

From: Chloe Hackert <CHackert@fppc.ca.gov>
Sent: Monday, January 27, 2020 8:48 AM
To: mike@dennz.com
Subject: RE: FPPC COM-01232020-00151

Good morning,

Under Government Code Section (a) "Public official" means every member, officer, employee or consultant of a state or local government agency. (b) Notwithstanding subdivision (a), "public official" does not include the following: (1) A judge or court commissioner in the judicial branch of government. Therefore, a Superior Court Judge is not a public official under the Political Reform Act.

Additionally, under the Act a *public official* has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances. The Act's conflict of interest provisions do not apply to judges or court commissioners. (Sections 82048 and 87100.)

Sincerely,



Chloe Hackert
Enforcement Division
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000 | Sacramento, CA 95811
916.322.8190 | chackert@fppc.ca.gov

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From: mike@dennz.com <mike@dennz.com>
Sent: Friday, January 24, 2020 3:26 PM
To: Chloe Hackert <CHackert@fppc.ca.gov>
Subject: RE: FPPC COM-01232020-00151

EXTERNAL EMAIL

Good afternoon,

I have thoroughly reviewed your website and advice letters pertaining to everything regarding Judges, payments and benefits. There is nothing there supporting a Judge who receives non-salary payments from an entity (in this case the City and County of San Francisco) and then is in the position to rule on their behavior. And who, not surprisingly, rules consistently in favor of the City and against the interest of the law and taxpayers.

The Political Reform Act was adopted by initiative Proposition 9 on June 4, 1974 and codified as GC 81000 to GC 91014. No act of the Legislature, not in furtherance of its purposes, may change Proposition 9 without a concurrence by the people at an election. Chapter 7 (GC 87100 to 87505) of the Political

Reform Act addresses conflicts of interest. GC 87100 provides that "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." GC 87103 provides that "A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, ..., or on any of the following:¶ ... (c) Any source of income, except gifts or loans ..., aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made." GC 87302 requires that judges (GC 87200), among others, annually "file statements ... disclosing reportable ... income." It is self-evident that a bond measure in the amount of \$600,000,000 "will have a material financial effect" on the City. The City also derives material ancillary revenue in connection with measures and their passage from administering elections, collecting 17 taxes, and managing investments such as bond proceeds. The Judge, along with every other judge of the Court, receives income of approximately \$15,000 to \$17,000 annually from the City ("the source") "aggregating more than five hundred dollars" annually. Judges in the Court can be bought much more cheaply than those in Los Angeles, where they pull down more than \$60,000 each year. What a shame that judges, as a group, in over forty counties around the state have no ethical standards. In his annual FPPC Form 700 filing of February 28, 2019, the Judge checked "None" in section 4 for "No reportable interests on any schedule." The form was submitted under penalty of perjury (GC 81004). The Judge did not disclose the City as a source of income.

Please don't tell me the FPPC is in on this racket too.

Michael F Denny
3329 Cabrillo St @ 34th Ave.
San Francisco, CA 94121
(415) 750-9340
(415) 608-0269 cell
Mike@Dennz.com

From: Chloe Hackert <CHackert@fppc.ca.gov>
Sent: Friday, January 24, 2020 9:25 AM
To: mike@dennz.com
Subject: RE: FPPC COM-01232020-00151

Good afternoon,

The Commission has information on our website regarding governmental salary. Here is a link:
<http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/conflict-of-interest/holding-two-positions.html>

The Commission also issues advice letters which you can search here:
<http://www.fppc.ca.gov/advice/advice-opinion-search.html>

Sincerely,



Chloe Hackert
Enforcement Division
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From: mike@dennz.com <mike@dennz.com>
Sent: Friday, January 24, 2020 9:22 AM
To: Chloe Hackert <CHackert@fppc.ca.gov>
Subject: RE: FPPC COM-01232020-00151

EXTERNAL EMAIL

Dear Ms. Hackert,

Thank you for your reply.

This money paid to Judge Schulman is not salary. His salary comes from the State. Are there any court cases that support your opinion?

Looking forward to your reply.

Michael F Denny
3329 Cabrillo St @ 34th Ave.
San Francisco, CA 94121
(415) 750-9340
(415) 608-0269 cell
Mike@Dennz.com

From: Chloe Hackert <CHackert@fppc.ca.gov>
Sent: Friday, January 24, 2020 9:09 AM
To: mike@dennz.com
Subject: FPPC COM-01232020-00151

Good morning,

Please see the attached correspondence in response to the sworn complaint you submitted to the Enforcement Division of the Commission.

Sincerely,



Chloe Hackert

Enforcement Division

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000 | Sacramento, CA 95811

916.322.8190 | chackert@fppc.ca.gov