Fair Campaign Practices Commission

DATE: October 18, 2018

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: JESSICA MAR, Commission Secretary/Deputy City Attorney JM 10/18/18

SUBJECT: **Staff Report Regarding Complaint of Alleged BERA Violations by *Droste for City Council 2018* submitted by Harriet Steele**

Introduction

On October 2, 2018 the Secretary received a complaint ("Complaint") submitted by Harriet Steel ("Complainant").[1] **(Att. 1)**.

The Complaint alleges that Candidate Lori Droste, a candidate participating in Berkeley's Public Financing Program, held a campaign kickoff event in a retail space near Ashby and College. The Complaint alleges that Candidate Droste verbally "thanked Kevin Gordon for donating the space, Le Med for donating the food, Fieldworks for donating the beer and two individuals for wine and cheese." **(Att. 1)**

The Complaint alleges that these donations constituted contributions from a prohibited business source and points out that a person who owns a business can only make contributions from his or her personal account. The Complaint also references that Candidate Droste is participating in public financing and that it was unclear whether any of the donations fell within the public financing contribution limits.

In accordance with Sections V.B. and D of the FCPC Procedures, the Secretary reviewed the documentation submitted with the Complaint, provided the Complaint and requested responses from *Droste for City Council 2018* (the "Committee"), and reviewed the relevant campaign disclosure statements. **(Att. 2)**.

The Treasurer for the Committee, Kerry Birnbach, provided information that a nonmonetary contribution from Garbis Bagdasarian was incorrectly entered as a business contribution from Mediterranee III. She confirmed that payment for food purchased from Mediteranee III for the kickoff was disclosed on the filing. The Committee filed an amended Form 460 to correct this filing error on October 5, 2018.

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[1] Complainant Steel sent her Complaint to the home address of one of the commissioners. Complaints for the Fair Campaign Practices Commission should be sent to the Commission Secretary. FCPC Procedures V.A.1.

Ms. Birnbach confirmed that all of the other food donations were personal nonmonetary contributions and had been accurately disclosed on the Committee's Form 460.

Ms. Birnbach stated that the Committee believed that the use of the office space for the campaign kickoff event was an office fundraiser, which the Committee believed did not need to be reported. Ms. Birnbach referenced Fair Political Practices Commission Manual 1- Information for State Candidates, Their Controlled Committees, and Primarily Formed Committees for State Candidates," Chapter 4, which states "Home/Office Fundraisers (Other than a Lobbyist or Lobbying Firm) If a person, other than a lobbyist (or a cohabitant of a lobbyist) or lobbying firm, holds a fundraiser or other campaign event in his or her home or office, the costs incurred by the occupant of the home or office need not be reported as long as the total cost of the event is $500 or less. However, if someone else donates food, beverages, or anything else of value to the event, the fair market value of those donated goods is a nonmonetary contribution." FPPC Manual 1, Chapter 4.4.[2]

The Secretary reminded the Committee that Berkeley candidates are subject to the Berkeley Election Reform Act, which can place additional requirements on Berkeley committees beyond the requirements of state law.

Ms. Birnbach responded promptly, volunteering that the Committee would take corrective action to pay Gordon Commercial Properties, LLC for the use of the space and sent documentation of payment to the Secretary. Ms. Birnbach also requested that the following statement be provided to the Commission:

> "On 10/12/2018 Droste for City Council 2018 sent a payment of $100.00 to Gordon Commercial Properties, LLC for use of their building for Lori's campaign kickoff space. The campaign will include this payment in a form 460 Amendment."

On October 14, 2018, the Committee filed an amended Form 460 disclosing this expense and confirmed that the payment of the accrued expense for use of the space would be included on the Committee's next Form 460 covering the period when payment was made.

The investigation did not find evidence that the Committee accepted food or beverage donations from business entities in violation of the source prohibition on contributions in BMC § 2.12.440. The Committee promptly amended its campaign disclosure to correct the filing error that indicated a nonmonetary contribution from business entity Mediteranee III and clarified that the Committee purchased food from the business.

With regard to the use of the retail space for the campaign kickoff event, acceptance of the use of the retail space from Gordon Commercial Properties, LLC without payment appears to constitute

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[2] Although Ms. Birnbach referenced the FPPC Manual that applies to *state* committees, FPPC Manual 2- "Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates," Chapter 3.3, which is written for local candidates, contains the same language.

a violation of the source prohibition in BMC 2.12.440 and of the restrictions on the contribution type and amount for public financing candidates in BMC 2.12.500. When this was brought to the Committee's attention, the Committee took prompt voluntary corrective action to remedy the potential violation.

As discussed in more detail below, pursuant to the Commission's Procedures, after the presentation of the Secretary's report, the Commission may move to dismiss the matter by majority vote and proceed no further, or make a determination that probable cause exists to believe that BERA has been violated. Procedures section VI.B.

Summary of Evidence

Candidate Droste held a campaign kickoff event in a retail space near Ashby and College in a property owned by Gordon Commercial Properties, LLC.

The Committee disclosed nonmonetary contributions of "kickoff supplies" as individual nonmonetary contributions on Schedule C of its Form 460 covering the period July 1- September 22, 2018, filed on September 22, 2018 ("September 22 Form 460"). (**Attachment 3**.)

The Committee's Form 460 filed on September 22, 2018, covering the period from July 1, 2018 to September 22, 2018 also included one contribution that on the face of the filing appears to be from a prohibited source. The statement lists a contribution on Schedule C from 'Mediterranree III' received on August 19, 2018, which the filing identifies under the "Other" contributor code. (**Attachment 3**.)

The Committee explained that it had purchased $97.49 worth of food from 'Mediterranree III' for the event, which was disclosed on Schedule E.

On October 5, 2018, the Committee amended its Form 460 to include a $50.00 nonmonetary contribution for kickoff supplies on August 19, 2018 from Garbis Bagdasarian, an individual who is the owner of Mediterranree III. (**Attachment 4**).

On October 12, 2018, the Committee sent a payment of $100.00 to Gordon Commercial Properties, LLC for use of their building for Candidate Droste's campaign kickoff event.

On October 14, 2018, the Committee filed an amended Form 460 disclosing the $100.00 accrued expense to Gordon Commercial Properties for event space incurred for the period from July 1-September 22, 2018. (**Attachment 5**). Ms. Birnbach sent a copy of the check for payment to Gordon Commercial Properties, LLC and confirmed that the Committee will disclose the $100.00 payment made on October 12, 2018 on Schedule E as an expenditure for the Committee's next Form 460. (**Attachment 6**).

Discussion

1. Applicable Law

a. Contribution defined under BERA

Under BERA a contribution is defined as "a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or voter approval of one or more measures…..The term "contribution" shall not include… the use of personal or real property where the value of such use is not in excess of fifty dollars." BMC 2.12.100.

b. Contributions from Business Entities Prohibited

BERA prohibits any contribution from business entities, "No proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, including non-profit corporations, or labor union shall make a contribution to any candidate or committee (supporting or opposing any candidate) directly or indirectly, and no campaign treasurer (of any such committee) shall solicit or accept such contribution." BMC § 2.12.440.

2. Public Financing Program Requirements

a. The Public Financing Contribution Limits: Amount and Type of Acceptable Contributions

Candidates participating in the City's Public Financing Program are subject to a $50.00 aggregate value of contribution from any one individual. BMC § 2.12.500.A.7.

Additionally, participating candidates may only accept "qualified contributions, contributions not greater than fifty dollars ($50) made by a natural person non-resident of Berkeley, or non-monetary contributions with a fair market value not greater than fifty dollars ($50)." *Id.*

Public financing candidates may only accept contributions of up to $50 from natural persons (i.e., individuals). (BMC § 2.12.500.A.7.) To be eligible to be certified as a public financing candidate, a candidate must "Not accept contributions in connection with the election for which Fair Elections funds are sought other than qualified contributions, contributions not greater than fifty dollars ($50) made by a natural person non-resident of Berkeley, or non-monetary contributions with a fair market value not greater than fifty dollars ($50). The aggregate value of all contributions from any individual must not be greater than fifty dollars ($50)."

3. Discussion and Analysis

BERA prohibits any contribution from business entities (BMC § 2.12.440).

Under BERA, use of the retail space without payment constitutes a contribution from Gordon Properties, LLC, the owner of the space. BMC § 2.12.100. While "use of personal or real property where the value of such use is not in excess of fifty dollars" is excluded under the definition of a contribution under BERA, here the use was from a prohibited source and was estimated at a value of $100.00. BMC §§ 2.12.100, 2.12.440.

Candidate Droste, as a candidate participating in Berkeley's Public Financing program, agreed to be bound by additional requirements under the Berkeley Fair Elections Act of 2016 in order to be eligible for Fair Elections funds from the City.

Candidates participating in public financing agree to a $50.00 contribution aggregate limit from any one individual. BMC § 2.12.500.A.7. Participating candidates may also only accept the following types of contributions:

1. Qualified contributions,
2. Contributions not greater than fifty ($50) made by a natural person non-resident of Berkeley, or
3. Non-monetary contributions with a fair market value not greater than fifty dollars ($50).

BMC § 2.12.500.A.7.

When Candidate Droste accepted the use of retail space owned by Gordon Properties, LLC without payment this appeared to violate the prohibition on business entity contributions in BMC § 2.12.440, as well as the restrictions on the types of contributions public financing candidates may accept, as it did not fall within one of the three categories of acceptable contributions for public financing participating candidates in BMC § 2.12.500.A.7.

For the reasons identified above, there appears to be sufficient circumstances for a reasonable basis on which to believe that a violation of BERA has occurred for the use of the retail space.

Disposition of Potential Violations

1. Probable Cause Determination

After presentation of this report, the Commission may dismiss the matter and proceed no further if evidence of any violation is insufficient or unreliable or if the possible violation has only a slight impact on the administration of BERA and/or the outcome of any election that further proceeding would be an inefficient use of resources. Procedures of the FCPC section VI.B.1. Alternately, the Commission may determine that probable cause exists to believe that the BERA has been violated. *Id.* at Section VI.B.2. Probable cause exists when based on the circumstances presented there is a reasonable basis on which to believe that a violation of the BERA has occurred. *Id.*

If the Commission determines there is probable cause for believing the committee violated BMC section 2.12.500, the Commission shall consider what action to take and may consider the factors identified in Section VI.C.1 of the Procedures.

Based on the facts identified above, the evidence does not appear to support a finding that Candidate Droste accepted donations of food and beverages for the campaign kickoff event from business entities. Ms. Birnbach stated that the Committee made a filing error when it disclosed a $50.00 contribution on Schedule C from 'Mediterranree III' received on August 19, 2018, which the filing identifies under the "Other" contributor code. The Committee explained that it had purchased $97.49 worth of food from 'Mediterranee III' for the event, which was disclosed on Schedule E. On October 5, 2018, the Committee amended its Form 460 to include a $50.00 nonmonetary contribution for kickoff supplies on August 19, 2018 from Garbis Bagdasarian, an individual who is the owner of Mediterranree III. Based on these facts, there does not appear sufficient evidence that a violation of BERA occurred when the Committee accepted the food and beverage nonmonetary contributions.

However, based on the facts above, there does appear to be sufficient evidence for a reasonable basis on which to believe that a violation of BERA Sections 2.12.500.A.7 and 2.12.440 occurred for the use of the retail space. As noted above, Ms. Birnbach took prompt, voluntary action once she was notified of the potential violation to pay for the use of the space and amend the Committee's filings to properly disclose the use of the space and payment. The payment will be disclosed as an expenditure made on October 12, 2018 on Schedule E of the Committee's Second Pre-Election Campaign statement due on October 25, 2018.

