

Second Amendment Adding Additional Complaints to the Taxpayer Protection Amendment of 2000 Complaints Against Mayor Pam O'Connor Originally Filed by the Santa Monica Transparency Project on October 8, 2014 and first amended on October 16, 2014.

Mayor Pam O'Connor's alleged serial violations of Santa Monica law continues. Her latest campaign disclosure statement filed on October 22, 2014 shows that she has yet again illegally accepted, and did not return in the 10 days required by law, campaign contributions, this time from the owners and the president of Edward Thomas, after she voted to confer a benefit upon it. This time her violations have come after Complaints were filed against her by the Transparency Project for the identical 6-year pattern of illegally financing her campaigns.

The names of the owners of Edward Thomas specifically appear on an on-line log Santa Monica maintains, in this case listing Edward Slatkin and Thomas Slatkin as individuals that Pam O'Connor was prohibited by law from taking political contributions from because she had voted to confer a benefit on them. Yet she accepted donations from these very individuals.

Mayor O'Connor's repeated and on-going violations can only be viewed as willful and knowing. She opposed the campaign finance law, known as Oaks, when it was placed on the Santa Monica ballot, signing the argument against it, and then voted to spend \$400,000 of taxpayer money to—unsuccessfully—attack it in court. Now, she is defiant in her continued refusal to follow it. Mayor O'Connor evidently thinks there is no consequence for her actions.

Here is the timeline of events and the Transparency Project's allegations:

- 1. On January 28, 2014, Mayor Pam O'Connor lectured a packed City Council meeting on the intricacies of Santa Monica law (as set out in the Oaks Initiative) on acceptance of donations from those upon whom a councilmember has conferred a public benefit by voting for their contract or project: "Once you have conferred the benefit, you can no longer accept campaign contributions." www.smgov.net; 1/28/14, City Council meeting, video at 3:46.**
- 2. On October 8, 2014, the Santa Monica Transparency Project filed 24 Complaints with the City of Santa Monica alleging a series of violations of the Oaks Initiative by Pam O'Connor for accepting donations from the owners, board members and senior officers of Hines, Macerich and Century West, after she had conferred a public benefit on these major developers. These illegal acts spanned a six-year period from 2008 until 2014.**

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O'Connor has recently claimed that she relies on this very log, which though often not complete provides a first step in the due diligence review required of her under Santa Monica law. Section 2204(a) of Oaks.

When confronted by the press with the Transparency Project's Complaints she said, on October 8, 2014, before the 10 day mandatory period to return these contributions had run: "We will look at the names on the Oaks initiative log to see if these folks are listed," O'Connor said ..."- See <http://smdp.com/mayor-mistakes-campaign-finance/142454#sthash.OgvR4fZc.dpuf>. Since her campaign disclosure statement covers until October 18, 2014, on its face Mayor O'Connor did not return these contributions, received on October 5, within the 10 days required by the law.

This on-going pattern of accepting donations from developers after conferring a benefit upon them, demonstrates a defiance of following the law and a willful and knowing pattern of campaign law violations. That this pattern has continued after the filing of the Complaints, and after all Mayor O'Connor's statements in the press about her campaign donations and after she said she relies on and will check the Oaks log, only further reinforces this.

6. Finally, in Pam O'Connor's October 22, 2014 disclosure statement she indicates that she returned certain illegal contributions she had received from Century West owners and officers: owners and founders Michael Sorochinsky and Steven Fifield, and officer Kevin Farrell. Each of these contributions was the subject of the Complaints filed by the

Transparency Project, and each was returned only after the Complaints were filed and the illegality exposed.

Yet the Mayor failed to return the rest, the bulk of the contributions she illegally accepted and which were also the subject of the Complaints. She did not return the contribution by the third principal of Century West, Randy Fifield. And she did not return any of the contributions from Hines and Macerich owners, officers and board members, including the president and co-owner of Hines, Jeff Hines, the president of Macerich, Edward Coppola, the Vice-Chair of the Board of Directors of Macerich, Dana Anderson, and numerous other senior officers of these major developers.

