

# SMCLC

Santa Monica Coalition for a Livable City

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SANTA MONICA, CALIF.

STEERING  
COMMITTEE  
& ADVISORS

October 26, 2010

Via Hand Delivery

To: City Attorney Marsha Moutrie  
City Clerk Maria Stewart

marc amour  
abby arnold  
darrell clarke  
peter davison  
gale feldman

RE: Investigation of Two Mailings Sent By a Group Registered With the City as a General Purpose Committee (PAC) and the Role of Councilmember Pam O'Connor in these mailings

mary fenstermacher  
victor fresco  
susan giesberg  
diana gordon  
sherrill kushner  
maria loya  
mary marlow  
bea nemlaha  
jacob samuel

Dear Ms. Moutrie and Ms. Stewart:

By way of background to this request, two last minute widely disseminated mailings have been sent to Santa Monica residents by a group calling itself "Santa Monicans for Quality Government," which are materially misleading and which are attempting to impact the outcome of our upcoming election. The so-called group that sent out these mailings registered with the City Clerk on October 13<sup>th</sup>, then sent out the mailings under their name, and then abruptly dissolved without filing a financial disclosure statement that reported ANY income or expenses.

The Santa Monica Coalition for a Livable City (SMCLC) requests that each of you investigate this conduct of "Santa Monicans for Quality Government" and the role of Councilmember Pam O'Connor in these mailings based upon the information available to you and set out in this letter.

lorraine sanchez  
jeff segal  
carol sobel  
maryanne solomon  
doris sosin  
linda sullivan  
peter tigler  
bill zimmerman

- 1) "Santa Monicans for Quality Government" is a group which formed only two weeks ago and registered with the City as a Political Action Committee. It then sent out two election mailings to City residents under the name of this registered group after which it abruptly dissolved on October 25<sup>th</sup>. To date, this group has failed to disclose who paid what amounts for these mailings or its other activities, if any. The address on the mailers is a post office box at a mail and copy center in Ocean Park. No phone number or other contact information appears on the mailers.
- 2) Significantly, one of the mailers is formatted so that it appears to have come from "The Santa Monica Police Officers' Association" and the "Santa Monica Firefighters," when it did not. The mailer misappropriates and prominently displays the logos of these two public safety groups on its front page without their authorization. (See October 22<sup>nd</sup> Santa Monica Daily Press article "Campaign mailer draws rebuke from public safety unions.") Only in very small

type buried on the bottom of another page, does the mailer state that it was prepared by the (now dissolved) so-called "Santa Monicans for Quality Government." The mailer states that these groups have endorsed "four candidates," and names them, noticeably omitting Kevin McKeown, who was also endorsed by them.

- 3) The other mailer states: "On November 2<sup>nd</sup>, please vote for the officially endorsed candidates of our police, firefighters, and paramedics: . . ." (emphasis added) and then lists O'Connor and three other council candidates, but fails to list Kevin McKeown who was also endorsed, deceptively implying that he was not.

It appears from a small type footnote in the mailers that they were paid for, at least in part, and authorized by Councilmember Pam O'Connor. According to Ms. O'Connor's latest campaign disclosure statements, she has paid a group called "The Political Scientists" \$10,000 on her behalf in this election; or approximately 35% of the total contributions she has reported. Her longtime campaign political consultant Fred Huebscher is the President of "The Political Scientists." Mr. Huebscher is also the President of this now dissolved "Santa Monicans for Quality Government." (See SMQG's Form 410 filings and Form 460 which states that the group has received no money and incurred no debts).


We understand from the City Clerk that this group may claim that it unnecessarily registered with the City and that it is really a slate mailing organization registered with the State. If this is their claim, we request that you also look at the following issues:

First, can an organization register as a PAC in order to support and or oppose city candidates, send out mailings which do this, and then avoid its financial reporting obligations to the city and the voters by claiming it was all a mistake?

Second, don't the FPPC rules prohibit a committee which was formed to support or oppose a candidate from qualifying as a slate mailer organization? (See, e.g., FPPC Form 400, Statement of Organization – "Slate Mailer Organizations do not include . . . a committee primarily formed to support or oppose a candidate, officeholder, or ballot measure." Games are being played here on Santa Monica voters.

SMCLC requests that you each promptly investigate these mailers and this conduct based upon the above and any other matters or information that come to your attention related to these mailers and report on your findings before the election on November 2<sup>nd</sup>.

Sincerely,



Diana Gordon for SMCLC

Enclosures (two SMQG mailings)