2. Proceeding After a Determination of Probable Cause

Following a determination of probable cause, the Commission may take any of the following courses of action:

a. Dismiss the complaint and take no further action;
b. Request the Secretary conduct further investigation;
c. Require the timely filing of campaign statements and/or amendments to campaign statements;
d. Invite the respondents to participate in settlement negotiations.
e. Schedule and conduct a hearing pursuant to Section 2.12.230 of BERA.[3]
f. Ask the City Attorney or the District Attorney to seek legal remedies.
g. Seek any other remedy within its authority.

Procedures for the FCPC section VI.C.2.

Attachments

1. Copy of Complaint submitted by Harriet Steel, received October 2, 2018
2. Letter from FCPC Secretary to *Droste for City Council 2018* regarding complaint, dated October 4, 2018.
3. Excerpts of *Droste for City Council 2018*, Form 460 campaign statement filed September 22, 2018, covering the period from July 1, 2018 through September 22, 2018.

[3] If the Commission holds a hearing pursuant to BMC § 2.12.230, and determines that there is a violation, the violation penalties under BMC 2.12.231 would be available remedies. Because this matter potentially involves in violation of the Fair Elections Act of 2016, the Fair Elections Act penalties in BMC § 2.12.550 may be available in addition to the remedies in BMC § 2.12.231.

4. Excerpts of *Droste for City Council 2018*, Form 460 campaign statement filed October 5, 2018, covering the period from July 1, 2018 through September 22, 2018.
5. Excerpts of *Droste for City Council 2018*, Form 460 campaign statement filed October 14, 2018, covering the period from July 1, 2018 through September 22, 2018.
6. Copy of Check for payment for use of space to Gordon Commercial Properties, LLC submitted by Kerry Birnbach, dated October 12, 2018

Attachment 1

Complaint of Noncompliance
Berkeley Election Reform Act ("BERA")*

Fair Campaign Practices Commission

Received
OCT 02 2018
City Attorney

Full Name: Harriet Steel
Date: September 13, 2018
Address:
E-mail (optional but suggested): harriet.steele10@gmail.com
Phone (optional but suggested): 818-317-7236

Party or parties alleged to have committed or are about to commit a violation of BERA:
Droste for City Council 2018

Clear, concise and accurate statement of the facts that constitute the violation of BERA. If additional space is needed, you may attach additional pages:
On August 19, 2018, candidate Lori Droste held a campaign kickoff event in a vacant retail space near the N/W corner of Ashby and College. The building is owned by John Gordon. During her spoken remarks, Ms. Droste thanked Kevin Gordon for donating the space, Le Med for donating the food, Fieldworks for donating the beer and two individuals for wine and cheese.
Per BERA: A person own owns a business can only make contributions from their personal account. If they write a check from the business account or make an in-kind donation with business assets, that is illegal under BERA. Additionally, Ms. Droste is participating in public financing. Regardless of the illegality of the contributions from the businesses, it is unclear that any of the donations, personal or otherwise, fell within the donation limits established under Public Financing guidelines.

Documents: Attach any documentation supporting the facts alleged.

Statements that are not based upon personal knowledge should identify the source of information that gives rise to the complainant's belief in the truth of such statements.

Second-hand knowledge

I declare under penalty of perjury under the laws of the State of California that all information submitted hereon and in the attachments is true and correct.

Signature Harriet Steele **Date** 9/28/18

*Use this "Complaint of Noncompliance" form to allege a violation of BERA pursuant to Berkeley Municipal Code Section 2.12.225 and the *Procedures of the Fair Campaign Practices Commission.*

Fair Campaign Practices Commission

October 4, 2018

VIA EMAIL AND U.S. MAIL

Ms. Linda Perry, Treasurer
Droste for City Council 2018
1527 139th Avenue
San Leandro, CA 94578
lindajperry@hotmail.com

Ms. Kerry Birnbach, Asst. Treasurer
Droste for City Council 2018
5208 Manila Ave. 5
Oakland, CA 94618

RE: Complaint Filed with the Fair Campaign Practices Commission regarding *Droste for City Council 2018*

Dear Ms. Perry and Ms. Birnbach:

On October 2, 2018, our office received a Complaint from Harriet Steel submitted to the Berkeley Fair Campaign Practices Commission (FCPC) asserting violations of the Berkeley Election Reform Act by *Droste for City Council 2018.* (**Attachment 1.**)

The Committee's Form 460 filed on September 22, 2018, covering the period from July 1, 2018 to September 22, 2018 includes at least one contribution that on the face of the filing appears to be from a prohibited source. The statement lists a contribution on Schedule C from 'Mediterranree III' received on August 19, 2018, which the filing identifies under the "Other" contributor code. (**Attachment 2**.)

The Berkeley Election Reform Act ("BERA") strictly prohibits all monetary and non-monetary contributions from business entities. (BMC § 2.12.440.) Additionally, as the controlled committee of a candidate participating in the public financing program, the candidate may only accept contributions from natural persons. (BMC § 2.12.500.A.7 and BMC § 2.12.167.)

Therefore, it appears that the contribution from Mediterranree III, which is not an individual, for kickoff supplies on August 19, 2018 was a prohibited contribution.

This item will be **placed on the agenda for the Fair Campaign Practices Commission's next regular meeting on October 18, 2018** at 7:00 p.m. in Classroom C of the North Berkeley Senior Center at 1901 Hearst Avenue. Pursuant to the Commission's Procedures, our office will conduct an investigation and prepare a memo for the Commission on this matter. (**Attachment 3**.)

If you would like to provide any information relevant to the investigation of this matter or for the Commission's consideration, please submit **the information in writing no later than**

Thursday, October 11, so that the materials may be considered and included with those provided to the Commission. The packet is generally mailed and posted on the Commission's website (https://www.cityofberkeley.info/FCPC/) one week in advance of the meeting, and no later than 72 hours prior to the meeting. I can also provide a courtesy copy of the materials to you via email, if you would like.

If you have questions, you may contact the Commission Secretary at 981-6998 or fcpc@cityofberkeley.info.

Sincerely,

for Jessica Mar
Secretary, Fair Campaign Practices and Open Government Commissions

cc: Mark Numainville, City Clerk

Attachments:

1. Complaint from Harriet Steel, received October 2, 2018
2. Excerpts of Droste for City Council 2018, Form 460 campaign statement filed September 22, 2018, covering the period from July 1, 2018 to September 22, 2018.
3. Procedures for the Fair Campaign Practices Commission, revised July 2014

Attachment 3

COVER PAGE

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

SEE INSTRUCTIONS ON REVERSE

Statement covers period
from 07/01/2018
through 09/22/2018

Date of election if applicable: (Month, Day, Year)
11/06/2018

Date Stamp
E-Filed
09/22/2018
00:06:42
Filing ID:
173808378

CALIFORNIA FORM 460

Page 1 of 33

For Official Use Only

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- [X] Officeholder, Candidate Controlled Committee
  - ◯ State Candidate Election Committee
  - ◯ Recall
  - *(Also Complete Part 5)*
- [ ] General Purpose Committee
  - ◯ Sponsored
  - ◯ Small Contributor Committee
  - ◯ Political Party/Central Committee
- [ ] Primarily Formed Ballot Measure Committee
  - ◯ Controlled
  - ◯ Sponsored
  - *(Also Complete Part 6)*
- [ ] Primarily Formed Candidate/ Officeholder Committee
  - *(Also Complete Part 7)*

2. Type of Statement:

- [X] Preelection Statement
- [ ] Semi-annual Statement
- [ ] Termination Statement (Also file a Form 410 Termination)
- [ ] Amendment (Explain below)
- [ ] Quarterly Statement
- [ ] Special Odd-Year Report
- [ ] Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER: 1363582

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Droste for City Council 2018

STREET ADDRESS (NO P.O. BOX)

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Berkeley	CA	94705	(510)326-2917

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY	STATE	ZIP CODE	AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS
droste2018@gmail.com

Treasurer(s)

NAME OF TREASURER
Linda Perry

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
San Leandro	CA	94578	(510)258-7787

NAME OF ASSISTANT TREASURER, IF ANY
Kerry Birnbach

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Oakland	CA	94618	(510)506-5745

OPTIONAL: FAX / E-MAIL ADDRESS
lindajperry@hotmail.com

4. Verification

I have 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. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 09/22/2018 (Date) By Lori Droste (Signature of Treasurer or Assistant Treasurer)

Executed on 09/22/2018 (Date) By Kerry Birnbach (Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

www.netfile.com

Schedule C
Nonmonetary Contributions Received

Amounts may be rounded to whole dollars.

SCHEDULE C

Statement covers period
from 07/01/2018
through 09/22/2018

CALIFORNIA FORM 460

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Droste for City Council 2018

I.D. NUMBER

1363582

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	DESCRIPTION OF GOODS OR SERVICES	AMOUNT/ FAIR MARKET VALUE	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	PER ELECTION TO DATE (IF REQUIRED)
08/19/2018	Barry Braden Somerset, CA 95684	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Owner Fieldwork Brewing	Kickoff supplies	50.00	50.00	G2018 $50.00
08/19/2018	Oliver McCrum Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Wine Seller Oliver McCrum Wines, Berkeley	Kickoff supplies	50.00	50.00	G2018 $50.00
08/19/2018	Mediterranree III Berkeley, CA 94705	[ ] IND [ ] COM [X] OTH [ ] PTY [ ] SCC		Kickoff supplies	50.00	50.00	G2018 $50.00
08/19/2018	Deborah Peterson Covington, GA 30014	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Key Account Manager Cypress Grove Chevre	Kickoff supplies	50.00	50.00	G2018 $50.00

Attach additional information on appropriately labeled continuation sheets. **SUBTOTAL $** 200.00

Schedule C Summary

1. Amount received this period – itemized nonmonetary contributions. (Include all Schedule C subtotals.) ..... $ 200.00
2. Amount received this period – unitemized nonmonetary contributions of less than $100 ..... $ 0.00
3. Total nonmonetary contributions received this period. (Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Lines 4 and 10.) ..... **TOTAL $** 200.00

*Contributor Codes
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

Attachment 4

COVER PAGE

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

SEE INSTRUCTIONS ON REVERSE

Statement covers period
from 07/01/2018
through 09/22/2018

Date of election if applicable: (Month, Day, Year)
11/06/2018

Date Stamp
E-Filed
10/05/2018
10:49:53
Filing ID:
174118190

CALIFORNIA FORM 460

Page 1 of 33

For Official Use Only

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- [X] Officeholder, Candidate Controlled Committee
  - ◯ State Candidate Election Committee
  - ◯ Recall
  - *(Also Complete Part 5)*
- [ ] General Purpose Committee
  - ◯ Sponsored
  - ◯ Small Contributor Committee
  - ◯ Political Party/Central Committee
- [ ] Primarily Formed Ballot Measure Committee
  - ◯ Controlled
  - ◯ Sponsored
  - *(Also Complete Part 6)*
- [ ] Primarily Formed Candidate/ Officeholder Committee
  - *(Also Complete Part 7)*

2. Type of Statement:

- [X] Preelection Statement
- [ ] Semi-annual Statement
- [ ] Termination Statement (Also file a Form 410 Termination)
- [X] Amendment (Explain below)
- [ ] Quarterly Statement
- [ ] Special Odd-Year Report
- [ ] Supplemental Preelection Statement - Attach Form 495

Amended to provide additional employment and address information.

3. Committee Information

I.D. NUMBER: 1363582

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Droste for City Council 2018

STREET ADDRESS (NO P.O. BOX)

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Berkeley	CA	94705	(510)326-2917

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY	STATE	ZIP CODE	AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS
droste2018@gmail.com

Treasurer(s)

NAME OF TREASURER
Linda Perry

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
San Leandro	CA	94578	(510)258-7787

NAME OF ASSISTANT TREASURER, IF ANY
Kerry Birnbach

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Oakland	CA	94618	(510)506-5745

OPTIONAL: FAX / E-MAIL ADDRESS
lindajperry@hotmail.com

4. Verification

I have 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. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10/04/2018 (Date) By Kerry Birnbach (Signature of Treasurer or Assistant Treasurer)

Executed on 10/04/2018 (Date) By Lori Droste (Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

www.netfile.com

Schedule C
Nonmonetary Contributions Received

Amounts may be rounded to whole dollars.

