



Fair Campaign Practices Commission

Date: September 17, 2020

To: Fair Campaign Practices Commission

From: Samuel Harvey, Secretary

Subject: Complaint alleging violation of BERA by Bahman Ahmadi, Soulmaz Panahi, Dan McDunn, Wendy Saenz Hood Neufeld, and Home Owners for Berkeley Rent Board.

On September 8, 2020, Commission staff received the attached complaint alleging that a website promoting the candidacies of four candidates for Berkeley Rent Stabilization Board has failed to include the required disclaimer identifying the funding source for the website. The four Rent Board candidates are Bahman Ahmadi, Dan McDunn, Soulmaz Panahi, and Wendy Saenz Hood Neufeld.

The complaint includes screenshots from the website showing that a disclaimer does not appear at the bottom of various pages of the website. (Attachment 1) Additionally, the complaint notes a YouTube video connected with at least one of the four candidates which includes a link to the website. Since the complaint was received, the website has been updated to include a disclaimer. (Attachment 2)

Section 2.12.335 of the Berkeley Election Reform Act (“BERA”) (BMC Chapter 2.12) provides that:

A. Campaign communications supporting or opposing any candidate or measure shall include the name of the committee and the phrase “Major Funding Provided By” immediately followed by the name of the contributor, the city of domicile, and the total cumulative sum of contributions by each of the top four contributors over \$250 to the committee funding the expenditure made within six months of the expenditure. . . .

B. The disclosures required by this section shall list contributors in descending order by the cumulative total amount of their contributions and shall be presented in a clear and conspicuous manner to give the reader, observer, or listener adequate notice. For all communications, the complete name of the contributor must be listed. No acronyms may be used. For purposes of this section, “campaign communication” means any of the following items:

1. One thousand or more substantially similar pieces of campaign literature, including but not limited to mailers, flyers, pamphlets, and door hangers;

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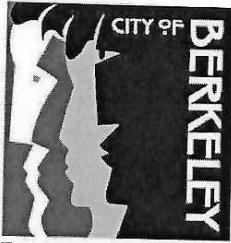
2. Paid advertisements, including but not limited to advertisements in newspapers, magazines, and on the Internet;
3. One thousand or more substantially similar e-mails or pre-recorded telephone calls made within a calendar month.

It appears that the website which is the subject of this complaint may have failed to include an appropriate disclaimer for some period of days. However, staff will need to investigate to determine the number of days – if any – during which the disclaimer was not included on the website. Additionally, review of campaign disclosures will be necessary to determine the extent of the obligations each candidate committee may have had (i.e., which committees had expended funds to create the website), and to identify the precise language required for the disclaimer.

Under the Commission's Procedures, at this stage, the Commission may (1) direct the Secretary to investigate the complaint, to the extent the Secretary has not already done so; (2) dismiss the complaint; or (c) find probable cause to believe BERA has been violated. (FCPC Procedures Section V.B.2.) Staff recommends the Commission direct the Secretary to investigate the complaint further and return at a future meeting with a subsequent report. Staff believes, based upon initial review, that the evidence provided in the complaint is sufficient such that the complaint should not be dismissed, but is insufficient to support a finding of probable cause of a violation at this stage.

Attachments:

1. Complaint of Andrea Mullarky and attachments
2. Screenshot of transparenttrentboard.com from Sep. 15, 2020, 4:45 p.m.



Fair Campaign Practices Commission

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

Full Name: Andrea Mullarkey
Date: 9/5/2020
Address: 107 Commodore Drive, Richmond, CA, 94804
E-mail (optional but suggested): andrea.mullarkey@gmail.com
Phone (optional but suggested): (510) 260-9274

Party or parties alleged to have committed or are about to commit a violation of BERA:
Bahman Ahmadi, Soulmaz Panahi, Dan McDunn, Wendy Saenz Hood Neufeld, Homeowners for Berkeley Rent Board

Clear, concise and accurate statement of the facts that constitute the violation of BERA.
If additional space is needed, you may attach additional pages:

As of 9/5/2020, a website promoting, raising money for, and urging people to vote for Bahman Ahmadi, Soulmaz Panahi, Dan McDunn, and Wendy Saenz Hood Neufeld (collectively Home Owners for the Berkeley Rent Board) did not list any financial disclosures as required under Berkeley and California law. Screenshots of multiple pages of the website are attached. The website is listed at transparentrentboard.com. Additionally, a Youtube video of an interview of one of the candidates included a link to the website in its description.

