection process, the Court grants the Motion as to the protective Order.

The requested protective Order will not impede legitimate collection efforts, as Contestant is easily publicly accessible as a public official with regular office hours and public appearances. Defendant does not dispute that Contestant has been readily accessible at public council meetings and at city hall since December 2024. Contestant declares examples of his times and address of availability from December 2024-December 2028. (W. Lincoln Decl. in Reply, ¶ 10.)

The Motion Is Denied As to the Request for Sanctions.

Contestant asserts that sanctions are appropriate. However, the motion for sanctions pursuant to Code of Civil Procedure section 128.5 must be made separately, and here, it is instead improperly incorporated into the Motion.

If the tentative ruling is contested, the hearing will be on November 13, 2025, at 2:00 p.m. If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Contestant shall prepare for the Court's signature a written order consistent with the Court's ruling, pursuant to California Rules of Court, rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the California Rules of Court.