SCHEDULE C

Statement covers period
from 07/01/2018
through 09/22/2018

CALIFORNIA FORM 460

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Droste for City Council 2018

I.D. NUMBER

1363582

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	DESCRIPTION OF GOODS OR SERVICES	AMOUNT/ FAIR MARKET VALUE	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	PER ELECTION TO DATE (IF REQUIRED)
08/19/2018	Garbis Bagdasarian Orinda, CA 94563	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Owner La Mediterranee	Kickoff supplies	50.00	50.00	G2018 $50.00
08/19/2018	Barry Braden Placerville, CA 95667	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Owner Fieldwork Brewing	Kickoff supplies	50.00	50.00	G2018 $50.00
08/19/2018	Oliver McCrum Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Wine Seller Oliver McCrum Wines, Berkeley	Kickoff supplies	50.00	50.00	G2018 $50.00
08/19/2018	Deborah Peterson Covington, GA 30014	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Key Account Manager Cypress Grove Chevre	Kickoff supplies	50.00	50.00	G2018 $50.00

Attach additional information on appropriately labeled continuation sheets. **SUBTOTAL $** 200.00

Schedule C Summary

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2. Amount received this period – unitemized nonmonetary contributions of less than $100 ..... $ 0.00
3. Total nonmonetary contributions received this period. (Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Lines 4 and 10.) ..... **TOTAL $** 200.00

*Contributor Codes
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

Schedule E (Continuation Sheet) Payments Made

Amounts may be rounded to whole dollars.

Statement covers period
from 07/01/2018
through 09/22/2018

CALIFORNIA FORM 460

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER: Droste for City Council 2018

I.D. NUMBER: 1363582

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR DESCRIPTION OF PAYMENT	AMOUNT PAID
Amazon N. Seattle, WA 98109	CMP	Kickoff supplies	62.04
Trader Joe's Oakland, CA 94618	FND		72.11
Mediterranree III Berkeley, CA 94705	CMP		97.49
Paper Plus Berkeley, CA 94702	CMP		185.00
Trader Joe's Oakland, CA 94618	FND		47.57

*** Payments that are contributions or independent expenditures must also be summarized on Schedule D.**

SUBTOTAL $ 464.21

Attachment 5

COVER PAGE

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

SEE INSTRUCTIONS ON REVERSE

Statement covers period	Date of election if applicable: (Month, Day, Year)	Date Stamp	CALIFORNIA FORM 460
from 07/01/2018		E-Filed 10/14/2018 20:44:22	Page 1 of 34
through 09/22/2018	11/06/2018	Filing ID: 174249416	For Official Use Only

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- [X] Officeholder, Candidate Controlled Committee
  - ◯ State Candidate Election Committee
  - ◯ Recall
  - *(Also Complete Part 5)*
- [ ] General Purpose Committee
  - ◯ Sponsored
  - ◯ Small Contributor Committee
  - ◯ Political Party/Central Committee
- [ ] Primarily Formed Ballot Measure Committee
  - ◯ Controlled
  - ◯ Sponsored
  - *(Also Complete Part 6)*
- [ ] Primarily Formed Candidate/ Officeholder Committee
  - *(Also Complete Part 7)*

2. Type of Statement:

- [X] Preelection Statement
- [ ] Semi-annual Statement
- [ ] Termination Statement (Also file a Form 410 Termination)
- [X] Amendment (Explain below)
- [ ] Quarterly Statement
- [ ] Special Odd-Year Report
- [ ] Supplemental Preelection Statement - Attach Form 495

Amended to include accrued expense for kickoff event space.

3. Committee Information

I.D. NUMBER: 1363582

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Droste for City Council 2018

STREET ADDRESS (NO P.O. BOX)

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Berkeley	CA	94705	(510)326-2917

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY	STATE	ZIP CODE	AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS
droste2018@gmail.com

Treasurer(s)

NAME OF TREASURER
Linda Perry

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
San Leandro	CA	94578	(510)258-7787

NAME OF ASSISTANT TREASURER, IF ANY
Kerry Birnbach

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Oakland	CA	94618	(510)506-5745

OPTIONAL: FAX / E-MAIL ADDRESS
lindajperry@hotmail.com

4. Verification

I have 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. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10/14/2018 (Date) By Kerry Birnbach (Signature of Treasurer or Assistant Treasurer)

Executed on 10/14/2018 (Date) By Lori Droste (Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

www.netfile.com

Schedule C
Nonmonetary Contributions Received

Amounts may be rounded to whole dollars.

SCHEDULE C

Statement covers period
from 07/01/2018
through 09/22/2018

CALIFORNIA FORM 460

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Droste for City Council 2018

I.D. NUMBER

1363582

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	DESCRIPTION OF GOODS OR SERVICES	AMOUNT/ FAIR MARKET VALUE	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	PER ELECTION TO DATE (IF REQUIRED)
08/19/2018	Garbis Bagdasarian Orinda, CA 94563	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Owner La Mediterranee	Kickoff supplies	50.00	50.00	G2018 $50.00
08/19/2018	Barry Braden Placerville, CA 95667	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Owner Fieldwork Brewing	Kickoff supplies	50.00	50.00	G2018 $50.00
08/19/2018	Oliver McCrum Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Wine Seller Oliver McCrum Wines, Berkeley	Kickoff supplies	50.00	50.00	G2018 $50.00
08/19/2018	Deborah Peterson Covington, GA 30014	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Key Account Manager Cypress Grove Chevre	Kickoff supplies	50.00	50.00	G2018 $50.00

Attach additional information on appropriately labeled continuation sheets. **SUBTOTAL $** 200.00

Schedule C Summary

1. Amount received this period – itemized nonmonetary contributions. (Include all Schedule C subtotals.) ..... $ 200.00
2. Amount received this period – unitemized nonmonetary contributions of less than $100 ..... $ 0.00
3. Total nonmonetary contributions received this period. (Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Lines 4 and 10.) ..... **TOTAL $** 200.00

*Contributor Codes
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

Schedule E (Continuation Sheet) Payments Made

Amounts may be rounded to whole dollars.

Statement covers period
from 07/01/2018
through 09/22/2018

CALIFORNIA FORM 460

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER: Droste for City Council 2018

I.D. NUMBER: 1363582

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
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LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR DESCRIPTION OF PAYMENT	AMOUNT PAID
Amazon N. Seattle, WA 98109	CMP	Kickoff supplies	62.04
Trader Joe's Oakland, CA 94618	FND		72.11
Mediterranree III Berkeley, CA 94705	CMP		97.49
Paper Plus Berkeley, CA 94702	CMP		185.00
Trader Joe's Oakland, CA 94618	FND		47.57

*** Payments that are contributions or independent expenditures must also be summarized on Schedule D.**

SUBTOTAL $ 464.21

Schedule F
Accrued Expenses (Unpaid Bills)

Amounts may be rounded to whole dollars.

Statement covers period
from 07/01/2018
through 09/22/2018

CALIFORNIA FORM 460

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Droste for City Council 2018

I.D. NUMBER

1363582

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP	campaign paraphernalia/misc.	MBR	member communications	RAD	radio airtime and production costs
CNS	campaign consultants	MTG	meetings and appearances	RFD	returned contributions
CTB	contribution (explain nonmonetary)*	OFC	office expenses	SAL	campaign workers' salaries
CVC	civic donations	PET	petition circulating	TEL	t.v. or cable airtime and production costs
FIL	candidate filing/ballot fees	PHO	phone banks	TRC	candidate travel, lodging, and meals
FND	fundraising events	POL	polling and survey research	TRS	staff/spouse travel, lodging, and meals
IND	independent expenditure supporting/opposing others (explain)*	POS	postage, delivery and messenger services	TSF	transfer between committees of the same candidate/sponsor
LEG	legal defense	PRO	professional services (legal, accounting)	VOT	voter registration
LIT	campaign literature and mailings	PRT	print ads	WEB	information technology costs (internet, e-mail)

NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR DESCRIPTION OF PAYMENT	(a) OUTSTANDING BALANCE BEGINNING OF THIS PERIOD	(b) AMOUNT INCURRED THIS PERIOD	(c) AMOUNT PAID THIS PERIOD (ALSO REPORT ON E)	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD
Gordon Commercial Properties, LLC Berkeley, CA 94709	FND Event Space	0.00	100.00	0.00	100.00
*** Payments that are contributions or independent expenditures must also be summarized on Schedule D.**	**SUBTOTALS $**	0.00	100.00	0.00	100.00

Schedule F Summary

1. Total accrued expenses incurred this period. (Include all Schedule F, Column (b) subtotals for accrued expenses of $100 or more, plus total unitemized accrued expenses under $100.) ..... **INCURRED TOTALS $** 100.00
2. Total accrued expenses paid this period. (Include all Schedule F, Column (c) subtotals for payments on accrued expenses of $100 or more, plus total unitemized payments on accrued expenses under $100.) ..... **PAID TOTALS $** 0.00
3. Net change this period. (**Subtract** Line 2 from Line 1. Enter the difference here and on the Summary Page, Column A, Line 9.) ..... **NET $** 100.00
   May be a negative number

Attachment 6

COMMITTEE TO ELECT
DROSTE FOR CITY COUNCIL 2018
2951 PINE AVE.
BERKELEY, CA 94705

132
90-203/1211

10/12/2018
Date

CHECK ARMOR

Pay to the Order of Gordon Commercial Properties LLC $ 100.50

one hundred dollars
Dollars

Photo Safe Deposit®

Mechanics Bank
www.mechanicsbank.com

For

Harland Clarke

Fair Campaign Practices Commission

DATE: October 18, 2018

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: JESSICA MAR, Commission Secretary/Deputy City Attorney JM 10/18/18

SUBJECT: Referral Regarding Potential Violation of BERA by *Lacey for Council 2018* from the City Clerk's Office

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INTRODUCTION

By letter dated August 6, 2018, the City Clerk Department informed the committee *Lacey for Council 2018* of items in the committee's filing that appeared to be noncompliant with the Berkeley Election Reform Act (BERA). The letter also referred an item regarding a potential violation of the Berkeley Election Reform Act (BERA) by the committee *Lacey for Council 2018* to the Fair Campaign Practices Commission. The referral is regarding is regarding the committee's Form 460 semi-annual campaign statement filed July 30, 2018, covering the period from March 21, 2018 through June 30, 2018, showing aggregate contributions from a single individual of $100. (**Attachment 1.**) Ms. Lacey is a public financing participating candidate.

By letter dated August 20, 2018, staff reached out to *Lacey for Council 2018* (the "Committee") for any additional information that the Committee wished to provide. (**Attachment 2.**)

Public financing candidates may not "accept contributions in connection with the election for which Fair Elections funds are sought other than qualified contributions, contributions not greater than fifty dollars ($50) made by a natural person non-resident of Berkeley, or non-monetary contributions with a fair market value not greater than fifty dollars ($50). The aggregate value of all contributions from any individual must not be greater than fifty dollars ($50)." BMC § 2.12.500.A.1.7.

The statement lists a loan in Schedule B of $50.00 made by **Stephen Henry**[1] on March 21, 2018; schedule A lists a contribution of a monetary gift of $50.00 made by **Stephen Henry** on May 5, 2018. (**Attachment 3**). The statement lists a repayment of the loan to Mr. Henry on May 5, 2018. A loan qualifies as a contribution under Berkeley Municipal Code section 2.12.100. Therefore, contributions totaling $100 from a single individual would violate the $50 contribution limit from a single individual for public financing participating candidates.

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[1] Mr. Stephen Henry is Treasurer of *Lacey for Council 2018* as well as Candidate Lacey's spouse.

