



**FAIR POLITICAL PRACTICES COMMISSION**  
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**To:** Chair Remke, Commissioners Casher, Eskovitz, Wasserman, and Wynne

**From:** John Wallace, Assistant General Counsel  
Heather M. Rowan, Senior Commission Counsel

**Subject:** Pending Litigation

**Date:** April 6, 2015

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***Board of Pilot Commissioners for the Bays of San Francisco, San Pablo & Suisun v. Fair Political Practices Commission.***

The Board of Pilot Commissioners filed a writ of mandate in Sacramento Superior Court on March 3, 2015, seeking relief from the Commission's decision and order in *Pacific Merchant Shipping Association v. Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun*. Following an administrative hearing that the parties presented to the Commission at its July 2014 meeting, the Commission found that the Port Agent should be designated in the Board of Pilot Commissioners' conflict of interest code under Section 87300. The Board of Pilot Commissioners challenge the decision on both jurisdictional and statutory grounds. A hearing on the writ will be held on July 17, 2015.

**Enforcement Cases**

***Tony Dane v. Fair Political Practices Commission***

Tony Dane, a former respondent in an Enforcement Division case, filed in a Las Vegas, Nevada Court, a motion to quash an Enforcement division subpoena that was issued to Wells Fargo Bank. The FPPC then filed a motion to compel production in Sacramento Superior Court and prevailed in both cases. Tony Dane then sued the FPPC in Nevada for malicious prosecution and abuse of process. On June 14, 2012, the Nevada court dismissed the malicious prosecution claim, but declined to dismiss the abuse of process claim on the basis that Dane had alleged ill will (essentially that the FPPC was out to get him based upon his political beliefs). The judge ruled that

under the state's loose "notice pleading" standards, this allegation was sufficient to preserve that cause of action. The FPPC filed a motion for summary judgment on December 19, 2013 in Nevada state court. The court granted the FPPC's motion at a hearing on February 7, 2014. On November 7, 2014, the Nevada court dismissed the case based on the successful motion for summary judgment.