

LEEANN M. PELHAM
Executive Director
LOS ANGELES CITY ETHICS COMMISSION
200 N. Spring Street
City Hall – 24th Floor
Los Angeles, CA 90012
(213) 978-1960

Complainant

BEFORE THE CITY ETHICS COMMISSION
CITY OF LOS ANGELES

In the Matter of:)	CEC Case No. 2005-07
)	
BERNARD C. PARKS;)	STIPULATION, DECISION
BERNARD PARKS FOR CITY COUNCIL,)	AND ORDER
)	
Respondents.)	

The Complainant LeeAnn M. Pelham, Executive Director of the City Ethics Commission (“Commission”), and Respondents Bernard C. Parks (“Parks”) and the Bernard Parks for City Council committee, hereby agree that this Stipulation will be submitted for consideration by the Commission at a regularly scheduled meeting, and that the agreements herein are contingent upon the approval of this Stipulation and the accompanying Decision and Order by the Commission.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondents.

Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural rights under Los Angeles City Charter (“Charter”) §706 and Los Angeles Administrative Code §§24.1.2(d) and (e), including but not limited to the issuance and receipt of an accusation, the right to personally appear at any administrative hearing held in this matter, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to

1 testify at the hearing, and to have the Commission or an impartial administrative law judge hear
2 the matter.

3 Respondents stipulate that they have violated Los Angeles Municipal Code ("LAMC")
4 as described in Exhibit 1, attached hereto and incorporated herein by reference, and that Exhibit
5 1 is a true and accurate summary of the facts in this matter.

6 Respondents agree to the issuance of the attached Decision and Order and imposition by
7 the Commission of administrative penalties totaling \$4,000, to be paid in the form of a cashier's
8 check, payable to the "General Fund of the City of Los Angeles," upon the signing of this
9 Stipulation. The payments submitted herewith are to be held by the Commission until the
10 Commission issues its Decision and Order in this matter.

11 The parties agree that in the event the Commission refuses to accept this Stipulation, it
12 shall become null and void. The parties further agree that within 10 business days after the
13 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondents
14 in connection with this Stipulation shall be returned to Respondents. Respondents further
15 stipulate and agree that in the event the Commission rejects the Stipulation and a full evidentiary
16 hearing before the Commission becomes necessary, no members of the Commission Board or
17 staff, nor the Executive Director, shall be disqualified because of prior consideration of this
18 Stipulation.

19
20
21 DATED: 7/6/05


LEEANN M. PELHAM, CEC Executive Director
Complainant

22
23
24 DATED: 7/6/05


BERNARD C. PARKS
Respondent

1
2 **DECISION AND ORDER**

3 The City Ethics Commission has considered the above Stipulation and the attached
4 exhibit at its meeting on _____. The City Ethics Commission hereby
5 approves the Stipulation and orders that, in accordance with the Stipulation, Respondents
6 Bernard C. Parks and Bernard Parks for City Council shall pay a total in fines of \$4,000 to the
7 "General Fund of the City of Los Angeles."
8

9 DATED: _____

10 _____
11 GIL GARCETTI, President
12 CITY ETHICS COMMISSION
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INTRODUCTION

Respondent Bernard C. Parks (“Parks”) was a candidate for the 8th District of the Los Angeles City Council in the 2003 primary election. Respondent Bernard Parks for City Council was Parks’ controlled committee.

A routine post-election audit by the Commission's Audit Division disclosed eight instances of Respondents' failure to submit copies of voter communications to the Commission at the time they were disseminated, in violation of City campaign disclosure law as described below.

APPLICABLE LAW

The Charter, the LAMC, applicable ordinances, and the Political Reform Act (“PRA”), Cal. Gov. Code §§ 8100-91014, govern campaign finance and disclosure requirements for Los Angeles City elections. Provisions of particular relevance to the instant case are discussed in greater detail below with reference to specific violations.