In accordance with Sections V.B. and D of the FCPC Procedures, the Secretary reviewed the documentation submitted with the referral, provided the referral and requested responses from *Lacey for Council 2018*, and reviewed the relevant campaign disclosure statements of *Lacey for Council 2018.*

As discussed in more detail below, after the presentation of the Secretary's report, the Commission may move to dismiss the matter by majority vote and proceed no further, or make a determination that probable cause exists to believe that BERA has been violated. FCPC Procedures section VI.B.

Based on the evidence from the Committee's public filings and the information provided by Candidate Lacey and Treasurer Henry there appears to be sufficient evidence to present a reasonable basis on which to believe that a violation of BERA has occurred pursuant to the FCPC Procedures section VI.B.2.

SUMMARY OF EVIDENCE

On March 21, 2018, Stephen Henry made a $50.00 loan to the committee.[2] (**Attachment 3,** Schedule A).[3] On May 5, 2018, Stephen Henry made a monetary gift contribution of $50.00 to the Committee. (**Attachment 3**, Schedule A).

Candidate Mary Kay Lacey submitted an application to participate in the City's Public Financing Program, including a candidate certification dated May 7, 2018. (**Attachment 4**). Mr. Henry's May 5, 2018 monetary gift contribution of $50.00 was submitted as one of Candidate Lacey's initial qualifying contributions.

At its May 22, 2018 meeting, the Commission accepted the application with the following action:

> *Motion to certify candidate Mary Kay Lacey to participate in the Berkeley public campaign financing program* (M/S/C: Soichet/O'Donnell; Ayes: Smith, Metzger, O'Donnell, Soichet; Noes: None; Absent: McLean, Tsui (leave of absence), Harper, Saver).

The Commission also approved Mary Kay Lacey's initial request for Fair Elections Funds with the following action:

> *Motion to approve 6:1 public matching funds for candidate Mary Kay Lacey in an amount not to exceed $14,400*. (M/S/C: Soichet/Smith; Ayes: Smith, Metzger, O'Donnell, Soichet; Noes: None; Absent: McLean, Tsui (leave of absence), Harper, Saver).

---

[2] Mr. Henry's first contribution of a loan of $50.00 to the Committee was first publically disclosed on the committee's Form 460 Campaign statement covering the period from March 21, 2018 through June 30, 2018, which was filed on July 30, 2018. (**Attachment 1**.)

[3] Mr. Henry's second contribution of a monetary gift of $50.00 to the Committee was included with Candidate Lacey's application for public financing certification as one of the qualifying requests, which the Commission considered at its May 22, 2018 meeting. (**Attachment 5**).

The second contribution made by Stephen Henry on May 5, 2018 was submitted with the candidate's initial qualifying request for Fair Elections Funds Payment, which was the basis for the Commission's motion to certify Candidate Lacey to participate in the public financing program and to approve disbursal of 6:1 public matching funds. (**Attachment 3**).

In response to an inquiry from the Secretary reached out to Mr. Henry and Candidate Lacey to confirm facts regarding the contributions from Mr. Henry and to see if there was any additional information that the Committee could provide and provided a copy of the referral from the City Clerk's Office.

Candidate Lacey submitted a statement confirming that Mr. Henry made a $50.00 loan to the Committee on March 21, 2018 and that on May 5, 2018 he made a $50.00 monetary gift contribution to the Committee. (**Attachment 6**). Candidate Lacey stated that "on May 5, 2018, a check was written from the Lacey 2018 campaign checking account to repay the loan." (**Attachment 6**.)

The Committee did not have a check showing repayment of the $50.00 loan to Mr. Henry, but instead submitted a check showing a $50.00 check made out to Candidate Lacey. (**Attachment** 6). The Secretary followed up with the Committee, pointing out the discrepancy and gave the Committee an opportunity to show that the loan to Mr. Henry had been repaid and that the Committee did not have more than $50.00 in contributions from Mr. Henry at one time.

Mr. Henry confirmed that his May 5, 2018 $50.00 gift contribution and $50.00 loan were both deposited in the Committee's bank account at the same time and that the Committee had $100.00 in its bank account from him at one time. Mr. Henry stated that he believed that his $50.00 loan to the committee was repaid on May 5, 2018 when the check was written based on his use of a cash, not an accrual, accounting method. Neither Mr. Henry nor Candidate Lacey provided documentation of the $50.00 loan being repaid to Mr. Henry, but rather provided documentation that the Committee made a $50.00 payment to Candidate Lacey. (**Attachment 6**).

DISCUSSION

1. Applicable Law

a. Under BERA Loans are Contributions

Pursuant to Berkeley Municipal Code section 2.12.100, loans are contributions. Specifically, "'Contribution' means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or voter approval of one or more measures."

2. Public Financing Program Requirements

a. The Public Financing Contribution Limits: Amount and Type of Acceptable Contributions

Candidates participating in the City's Public Financing Program are subject to a $50.00 aggregate value of contribution from any one individual. BMC § 2.12. 500. A.7.

Additionally, participating candidates may only accept "qualified contributions, contributions not greater than fifty dollars ($50) made by a natural person non-resident of Berkeley, or non-monetary contributions with a fair market value not greater than fifty dollars ($50)." *Id.*

Loans are specifically excluded from the definition of a "qualified contribution," which is defined as "a monetary contribution, **excluding loans**, made directly in aid of the nomination or election of one or more candidates not greater than fifty dollars ($50) made by a natural person resident of the City of Berkeley." BMC § 2.12.167.

3. Discussion and Analysis

Mr. Henry made two contributions to the Committee: 1) He made a $50.00 loan contribution on March 21, 2018; and 2) a monetary gift contribution that the Committee used as a qualifying contribution for public matching funds on May 5, 2018. Candidate Lacey and Mr. Henry claim that the $50.00 loan from Mr. Henry was repaid on May 5, 2018, when the Committee wrote a check to Candidate Lacey. (**Attachment 6**).

Under BERA, a "contribution" means a gift, as well as a loan. BMC § 2.12.100. Candidates participating in public financing agree to a $50.00 contribution aggregate limit from any one individual. BMC § 2.12. 500. A.7. Participating candidates may also only accept the following types of contributions:

1. Qualified contributions,
2. Contributions not greater than fifty ($50) made by a natural person non-resident of Berkeley, or
3. Non-monetary contributions with a fair market value not greater than fifty dollars ($50).

BMC § 2.12. 500. A.7.

Public financing candidates are not permitted to accept loan contributions. BMC § 2.12.500.A.7. Loans are specifically excluded from the definition of qualified contributions. BMC § 2.12.167. Mr. Henry is a resident of Berkeley and could only make a qualified contribution or a non-monetary contribution with a fair market value not greater than $50.00.

When Candidate Lacey accepted the March 21, 2018 $50.00 loan from Mr. Henry, this appeared to violate the restrictions on the types of contributions public financing candidates may accept as it did not fall within one of the three categories of acceptable contributions for public financing participating candidates. BMC § 2.12.500.A.7.

When Candidate Lacey subsequently accepted the $50.00 May 5, 2018 monetary gift contribution from Mr. Henry, the aggregate amount of contributions from Mr. Henry totaled $100.00, which

appears to violate the $50.00 aggregate contribution limit from any one individual for public financing candidates. BMC 2.12.500.A.7.

For the reasons identified above, there appears to be sufficient circumstances for a reasonable basis on which to believe that a violation of BERA Section 2.12.500.A.7 has occurred.

DISPOSITION OF POTENTIAL VIOLATIONS

1. Probable Cause Determination

After presentation of this report, the Commission may dismiss the matter and proceed no further if evidence of any violation is insufficient or unreliable or if the possible violation has only a slight impact on the administration of BERA and/or the outcome of any election that further proceeding would be an inefficient use of resources. Procedures of the FCPC section VI.B.1. Alternately, the Commission may determine that probable cause exists to believe that the BERA has been violated. *Id.* at Section VI.B.2. Probable cause exists when based on the circumstances presented there is a reasonable basis on which to believe that a violation of the BERA has occurred. *Id.*

If the Commission determines there is probable cause for believing the committee violated BMC section 2.12.500, the Commission shall consider what action to take and may consider the factors identified in Section VI.C.1 of the Procedures.

2. Proceeding After a Determination of Probable Cause

Following a determination of probable cause, the Commission may take any of the following courses of action:

a. Dismiss the complaint and take no further action;
b. Request the Secretary conduct further investigation;
c. Require the timely filing of campaign statements and/or amendments to campaign statements;
d. Invite the respondents to participate in settlement negotiations.
e. Schedule and conduct a hearing pursuant to Section 2.12.230 of BERA.[4]
f. Ask the City Attorney or the District Attorney to seek legal remedies.
g. Seek any other remedy within its authority.

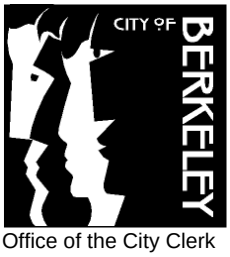
Procedures for the FCPC section VI.C.2.

Attachments:

1. Letter from City Clerk's Office referring matter to Fair Campaign Practices Commission, dated August 6, 2018
2. Letter from FCPC Secretary to *Lacey for Council 2018* regarding referral to the FCPC for investigation, dated August 20, 2018.

[4] If the Commission holds a hearing pursuant to BMC § 2.12.230, and determines that there is a violation, the violation penalties under BMC 2.12.231 would be available remedies. Because this matter potentially involves in violation of the Fair Elections Act of 2016, the Fair Elections Act penalties in BMC § 2.12.550 may be available in addition to the remedies in BMC § 2.12.231.

3. Excerpts of Lacey for Council 2018, Form 460 semi-annual campaign statement filed July 30, 2018, covering the period from March 21, 2018 through June 30, 2018 (filed July 30, 2018).
4. Mary Kay Lacey application to participate in the City's Public Financing Program candidate certification, dated May 7, 2018
5. Mary Kay Lacey application to participate in the City's Public Financing Program Initial Qualifying Request for Fair Elections Funds Payment, dated May 7, 2018
6. Documents submitted by Mary Kay Lacey, dated August 21, 2018



Office of the City Clerk

August 6, 2018

VIA EMAIL AND U.S. MAIL

Mr. Stephen Henry, Treasurer
Lacey for Council 2018
3047 Benvenue Avenue
Berkeley, CA 94705

RE: Campaign Statement – Amendment Required

Dear Mr. Henry:

The City Clerk Department has received your committee's Form 460 semi-annual campaign statement filed July 25, 2018, covering the period from March 21, 2018 through June 30, 2018.

As the local Filing Officer, our office reviews filed campaign statements to determine whether they conform on their face with requirements of the Berkeley Election Reform Act ("BERA") the California Political Reform Act (PRA). In furtherance of these duties, I am contacting you regarding items that appear to be noncompliant with BERA and state law.

(1) *Incorrect period covered.*

Your semi-annual statement should cover the period January 1, 2018 through June 30, 2018, even if the committee was formed subsequent to the start of that period.

(2) *Missing or incorrect address information.*

BMC Sections 2.12.280.G and H and state law require the residential street address of each contributor and street address of each payee. The committee provided a P.O. Box instead of a street address for contributor **Susan Henry** and payee **ActBlue**.

(3) *Missing occupation/employer information.*

Under BMC Sections 2.12.280.G and H and state law, committees must list the occupations and employers of contributors and payees. The committee failed to specify the occupation and employer for the contributors **Gwen Morris**, and **Abbie Zak,** The committee also failed to specify the employer for the contributor **Tina Baker**, and the occupation for **Mauricio Viera** ("Sales").

(4) *Contributions with Negative Values*.

The statement lists a monetary contribution in Schedule A from contributor **Amy Mezey** in the amount of *negative* $50.00, dated May 21, 2018. If this negative value means to represent a refunded contribution or payment made, the committee must disclose it in Schedule E (Payments Made), not Schedule A, and include the date the payment was made (or contribution refunded).