This Second Amendment is based on information and reasonable belief. It is filed with the City of Santa Monica, Office of the City Attorney. It requests as have the original 24 Complaints filed on October 8, 2014 and the Amended Complaints filed on October 16, 2014, that a full and impartial investigation be carried out and that the appropriate action be taken flowing from these very serious, on-going violations of law.

Second Amendment Adding New Complaints

Factual Background for Thirty-Second to Thirty-Fourth Complaints

The Vote Conferring the Benefit

Sale of Property at 1920 Ocean Way. A public benefit was conferred in contract 9645 at the September 11, 2012 City Council meeting on Edward Thomas. Ms. O'Connor voted in favor of conferring the benefit, which was in excess of the Oaks' threshold of \$25,000. The contract was for the sale of city owned property at 1920 Ocean.

Under the Oaks Initiative the sale of "any real property to or from the City with a value, in excess of \$25,000" is specifically included as a public benefit. Section 2202(a)(3). Here the sale was for \$13,150,000.

The Beneficiary: Edward Thomas

The beneficiary is Edward Thomas. Edward Slatkin and Thomas Slatkin are owners of Edward Thomas, which they founded and which bears their names. See for example City of Santa Monica on-line Taxpayer Protection Report, attached as part of Attachment T.

Under Oaks, which is now part of the Santa Monica Charter, a councilmember who votes for a contract or a project is absolutely prohibited thereafter from accepting a contribution from the individual or entity who is to receive the benefit or from anyone with more than a 10% interest in the entity, or is an officer, director, partner or trustee. Section 2202(b)

The Contribution Afterwards

City council candidate O'Connor's campaign disclosure statement e-filed on October 22, 2014 lists a number of donations from people related to Edward Thomas. These batched contributions were received by Mayor O'Connor's campaign on the same day, October 5, 2014. Each contribution was in the maximum amount permitted by law.

The October 22, 2014 campaign statement states that it was executed by Pam O'Connor, Candidate, on October 22, 2014. She executed it under penalty of perjury certifying that she "*used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete.*" Emphasis added.

The list of donations includes contributions from both founders and partners of Edward Thomas – Edward Slatkin and Thomas Slatkin – as well as its President (who may also be an owner) Timothy Dubois. Additionally, individuals who appear to be the spouses of the each founder made contributions at the same time. (Complaints for Oaks violations are not being brought as to these spouse contributions, though if either has more than a 10% interest in Edward Thomas, the acceptance of these contributions by Pam O'Connor would also constitute a violation.)

Please see Attachment T for backup documentation.

Thirty-Second Complaint

On October 5, 2014 Pam O'Connor received a campaign contribution from Edward Slatkin, owner of Edward Thomas, upon whom she conferred a benefit valued at over \$25,000 on September 11, 2012. She did not return the contribution within 10 days. All, in violation of the Oaks Initiative.

Please see Attachment T.

Thirty-Third Complaint

On October 5, 2014 Pam O'Connor received a campaign contribution from Thomas Slatkin, owner and partner of Edward Thomas, upon whom she conferred a benefit valued at over \$25,000 on September 11, 2012. She did not return the contribution within 10 days. All, in violation of the Oaks Initiative.

Please see Attachment T.

Thirty-Fourth Complaint

On October 5, 2014 Pam O'Connor received a campaign contribution from Timothy Dubois, President and possibly an owner of Edward Thomas, upon whom she conferred a benefit valued at over \$25,000 on September 11, 2012. She did not return the contribution within 10 days. All, in violation of the Oaks Initiative.

Please see Attachment T.

The Santa Monica Transparency Project

/s/Mary Marlow

Mary Marlow, Chair. Dated: October 26, 2014.

Appendix – Chart of Key Dates

=Sale of 1920 Ocean Way—Edward Thomas (Complaints 32-34)

Benefit Conferred: September 11, 2012

Contributions Afterwards: October 5, 2014