VIOLATIONS

Counts 1-8: Failure to Provide Copies of Scripts

Los Angeles Ordinance 174881 (“Ordinance 174881”), which applied solely to the primary nominating election held in the City of Los Angeles on March 4, 2003, provides that “Any committee, including but not limited to a candidate controlled committee, and an independent expenditure committee, that makes or incurs payments for 1,000 or more pre-recorded telephone calls or any other forms of electronic or facsimile transmission of substantially similar content, or that makes or incurs expenditures of \$1,000 or more for a radio or television advertisement, in support of or opposition to any candidate(s) for City Council, shall send a copy of the script or recording used for each communication with a clear indication

1 of the date the communication was first publicly made or aired to the Ethics Commission within
2 one calendar day of the first time the calls, transmissions, or advertisements are made or aired.”

3 The purpose of this requirement is to provide a central repository where members of the
4 public can examine voter communications distributed by a candidate and his or her controlled
5 committee during the election.

6
7 COUNTS 1-4

8 In four separate instances on or about January 21, 2003, Respondents failed to submit to
9 the Commission copies of scripts for telephone bank voter communications (identified at
10 Appendix A as “I.D. Parks;” “Latinos for Parks;” “Absent Ballot Voter;” and “Women for
11 Parks”) at the time they were disseminated, in violation of Ordinance 174881.

12
13 COUNT 5

14 Between February 17, 2003 and February 27, 2003, Respondents failed to submit to the
15 Commission a copy of a script for a radio advertisement voter communication (identified at
16 Appendix A as “Parks Radio”) at the time it was broadcast, in violation of Ordinance 174881.

17
18 COUNT 6

19 On or about February 27, 2003, Respondents failed to submit to the Commission a copy
20 of a script for a cable television advertisement voter communication (identified at Appendix A
21 as “AT&T Media Buy”) at the time it was broadcast, in violation of Ordinance 174881.

22
23 COUNTS 7-8

24 In two separate instances on or about April 3, 2003, Respondents failed to submit to the
25 Commission copies of scripts for telephone bank voter communications (identified at Appendix

1 A as "Meet-and-Greet Calls" and "GOTV Auto [Magic Johnson]") at the time they were
2 disseminated, in violation of Ordinance 174881.

4 MITIGATING FACTORS

5 At the time the violations occurred, Respondents had no prior enforcement history with
6 the Commission. Respondents cooperated with the investigation of this matter.

8 CONCLUSION

9 While a maximum administrative penalty in this matter could result in a penalty of up to
10 \$5,000 per count or three times the amount unlawfully contributed, accepted, or reported,
11 whichever is greater, for the instant case, \$40,000, the facts of this case justify the imposition of
12 the agreed upon administrative penalty against Respondents totaling \$4,000. The penalty
13 amount is equivalent to \$500 for each of eight voter communication scripts that were not
14 submitted ($\$500 \times 8 = \$4,000$).

APPENDIX A

<u>Counts</u>	<u>Payee</u>	<u>Check</u>	<u>Date</u>	<u>Amount</u>	<u>Description</u>
1	CAPAD Communications, Inc.	1164	1/21/2003	\$ 15,000.00	Phone Bank -- "I.D. Parks"
2	CAPAD Communications, Inc.	1164	1/21/2003	\$ 15,000.00	Phone Bank -- "Latinos for Parks"
3	CAPAD Communications, Inc.	1164	1/21/2003	\$ 15,000.00	Phone Bank -- "Absent Ballot Voter"
4	CAPAD Communications, Inc.	1164	1/21/2003	\$ 15,000.00	Phone Bank -- "Women for Parks"
5	Broadway Federal Bank KKBT Radio	1204 Cashier's Ck	2/17/2003 2/27/2003	\$ 4,373.25 \$ 1,775.00	KJLH Radio Ad Radio Ad
6	Rick Taylor & Associates	1224	2/27/2003	\$ 4,780.00	ATT Media Buy -- Television Ad
7	LSG Strategies, Inc.	1283	4/3/2003	\$ 3,319.32	Meet and Greet Calls
8	LSG Strategies, Inc.	1283	4/3/2003	\$ 3,319.32	Phone Bank -- "Magic Johnson"