(5) *Contribution exceeding maximum permitted amount*.

The statement lists a loan in Schedule B of $50.00 made by **Stephen Henry** on March 21, 2018; schedule A lists a contribution of $50.00 made by **Stephen Henry** on May 5, 2018. A loan is considered a contribution under BERA and state law; therefore, this second contribution exceeded the allowable aggregate amount permitted from any one individual. This limitation is contained in BERA as follows (emphasis added):

BMC 2.12.500 Eligibility for Fair Elections campaign funding:

A. To be eligible to be certified as a participating candidate, a candidate must:..7) Not accept contributions in connection with the election for which Fair Elections funds are sought other than qualified contributions, contributions not greater than fifty dollars ($50) made by a natural person non-resident of Berkeley, or non-monetary contributions with a fair market value not greater than fifty dollars ($50). The aggregate value of all contributions from any individual must not be greater than fifty dollars ($50)…"

You may amend your statement to address items (1) through (4). If you intend to file an amendment and/or provide further information, please contact me no later than August 16, 2018. However, please note that item (5) has been referred to the Fair Campaign Practices Commission for further investigation. You may contact the FCPC Secretary at 981-6998 or fcpc@cityofberkeley.info if you have questions about the potential violation noted above.

Sincerely,

Leslie S. Rome
Assistant Management Analyst
on behalf of
Mark Numainville
City Clerk

Cc: Fair Campaign Practices Commission

Fair Campaign Practices Commission

August 20, 2018

VIA EMAIL AND U.S. MAIL

Mr. Stephen Henry, Treasurer
Lacey for Council 2018
3047 Benvenue Avenue
Berkeley, CA 94705
stephen@shenrylaw.com

Ms. Mary Kay Lacey, Candidate/Asst. Treasurer
Lacey for Council 2018
3047 Benvenue Avenue
Berkeley, CA 94705
mklacey@comcast.net

RE: Referral to the Fair Campaign Practices Commission for investigation

Dear Mr. Henry and Ms. Lacey:

By letter dated August 6, 2018, the City Clerk Department referred an item regarding a potential violation of the Berkeley Election Reform Act (BERA) by the committee *Lacey for Council 2018* to the Fair Campaign Practices Commission. The referral is regarding your committee's Form 460 semi-annual campaign statement filed July 30, 2018, covering the period from March 21, 2018 through June 30, 2018. (**Attachment 1**.)

The statement lists a loan in Schedule B of $50.00 made by **Stephen Henry** on March 21, 2018; schedule A lists a contribution of a monetary gift of $50.00 made by **Stephen Henry** on May 5, 2018. (**Attachment 2**). A loan qualifies as a contribution under Berkeley Municipal Code section 2.12.100.

Candidate Mary Kay Lacey submitted an application to participate in the City's Public Financing Program, including a candidate certification dated May 7, 2018. (**Attachment 3**). At its May 22, 2018 meeting, the Commission accepted the application with the following action:

> *Motion to certify candidate Mary Kay Lacey to participate in the Berkeley public campaign financing program* (M/S/C: Soichet/O'Donnell; Ayes: Smith, Metzger, O'Donnell, Soichet; Noes: None; Absent: McLean, Tsui (leave of absence), Harper, Saver).

Additionally, the Commission approved Mary Kay Lacey's initial request for Fair Elections Funds with the following action:

> *Motion to approve 6:1 public matching funds for candidate Mary Kay Lacey in an amount not to exceed $14,400.* (M/S/C: Soichet/Smith; Ayes: Smith, Metzger, O'Donnell, Soichet; Noes: None; Absent: McLean, Tsui (leave of absence), Harper, Saver).

Pursuant to Berkeley Municipal Code section 2.12.500, candidates participating in the City's Public Financing Program may "[n]ot accept contributions in connection with the election for which Fair Elections funds are sought other than qualified contributions, contributions not greater than fifty dollars ($50) made by a natural person non-resident of Berkeley, or non-monetary contributions with a fair market value not greater than fifty dollars ($50). The aggregate value of all contributions from any individual must not be greater than fifty dollars ($50)."

Therefore, it appears that the second monetary gift contribution exceeded the allowable aggregate amount permitted from any one individual. The second contribution made by Stephen Henry on May 5, 2018 was submitted with the candidate's initial qualifying request for Fair Elections Funds Payment, which was the basis for the Commission's motion to approve public matching funds. (**Attachment 3**).

This item will be **placed on the agenda for the Fair Campaign Practices Commission's October 18, 2018 regular meeting** at 7:00 p.m. in Classroom C of the North Berkeley Senior Center at 1901 Hearst Avenue. If you would like to provide any information to the Commission regarding this matter, including any factors in mitigation or aggravation, please submit **your material in writing no later than Tuesday, October 9**, so that the materials may be included in the Commission's meeting packet. The packet is generally mailed and posted on the Commission's website (https://www.cityofberkeley.info/FCPC/) one week in advance of the meeting, and no later than 72 hours prior to the meeting.

If you have questions, you may contact the Commission Secretary at 981-6998 or fcpc@cityofberkeley.info.

Sincerely,

Jessica Mar

Jessica Mar
Secretary, Fair Campaign Practices and Open Government Commissions

cc: Mark Numainville, City Clerk

Attachments:

1. Letter from City Clerk's Office referring matter to Fair Campaign Practices Commission, dated August 6, 2018
2. Excerpts of Lacey for Council 2018, Form 460 semi-annual campaign statement filed July 30, 2018, covering the period from March 21, 2018 through June 30, 2018 (filed July 30, 2018).
3. Mary Kay Lacey application to participate in the City's Public Financing Program, dated May 7, 2018:
   - Mary Kay Lacey candidate certification;
   - Initial Qualifying Request for Fair Elections Funds Payment

Office of the City Clerk

August 6, 2018

VIA EMAIL AND U.S. MAIL

Mr. Stephen Henry, Treasurer
Lacey for Council 2018
3047 Benvenue Avenue
Berkeley, CA 94705

RE: Campaign Statement – Amendment Required

Dear Mr. Henry:

The City Clerk Department has received your committee's Form 460 semi-annual campaign statement filed July 25, 2018, covering the period from March 21, 2018 through June 30, 2018.

As the local Filing Officer, our office reviews filed campaign statements to determine whether they conform on their face with requirements of the Berkeley Election Reform Act ("BERA") the California Political Reform Act (PRA). In furtherance of these duties, I am contacting you regarding items that appear to be noncompliant with BERA and state law.

(1) *Incorrect period covered.*

Your semi-annual statement should cover the period January 1, 2018 through June 30, 2018, even if the committee was formed subsequent to the start of that period.

(2) *Missing or incorrect address information.*

BMC Sections 2.12.280.G and H and state law require the residential street address of each contributor and street address of each payee. The committee provided a P.O. Box instead of a street address for contributor **Susan Henry** and payee **ActBlue**.

(3) *Missing occupation/employer information.*

Under BMC Sections 2.12.280.G and H and state law, committees must list the occupations and employers of contributors and payees. The committee failed to specify the occupation and employer for the contributors **Gwen Morris**, and **Abbie Zak,** The committee also failed to specify the employer for the contributor **Tina Baker**, and the occupation for **Mauricio Viera** ("Sales").

(4) *Contributions with Negative Values*.

The statement lists a monetary contribution in Schedule A from contributor **Amy Mezey** in the amount of *negative* $50.00, dated May 21, 2018. If this negative value means to represent a refunded contribution or payment made, the committee must disclose it in Schedule E (Payments Made), not Schedule A, and include the date the payment was made (or contribution refunded).

(5) *Contribution exceeding maximum permitted amount*.

The statement lists a loan in Schedule B of $50.00 made by **Stephen Henry** on March 21, 2018; schedule A lists a contribution of $50.00 made by **Stephen Henry** on May 5, 2018. A loan is considered a contribution under BERA and state law; therefore, this second contribution exceeded the allowable aggregate amount permitted from any one individual. This limitation is contained in BERA as follows (emphasis added):

BMC 2.12.500 Eligibility for Fair Elections campaign funding:

A. To be eligible to be certified as a participating candidate, a candidate must:..7) Not accept contributions in connection with the election for which Fair Elections funds are sought other than qualified contributions, contributions not greater than fifty dollars ($50) made by a natural person non-resident of Berkeley, or non-monetary contributions with a fair market value not greater than fifty dollars ($50). The aggregate value of all contributions from any individual must not be greater than fifty dollars ($50)…"

You may amend your statement to address items (1) through (4). If you intend to file an amendment and/or provide further information, please contact me no later than August 16, 2018. However, please note that item (5) has been referred to the Fair Campaign Practices Commission for further investigation. You may contact the FCPC Secretary at 981-6998 or fcpc@cityofberkeley.info if you have questions about the potential violation noted above.

Sincerely,

Leslie S. Rome
Assistant Management Analyst
on behalf of
Mark Numainville
City Clerk

Cc: Fair Campaign Practices Commission

ATTACHMENT 2

COVER PAGE

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

SEE INSTRUCTIONS ON REVERSE

Statement covers period
from 03/21/2018
through 06/30/2018

Date of election if applicable: (Month, Day, Year)
11/06/2018

Date Stamp
E-Filed
07/30/2018
14:38:47
Filing ID:
172796718

CALIFORNIA FORM 460

Page 1 of 31

For Official Use Only

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- [X] Officeholder, Candidate Controlled Committee
  - ◯ State Candidate Election Committee
  - ◯ Recall
  - *(Also Complete Part 5)*
- [ ] General Purpose Committee
  - ◯ Sponsored
  - ◯ Small Contributor Committee
  - ◯ Political Party/Central Committee
- [ ] Primarily Formed Ballot Measure Committee
  - ◯ Controlled
  - ◯ Sponsored
  - *(Also Complete Part 6)*
- [ ] Primarily Formed Candidate/ Officeholder Committee
  - *(Also Complete Part 7)*

2. Type of Statement:

- [ ] Preelection Statement
- [X] Semi-annual Statement
- [ ] Termination Statement (Also file a Form 410 Termination)
- [ ] Amendment (Explain below)
- [ ] Quarterly Statement
- [ ] Special Odd-Year Report
- [ ] Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER: 1403957

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Lacey For City Council 2018

STREET ADDRESS (NO P.O. BOX)

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Berkeley	CA	94705	(510)919-2163

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY	STATE	ZIP CODE	AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS
shenry@shenrylaw.com

Treasurer(s)

NAME OF TREASURER
Stephen Henry

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Berkeley	CA	94705	(510)898-1883

NAME OF ASSISTANT TREASURER, IF ANY
Mary Kay Lacey

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Berkeley	CA	94705	(510)919-2160

OPTIONAL: FAX / E-MAIL ADDRESS
(510)295-2516 / shenry@shenrylaw.com

4. Verification

I have 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. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 07/30/2018 (Date) By Stephen Henry (Signature of Treasurer or Assistant Treasurer)

Executed on 07/30/2018 (Date) By Mary Kay Lacey (Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

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Schedule A (Continuation Sheet)
Monetary Contributions Received

Amounts may be rounded to whole dollars.

SCHEDULE A (CONT.)

Statement covers period
from 03/21/2018
through 06/30/2018

CALIFORNIA FORM 460

NAME OF FILER
Lacey For City Council 2018

I.D. NUMBER
1403957

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
05/05/2018	Michael Bolgatz Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed, Berkeley, CA	50.00	50.00	G2018 $50.00
05/05/2018	Samuel Gerson Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Psychologist Alliant University, San Francisco, CA	50.00	50.00	G2018 $50.00
05/05/2018	Leah Henry Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Educator Children's Creativity Museum, San Francisco	50.00	50.00	G2018 $50.00
05/05/2018	Stephen Henry Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed as Stephen F. Henry, Esq. - Berkeley	50.00	50.00	G2018 $100.00
05/05/2018	Mary Kay Lacey Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed as Mary Kay Lacey, Esq. - Berkeley	50.00	50.00	G2018 $50.00
			SUBTOTAL $	250.00		

*Contributor Codes
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

www.netfile.com

Schedule B – Part 1
Loans Received

Amounts may be rounded to whole dollars.

Statement covers period
from 03/21/2018
through 06/30/2018

CALIFORNIA FORM 460

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Lacey For City Council 2018

I.D. NUMBER

1403957

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD *	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Stephen Henry Berkeley, CA 94705 †[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed as Stephen F. Henry, Esq. - Berkeley	$ 0.00	$ 50.00	[X] PAID $ 50.00 [ ] FORGIVEN $ 0.00	$ 0.00 05/05/2018 DATE DUE	____% RATE $ 0.00	$ 50.00 03/21/2018 DATE INCURRED	CALENDAR YEAR $ 50.00 PER ELECTION** $ G2018 100.00
†[ ] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC		$	$	[ ] PAID $ [ ] FORGIVEN $	$ DATE DUE	____% RATE $	$ DATE INCURRED	CALENDAR YEAR $ PER ELECTION** $
†[ ] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC		$	$	[ ] PAID $ [ ] FORGIVEN $	$ DATE DUE	____% RATE $	$ DATE INCURRED	CALENDAR YEAR $ PER ELECTION** $
	SUBTOTALS	$ 50.00	$ 50.00	$ 0.00		$ 0.00		

(Enter (e) on Schedule E, Line 3)

Schedule B Summary

1. Loans received this period ..... $ 50.00
   (Total Column (b) plus unitemized loans of less than $100.)

2. Loans paid or forgiven this period ..... $ 50.00
   (Total Column (c) plus loans under $100 paid or forgiven.)
   (Include loans paid by a third party that are also itemized on Schedule A.)

3. Net change this period. (**Subtract** Line 2 from Line 1.) ..... **NET $** 0.00
   (May be a negative number)
   Enter the net here and on the Summary Page, Column A, Line 2.

†Contributor Codes
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

*Amounts forgiven or paid by another party also must be reported on Schedule A.
** If required.

www.netfile.com

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
05/07/2018
11:01:46

Filing ID:
171400997

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT

OFFICE	COUNCIL DISTRICT (IF APPLICABLE)
City Council	8

ELECTION CYCLE
05/07/2018

CANDIDATE INFORMATION

LAST	FIRST	M.I.
Lacey	Mary Kay	

COMMITTEE INFORMATION

NAME OF CAMPAIGN COMMITTEE	FPPC I.D. No.
Lacey For City Council 2018	1403957

CANDIDATE CERTIFICATION

Under penalty of perjury, I hereby certify:

I have complied with the restrictions of Berkeley Municipal Code Chapter 2.12 (Election Reform Act) during the election cycle to date; and

My campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and

I will comply with the requirements of Chapter 2.12 during the remainder of the election cycle and, specifically, if certified as an eligible participating candidate, will comply with the requirements applicable to participating candidates.

Mary Kay Lacey
CANDIDATE SIGNATURE

05/07/2018
DATE SIGNED

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

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05/07/2018
11:17:15

Filing ID:
171401375

FAIR ELECTIONS ACT FORM
INITIAL QUALIFYING DECLARATION FOR PUBLIC FUNDS
BY CANDIDATES FOR MAYOR OR CITY COUNCIL

OFFICE SOUGHT

OFFICE	COUNCIL DISTRICT (IF APPLICABLE)
City Council	District 8

ELECTION CYCLE
11/06/2018

COMMITTEE INFORMATION

NAME OF CAMPAIGN COMMITTEE	FPPC I.D. No.
Lacey For City Council 2018	1403957

STREET ADDRESS	APARTMENT/SUITE/FLOOR

CITY	STATE	ZIP CODE
Berkeley	CA	94705

TELEPHONE	EMAIL ADDRESS
(510) 919-2163	mklacey@comcast.net

CANDIDATE DECLARATION

I hereby declare that the following information is true and correct:

- All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge.
- I understand that the Commission shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds.
- I understand that if I submit any contributions that are not from the person(s) identified on the receipt I shall be liable to pay the Fair Elections Fund the entire amount in addition to any penalties.
- All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283.
- I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released.

Mary Kay Lacey
CANDIDATE SIGNATURE

05/07/2018
DATE SIGNED

INITIAL QUALIFYING REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT

In order to participate in the Public Financing Program, a candidate must collect at least 30 Qualified Contributions from at least 30 unique contributors of at least $10.00 and no more than $50.00 each, for a total dollar amount of at least $500.00.

All approved Qualified Contributions are matched at a 6:1 ratio. For all public matching funds requests, a candidate must submit the following documentation:

- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.

	Last Name	First Name	Building #, Street, Apt.	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
1.	Greenwood	Gail		94708 Berekley	Attorney	PSZY, San Francisco, CA	Check	05/06/2018	05/07/2018	5	50.00
2.	Choy	Ronald		94705 Berkeley	Retired	None	Check	05/06/2018	05/07/2018	5	50.00
3.	Davis	Gregory		94705 Berkeley	Retired	None	Check	05/06/2018	05/07/2018	5	50.00
4.	Kidder	Douglas		94708 Berkeley	Consultant	OSKR, Inc, Emeryville, CA	Check	05/06/2018	05/07/2018	5	50.00
5.	Kidder	Allison		94708 Berkeley	Filed Station Manager	UC Berkeley, Berkeley, CA	Check	05/06/2018	05/07/2018	5	50.00
6.	Bigelow-Teller	Elisabeth		94707 Berkeley	Writer/editor/proofreader	Self employed, Berkeley, CA	Check	05/05/2018	05/07/2018	5	50.00
7.	Bolgatz	Michael		94705 Berkeley	Attorney	Self employed, Berkeley, CA	Check	05/05/2018	05/07/2018	5	50.00
8.	Henry	Stephen		94705 Berkeley	Attorney	Self employed - Berkeley	Check	05/05/2018	05/07/2018	5	50.00
9.	Lacey	Mary Kay		94705 Berkeley	Attorney	Self employed - Berkeley	Check	05/05/2018	05/07/2018	5	50.00
10.	Henry	Leah		94705 Berkeley	Educator	Children's Creativity Museum, San Francisco	Check	05/05/2018	05/07/2018	5	50.00
11.	Bokovoy	Phillip		94704 Berkeley	Consultant	Self-employed, Berkeley	Check	05/03/2018	05/07/2018	5	50.00
12.	Bliss	Judith		94707 Berkeley	Physician	Contra Costa Health Services, Martinez	Check	05/02/2018	05/07/2018	5	50.00
13.	Thornton	James		94705 Berkeley	Attorney	Carl Zeiss Meditec, Inc., Dublin, CA	Check	04/22/2018	05/02/2018	4	50.00
14.	Thornton	Kristi		94705 Berkeley	Manager	UC Berkeley, Berkeley,CA	Check	04/22/2018	05/02/2018	4	50.00
15.	Garz	Seth		94705 Berkeley	Economist	UC Berkeley, Berkeley, CA	Cash	04/18/2018	05/02/2018	4	50.00
										Subtotals	750.00

	Last Name	First Name	Building #, Street, Apt.	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
16.	Garz	Julie		94705 Berkeley	Midwife	Kaiser Permemente, Oakland, CA	Check	04/18/2018	05/02/2018	4	50.00
17.	Webb	William		94705 Berkeley	Director	Maybeck School, Berkeley, CA	Check	04/16/2018	04/16/2018	3	50.00
18.	Plowright	Anja		94705 Berkeley	Realtor	Grubb Company, Berkeley, CA	Check	04/10/2018	04/16/2018	3	50.00
19.	Forest	Catherine		94705 Berkeley	Physician	Veterans Administration, Fairfield	Check	04/07/2018	04/16/2018	3	50.00
20.	Schnider	Frederick		94705 Berkeley	Lawyer	Law Offices of Fred Schnider, Berkeley, CA	Cash	04/07/2018	04/09/2018	2	50.00
21.	Zeemont	Mitchell		94705 Berkeley	Mortgage Banker	Newmark Realty Capital Inc., San Francisco, CA	Check	04/07/2018	04/09/2018	2	50.00
22.	Oleson	Robin		94705 Berkeley	Social worker	Veterans Administration, Oakland	Cash	04/07/2018	04/09/2018	2	50.00
23.	Fedman	Mary Elizabeth		94707 Berkeley	Yoga teacher	Self employed - Berkeley	Check	04/07/2018	04/09/2018	2	50.00
24.	Fedman	Alan		94707 Berkeley	Attorney	Dentons, US LLP, San Francisco, CA	Cash	04/07/2018	04/09/2018	2	50.00
25.	Francis	Karen		94703 Berkeley	Career counselor	U.C. Hastings College of Law, Berkeley, CA	Check	04/07/2018	04/09/2018	2	50.00
26.	Cusack	Dennis		94703 Berkeley	Attorney	Farella Braun & Martel, San Francisco, CA	Check	04/07/2018	04/09/2018	2	50.00
27.	Lyon	Eleanor		94707 Berkeley	Homemaker	None	Check	04/07/2018	04/09/2018	2	50.00
28.	Marostica	Matt		94707 Berkeley	Librarian	Stanford University	Check	04/07/2018	04/09/2018	2	50.00
29.	Zukor	Susie		94705 Berkeley	Attorney	Self-employed, Berkeley, CA	Cash	04/07/2018	04/09/2018	2	50.00
30.	Blair	Laura		94705 Berkeley	Retired	None	Check	04/06/2018	04/09/2018	2	50.00
31.	Sargent	Susan		94705 Berkeley	Attorney	Unemployed	Check	04/06/2018	04/09/2018	2	50.00
32.	Drinan	Mary		94708 Berkeley	Attorney	CSAA Insurance Group, Walnut Creek, CA	Cash	04/05/2018	04/09/2018	2	50.00
33.	Berges	Marian		94703 Berkeley	Unemployed	None	Cash	04/04/2018	04/09/2018	2	50.00
34.	Weaver	Stephen		94703 Berkeley	Project supervisor	Jetton Construction, Berkeley, CA	Check	04/04/2018	04/09/2018	2	50.00
35.	Carlson	Anne		94708 Berkeley	Chief Executive Officer	Jiminy's, Berkeley	Check	04/03/2018	04/09/2018	2	50.00
36.	Sayre	Anne		94705 Berkeley	Retired	None	Check	04/02/2018	04/09/2018	2	50.00
										Subtotals	1,050.00

	Last Name	First Name	Building #, Street, Apt.	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
37.	MacLeod	Karen		94705 Berkeley	Retired	None	Check	04/02/2018	04/05/2018	1	50.00
38.	Carlson	Eric		94708 Berkeley	Business development	Jiminy's, Berkeley	Check	03/30/2018	04/05/2018	1	50.00
39.	Berg	Cheryl		94705 Berkeley	Lecturer	UC Berkeley Law School, Berkeley	Check	03/29/2018	04/05/2018	1	50.00
40.	Mezey	Philip		94705 Berkeley	Chief Executive Officer	Itron, Inc., Oakland, CA	Check	03/29/2018	04/05/2018	1	50.00
41.	Mezey	Amy		94705 Berkeley	Homemaker	None	Check	03/29/2018	04/05/2018	1	50.00
42.	Beckett	Michael		94703 Berkeley	Retired educator	None	Check	03/29/2018	04/05/2018	1	50.00
43.	Sperry	Josh		94705 Berkeley	Union representative	ESC Local 20, IFPTE, Oakland, CA	Check	03/29/2018	04/05/2018	1	50.00
44.	Hendrickson	Ilinisa		94705 Berkeley	Consultant	Three Mountains, Berkeley	Check	03/29/2018	04/05/2018	1	50.00
45.	Berg	Jesse		94705 Berkeley	Attorney	General Counsel Law Ventures, Berkeley	Check	03/28/2018	04/05/2018	1	50.00
46.	Lynch	Margaret		94705 Berkeley	Retired doctor	None	Check	03/28/2018	04/05/2018	1	50.00
47.	Hahn	Sophie		94707 Berkeley	City Council Member	City of Berkeley	Check	03/23/2018	04/05/2018	1	50.00
48.	Bjerkholt	Eric		94707 Berkeley	Biotech Chief Financial Officer	Aimmune Therapetics, South San Francisco	Check	03/23/2018	04/05/2018	1	50.00

Subtotals	600.00
Grand Totals	2,400.00

ATTACHMENT 3

COVER PAGE

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

SEE INSTRUCTIONS ON REVERSE

Statement covers period
from 03/21/2018
through 06/30/2018

Date of election if applicable: (Month, Day, Year)
11/06/2018

Date Stamp
E-Filed
07/30/2018
14:38:47
Filing ID:
172796718

CALIFORNIA FORM 460

Page 1 of 31

For Official Use Only

1. Type of Recipient Committee: All Committees – Complete Parts 1, 2, 3, and 4.

- [X] Officeholder, Candidate Controlled Committee
  - ◯ State Candidate Election Committee
  - ◯ Recall
  - *(Also Complete Part 5)*
- [ ] General Purpose Committee
  - ◯ Sponsored
  - ◯ Small Contributor Committee
  - ◯ Political Party/Central Committee
- [ ] Primarily Formed Ballot Measure Committee
  - ◯ Controlled
  - ◯ Sponsored
  - *(Also Complete Part 6)*
- [ ] Primarily Formed Candidate/ Officeholder Committee
  - *(Also Complete Part 7)*

2. Type of Statement:

- [ ] Preelection Statement
- [X] Semi-annual Statement
- [ ] Termination Statement (Also file a Form 410 Termination)
- [ ] Amendment (Explain below)
- [ ] Quarterly Statement
- [ ] Special Odd-Year Report
- [ ] Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER: 1403957

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Lacey For City Council 2018

STREET ADDRESS (NO P.O. BOX)

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Berkeley	CA	94705	(510)919-2163

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY	STATE	ZIP CODE	AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS
shenry@shenrylaw.com

Treasurer(s)

NAME OF TREASURER
Stephen Henry

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Berkeley	CA	94705	(510)898-1883

NAME OF ASSISTANT TREASURER, IF ANY
Mary Kay Lacey

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
Berkeley	CA	94705	(510)919-2160

OPTIONAL: FAX / E-MAIL ADDRESS
(510)295-2516 / shenry@shenrylaw.com

4. Verification

I have 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. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 07/30/2018 (Date) By Stephen Henry (Signature of Treasurer or Assistant Treasurer)

Executed on 07/30/2018 (Date) By Mary Kay Lacey (Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

Executed on _____ (Date) By _____ (Signature of Controlling Officeholder, Candidate, State Measure Proponent)

www.netfile.com

Schedule A (Continuation Sheet)
Monetary Contributions Received

Amounts may be rounded to whole dollars.

SCHEDULE A (CONT.)

Statement covers period
from 03/21/2018
through 06/30/2018

CALIFORNIA FORM 460

NAME OF FILER
Lacey For City Council 2018

I.D. NUMBER
1403957

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
05/05/2018	Michael Bolgatz Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed, Berkeley, CA	50.00	50.00	G2018 $50.00
05/05/2018	Samuel Gerson Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Psychologist Alliant University, San Francisco, CA	50.00	50.00	G2018 $50.00
05/05/2018	Leah Henry Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Educator Children's Creativity Museum, San Francisco	50.00	50.00	G2018 $50.00
05/05/2018	Stephen Henry Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed as Stephen F. Henry, Esq. - Berkeley	50.00	50.00	G2018 $100.00
05/05/2018	Mary Kay Lacey Berkeley, CA 94705	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed as Mary Kay Lacey, Esq. - Berkeley	50.00	50.00	G2018 $50.00
			SUBTOTAL $	250.00		

*Contributor Codes
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

www.netfile.com

Schedule B – Part 1
Loans Received

Amounts may be rounded to whole dollars.

Statement covers period
from 03/21/2018
through 06/30/2018

CALIFORNIA FORM 460

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Lacey For City Council 2018

I.D. NUMBER

1403957

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD *	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Stephen Henry Berkeley, CA 94705 †[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed as Stephen F. Henry, Esq. - Berkeley	$ 0.00	$ 50.00	[X] PAID $ 50.00 [ ] FORGIVEN $ 0.00	$ 0.00 05/05/2018 DATE DUE	____% RATE $ 0.00	$ 50.00 03/21/2018 DATE INCURRED	CALENDAR YEAR $ 50.00 PER ELECTION** $ G2018 100.00
†[ ] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC		$	$	[ ] PAID $ [ ] FORGIVEN $	$ DATE DUE	____% RATE $	$ DATE INCURRED	CALENDAR YEAR $ PER ELECTION** $
†[ ] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC		$	$	[ ] PAID $ [ ] FORGIVEN $	$ DATE DUE	____% RATE $	$ DATE INCURRED	CALENDAR YEAR $ PER ELECTION** $
	SUBTOTALS	$ 50.00	$ 50.00	$ 0.00		$ 0.00		

(Enter (e) on Schedule E, Line 3)

Schedule B Summary

1. Loans received this period ..... $ 50.00
   (Total Column (b) plus unitemized loans of less than $100.)

2. Loans paid or forgiven this period ..... $ 50.00
   (Total Column (c) plus loans under $100 paid or forgiven.)
   (Include loans paid by a third party that are also itemized on Schedule A.)

3. Net change this period. (**Subtract** Line 2 from Line 1.) ..... **NET $** 0.00
   (May be a negative number)
   Enter the net here and on the Summary Page, Column A, Line 2.

†Contributor Codes
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

*Amounts forgiven or paid by another party also must be reported on Schedule A.
** If required.

www.netfile.com

Attachment 4 and 5

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
05/07/2018
11:01:46

Filing ID:
171400997

FAIR ELECTIONS ACT FORM

APPLICATION FOR PARTICIPATION IN PUBLIC FINANCING PROGRAM

(Berkeley Municipal Code Chapter 2.12 – Election Reform Act)

OFFICE SOUGHT

OFFICE	COUNCIL DISTRICT (IF APPLICABLE)
City Council	8

ELECTION CYCLE
05/07/2018

CANDIDATE INFORMATION

LAST	FIRST	M.I.
Lacey	Mary Kay	

COMMITTEE INFORMATION

NAME OF CAMPAIGN COMMITTEE	FPPC I.D. No.
Lacey For City Council 2018	1403957

CANDIDATE CERTIFICATION

Under penalty of perjury, I hereby certify:

I have complied with the restrictions of Berkeley Municipal Code Chapter 2.12 (Election Reform Act) during the election cycle to date; and

My campaign committee has filed all campaign finance reports required by law during the election cycle to date and that they are complete and accurate; and

I will comply with the requirements of Chapter 2.12 during the remainder of the election cycle and, specifically, if certified as an eligible participating candidate, will comply with the requirements applicable to participating candidates.

Mary Kay Lacey
CANDIDATE SIGNATURE

05/07/2018
DATE SIGNED

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900
www.cityofberkeley.info | elections@cityofberkeley.info

E-Filed
05/07/2018
11:17:15

Filing ID:
171401375

FAIR ELECTIONS ACT FORM
INITIAL QUALIFYING DECLARATION FOR PUBLIC FUNDS
BY CANDIDATES FOR MAYOR OR CITY COUNCIL

OFFICE SOUGHT

OFFICE	COUNCIL DISTRICT (IF APPLICABLE)
City Council	District 8

ELECTION CYCLE
11/06/2018

COMMITTEE INFORMATION

NAME OF CAMPAIGN COMMITTEE	FPPC I.D. No.
Lacey For City Council 2018	1403957

STREET ADDRESS	APARTMENT/SUITE/FLOOR

CITY	STATE	ZIP CODE
Berkeley	CA	94705

TELEPHONE	EMAIL ADDRESS
(510) 919-2163	mklacey@comcast.net

CANDIDATE DECLARATION

I hereby declare that the following information is true and correct:

- All information on the attached Qualified Contribution Receipts is complete and accurate to the best of my knowledge.
- I understand that the Commission shall verify that the qualified contributions meet all of the requirements and restrictions prior to the disbursement of funds.
- I understand that if I submit any contributions that are not from the person(s) identified on the receipt I shall be liable to pay the Fair Elections Fund the entire amount in addition to any penalties.
- All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publically disclosed with the contributor information required under Sections 2.12.280 and 2.12.283.
- I understand that all campaign filings must be current in order for a disbursement of Fair Election funds to be released.

Mary Kay Lacey
CANDIDATE SIGNATURE

05/07/2018
DATE SIGNED

INITIAL QUALIFYING REQUEST FOR FAIR ELECTIONS FUNDS PAYMENT

In order to participate in the Public Financing Program, a candidate must collect at least 30 Qualified Contributions from at least 30 unique contributors of at least $10.00 and no more than $50.00 each, for a total dollar amount of at least $500.00.

All approved Qualified Contributions are matched at a 6:1 ratio. For all public matching funds requests, a candidate must submit the following documentation:

- Qualified Contributions List (below).
- Receipt for Qualified Contribution for Fair Elections Funds.
- Evidence of each contribution received, such as electronic copies of contributor checks, credit card authorizations, or online payment receipts.
- Electronic copies of itemized deposit slips.

	Last Name	First Name	Building #, Street, Apt.	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
1.	Greenwood	Gail		94708 Berekley	Attorney	PSZY, San Francisco, CA	Check	05/06/2018	05/07/2018	5	50.00
2.	Choy	Ronald		94705 Berkeley	Retired	None	Check	05/06/2018	05/07/2018	5	50.00
3.	Davis	Gregory		94705 Berkeley	Retired	None	Check	05/06/2018	05/07/2018	5	50.00
4.	Kidder	Douglas		94708 Berkeley	Consultant	OSKR, Inc, Emeryville, CA	Check	05/06/2018	05/07/2018	5	50.00
5.	Kidder	Allison		94708 Berkeley	Filed Station Manager	UC Berkeley, Berkeley, CA	Check	05/06/2018	05/07/2018	5	50.00
6.	Bigelow-Teller	Elisabeth		94707 Berkeley	Writer/editor/proofreader	Self employed, Berkeley, CA	Check	05/05/2018	05/07/2018	5	50.00
7.	Bolgatz	Michael		94705 Berkeley	Attorney	Self employed, Berkeley, CA	Check	05/05/2018	05/07/2018	5	50.00
8.	Henry	Stephen		94705 Berkeley	Attorney	Self employed - Berkeley	Check	05/05/2018	05/07/2018	5	50.00
9.	Lacey	Mary Kay		94705 Berkeley	Attorney	Self employed - Berkeley	Check	05/05/2018	05/07/2018	5	50.00
10.	Henry	Leah		94705 Berkeley	Educator	Children's Creativity Museum, San Francisco	Check	05/05/2018	05/07/2018	5	50.00
11.	Bokovoy	Phillip		94704 Berkeley	Consultant	Self-employed, Berkeley	Check	05/03/2018	05/07/2018	5	50.00
12.	Bliss	Judith		94707 Berkeley	Physician	Contra Costa Health Services, Martinez	Check	05/02/2018	05/07/2018	5	50.00
13.	Thornton	James		94705 Berkeley	Attorney	Carl Zeiss Meditec, Inc., Dublin, CA	Check	04/22/2018	05/02/2018	4	50.00
14.	Thornton	Kristi		94705 Berkeley	Manager	UC Berkeley, Berkeley,CA	Check	04/22/2018	05/02/2018	4	50.00
15.	Garz	Seth		94705 Berkeley	Economist	UC Berkeley, Berkeley, CA	Cash	04/18/2018	05/02/2018	4	50.00
										Subtotals	750.00

	Last Name	First Name	Building #, Street, Apt.	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
16.	Garz	Julie		94705 Berkeley	Midwife	Kaiser Permemente, Oakland, CA	Check	04/18/2018	05/02/2018	4	50.00
17.	Webb	William		94705 Berkeley	Director	Maybeck School, Berkeley, CA	Check	04/16/2018	04/16/2018	3	50.00
18.	Plowright	Anja		94705 Berkeley	Realtor	Grubb Company, Berkeley, CA	Check	04/10/2018	04/16/2018	3	50.00
19.	Forest	Catherine		94705 Berkeley	Physician	Veterans Administration, Fairfield	Check	04/07/2018	04/16/2018	3	50.00
20.	Schnider	Frederick		94705 Berkeley	Lawyer	Law Offices of Fred Schnider, Berkeley, CA	Cash	04/07/2018	04/09/2018	2	50.00
21.	Zeemont	Mitchell		94705 Berkeley	Mortgage Banker	Newmark Realty Capital Inc., San Francisco, CA	Check	04/07/2018	04/09/2018	2	50.00
22.	Oleson	Robin		94705 Berkeley	Social worker	Veterans Administration, Oakland	Cash	04/07/2018	04/09/2018	2	50.00
23.	Fedman	Mary Elizabeth		94707 Berkeley	Yoga teacher	Self employed - Berkeley	Check	04/07/2018	04/09/2018	2	50.00
24.	Fedman	Alan		94707 Berkeley	Attorney	Dentons, US LLP, San Francisco, CA	Cash	04/07/2018	04/09/2018	2	50.00
25.	Francis	Karen		94703 Berkeley	Career counselor	U.C. Hastings College of Law, Berkeley, CA	Check	04/07/2018	04/09/2018	2	50.00
26.	Cusack	Dennis		94703 Berkeley	Attorney	Farella Braun & Martel, San Francisco, CA	Check	04/07/2018	04/09/2018	2	50.00
27.	Lyon	Eleanor		94707 Berkeley	Homemaker	None	Check	04/07/2018	04/09/2018	2	50.00
28.	Marostica	Matt		94707 Berkeley	Librarian	Stanford University	Check	04/07/2018	04/09/2018	2	50.00
29.	Zukor	Susie		94705 Berkeley	Attorney	Self-employed, Berkeley, CA	Cash	04/07/2018	04/09/2018	2	50.00
30.	Blair	Laura		94705 Berkeley	Retired	None	Check	04/06/2018	04/09/2018	2	50.00
31.	Sargent	Susan		94705 Berkeley	Attorney	Unemployed	Check	04/06/2018	04/09/2018	2	50.00
32.	Drinan	Mary		94708 Berkeley	Attorney	CSAA Insurance Group, Walnut Creek, CA	Cash	04/05/2018	04/09/2018	2	50.00
33.	Berges	Marian		94703 Berkeley	Unemployed	None	Cash	04/04/2018	04/09/2018	2	50.00
34.	Weaver	Stephen		94703 Berkeley	Project supervisor	Jetton Construction, Berkeley, CA	Check	04/04/2018	04/09/2018	2	50.00
35.	Carlson	Anne		94708 Berkeley	Chief Executive Officer	Jiminy's, Berkeley	Check	04/03/2018	04/09/2018	2	50.00
36.	Sayre	Anne		94705 Berkeley	Retired	None	Check	04/02/2018	04/09/2018	2	50.00
										Subtotals	1,050.00

	Last Name	First Name	Building #, Street, Apt.	Zip Code, City	Occupation	Employer	Payment Method	Date Received	Date Deposited	Deposit Batch #	Amount of Contribution
37.	MacLeod	Karen		94705 Berkeley	Retired	None	Check	04/02/2018	04/05/2018	1	50.00
38.	Carlson	Eric		94708 Berkeley	Business development	Jiminy's, Berkeley	Check	03/30/2018	04/05/2018	1	50.00
39.	Berg	Cheryl		94705 Berkeley	Lecturer	UC Berkeley Law School, Berkeley	Check	03/29/2018	04/05/2018	1	50.00
40.	Mezey	Philip		94705 Berkeley	Chief Executive Officer	Itron, Inc., Oakland, CA	Check	03/29/2018	04/05/2018	1	50.00
41.	Mezey	Amy		94705 Berkeley	Homemaker	None	Check	03/29/2018	04/05/2018	1	50.00
42.	Beckett	Michael		94703 Berkeley	Retired educator	None	Check	03/29/2018	04/05/2018	1	50.00
43.	Sperry	Josh		94705 Berkeley	Union representative	ESC Local 20, IFPTE, Oakland, CA	Check	03/29/2018	04/05/2018	1	50.00
44.	Hendrickson	Ilinisa		94705 Berkeley	Consultant	Three Mountains, Berkeley	Check	03/29/2018	04/05/2018	1	50.00
45.	Berg	Jesse		94705 Berkeley	Attorney	General Counsel Law Ventures, Berkeley	Check	03/28/2018	04/05/2018	1	50.00
46.	Lynch	Margaret		94705 Berkeley	Retired doctor	None	Check	03/28/2018	04/05/2018	1	50.00
47.	Hahn	Sophie		94707 Berkeley	City Council Member	City of Berkeley	Check	03/23/2018	04/05/2018	1	50.00
48.	Bjerkholt	Eric		94707 Berkeley	Biotech Chief Financial Officer	Aimmune Therapetics, South San Francisco	Check	03/23/2018	04/05/2018	1	50.00

Subtotals	600.00
Grand Totals	2,400.00

Attachment 6

Confirmation of Loan to Open Campaign Checking Account for Lacey For City Council 2018

I, Mary Kay Lacey, hereby confirm that on March 21, 2018, a check for $50.00 was written from the personal joint checking account which I share with my husband, Stephen Henry, for the purpose of loaning my campaign $50.00 to open my campaign checking account for Lacey For City Council 2018.

The loan was made from the joint checking account I share with my husband with the intent to later re-pay the loan from my campaign checking account.

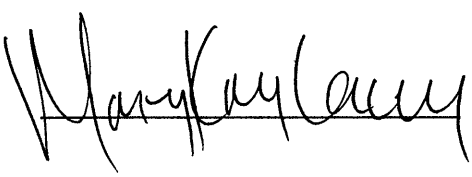
On May 5, 2018, a check was written from the Lacey 2018 campaign checking account to repay the loan made from our joint checking account.

On May 5, 2018, I signed a check from our joint checking account for the purpose of making a $50.00 personal contribution to the Lacey for City Council 2018 campaign.

On May 5, my husband, Stephen Henry signed a check from our joint checking account in the amount of $50.00 for the purpose of making a $50.00 personal contribution to the Lacey for City Council 2018 campaign.

I attest this is a true and accurate recitation of the facts.

Signed



Date

May 5, 2018

STEPHEN F HENRY
MARY KAY LACEY
3047 BENVENUE AVENUE
BERKELEY, CA 947052509

90-7118 /396
3211

215

Date March 21 2018

Pay to the order of Lacey for City Council 2018 $ 50.00

Fifty and no/100 Dollars

citibank
CITIBANK, N.A.

Citi Private Bank

Memo

102

LACEY FOR CITY COUNCIL 2018

Date 5-5-18

Pay to the Order of Mary Kay Lacey $ 50 00/00

Fifty dollars and 00/00 Dollars

Photo Safe Deposit® Details on back

WELLS FARGO
Wells Fargo Bank, N.A.
California
wellsfargo.com

For Repayment of Loan

SCHEDULE A (CONT.)

Amounts may be rounded to whole dollars.

Statement covers period
from 03/21/2018
through 06/30/2018

CALIFORNIA FORM 460

I.D. NUMBER
1403957

SS AND ZIP CODE OF CONTRIBUTOR (ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)	
	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed, Berkeley, CA	50.00	50.00	G2018	$50.00
	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Psychologist Alliant University, San Francisco, CA	50.00	50.00	G2018	$50.00
	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Educator Children's Creativity Museum, San Francisco	50.00	50.00	G2018	$50.00
	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed as Stephen F. Henry, Esq. - Berkeley	50.00	50.00	G2018	$100.00
	[X] IND [ ] COM [ ] OTH [ ] PTY [ ] SCC	Attorney Self employed as Mary Kay Lacey, Esq. - Berkeley	50.00	50.00	G2018	$50.00
		SUBTOTAL $	250.00			

Schedule B – Part 1
Loans Received

Amounts may be rounded to whole dollars.

Statement covers period
from 01/01/2018
through 06/30/2018

CALIFORNIA FORM **460**

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Lacey For City Council 2018

I.D. NUMBER

1403957

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD *	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
Stephen Henry 3047 Benvenue Avenue Berkeley, CA 94705 †☒ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC	Attorney Self employed as Stephen F. Henry, Esq. - Berkeley	$ 0.00	$ 50.00	☒ PAID $ 50.00 ☐ FORGIVEN $ 0.00 05/05/2018 DATE DUE	$ 0.00	% RATE $ 0.00	$ 50.00 03/21/2018 DATE INCURRED	CALENDAR YEAR $ 50.00 PER ELECTION** $ G2018 100.00
†☐ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC		$	$	☐ PAID $ ☐ FORGIVEN $ DATE DUE	$	% RATE $	$ DATE INCURRED	CALENDAR YEAR $ PER ELECTION** $
†☐ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC		$	$	☐ PAID $ ☐ FORGIVEN $ DATE DUE	$	% RATE $	$ DATE INCURRED	CALENDAR YEAR $ PER ELECTION** $
	SUBTOTALS	$ 50.00	$ 50.00	$	$ 0.00	$ 0.00		

(Enter (e) on Schedule E, Line 3)

Schedule B Summary

1. Loans received this period ..... $ 50.00
   (Total Column (b) plus unitemized loans of less than $100.)
2. Loans paid or forgiven this period ..... $ 50.00
   (Total Column (c) plus loans under $100 paid or forgiven.)
   (Include loans paid by a third party that are also itemized on Schedule A.)
3. Net change this period. (**Subtract** Line 2 from Line 1.) ..... **NET** $ 0.00
   (May be a negative number)
   Enter the net here and on the Summary Page, Column A, Line 2.

†Contributor Codes
IND – Individual
COM – Recipient Committee (other than PTY or SCC)
OTH – Other (e.g., business entity)
PTY – Political Party
SCC – Small Contributor Committee

*Amounts forgiven or paid by another party also must be reported on Schedule A.
** If required.

Per Election Limits on Contributions to State Candidates

(For Elections Occurring from January 1, 2017 – December 31, 2018)

	Contributor Sources		
Candidate or Officeholder	**Person (individual, business entity, committee/PAC**	**Small Contributor Committee**	**Political Party**
Senate and Assembly	$4,400	$8,800	No Limit
CalPERS/CalSTRS	$4,400	$8,800	No Limit
Lt. Governor, Secretary of State, Attorney General, Treasurer, Controller, Supt. of Public Instruction, Insurance Commissioner, and Board of Equlization	$7,300	$14,600	No Limit
Governor	$29,200	$29,200	No Limit

Timing

There are no restrictions on when a candidate may begin to fundraise for a state office, and contributions for a general or special general election may be raised during or prior to a primary or special primary election for the same office.

A candidate who is defeated in the primary or special primary election, or who withdraws from the general or special general election, must return contributions received for the general or special general election to the contributors. The contributions are returned on a pro rata basis, less the cost of raising and administering the funds and expenses attributable to the general election paid prior to the primary election (e.g., media purchases). However, contributions (other than loans) made by a state candidate to his or her own campaign may not be returned to the candidate.

Loans

Loans are contributions subject to limits. However, if a loan has been repaid, the lender, guarantor, endorser, or cosigner may make additional contributions to the same committee up to the limit.