Documents: Attach any documentation supporting the facts alleged.

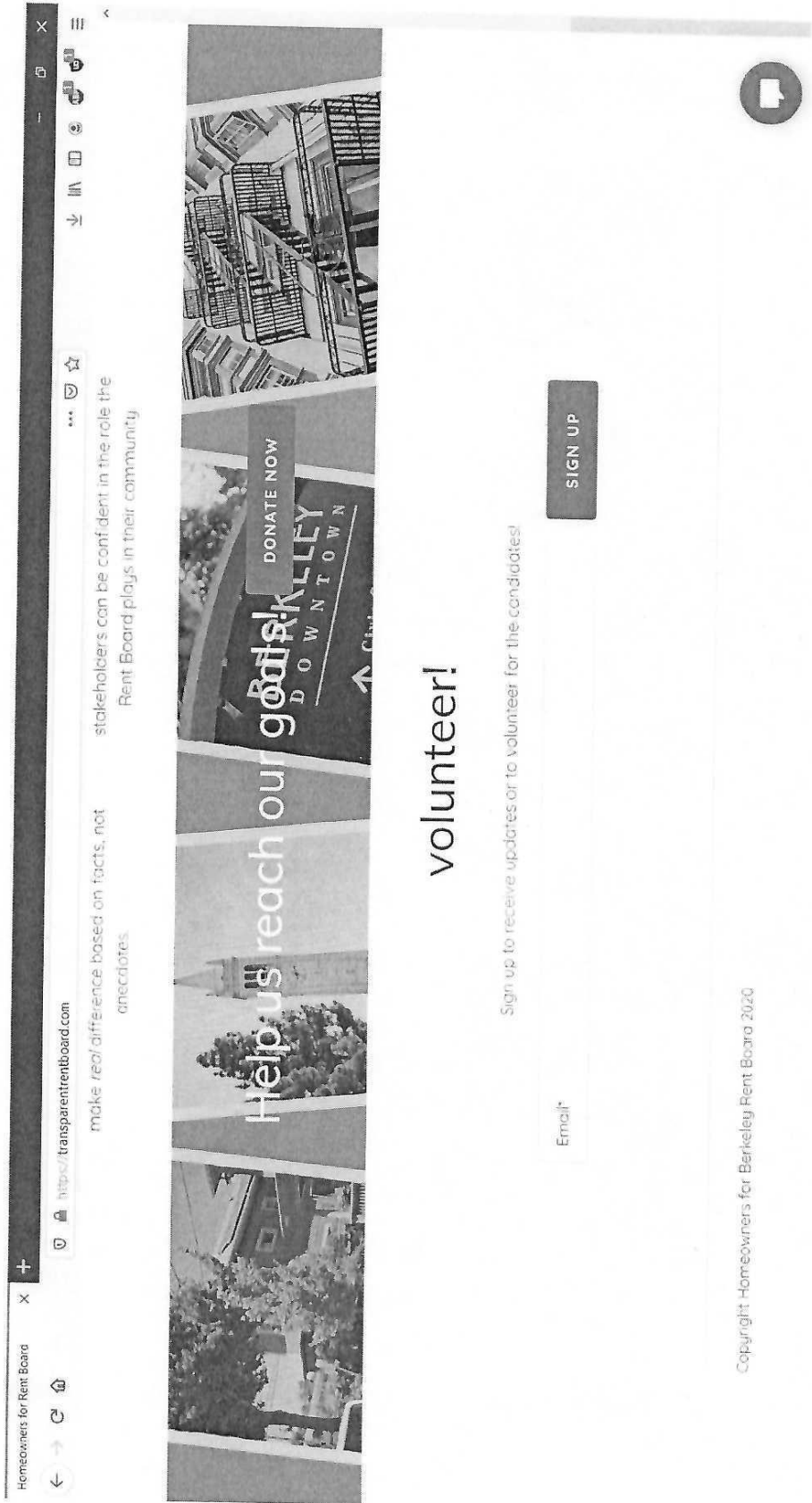
Statements that are not based upon personal knowledge should identify the source of information that gives rise to the complainant's belief in the truth of such statements.

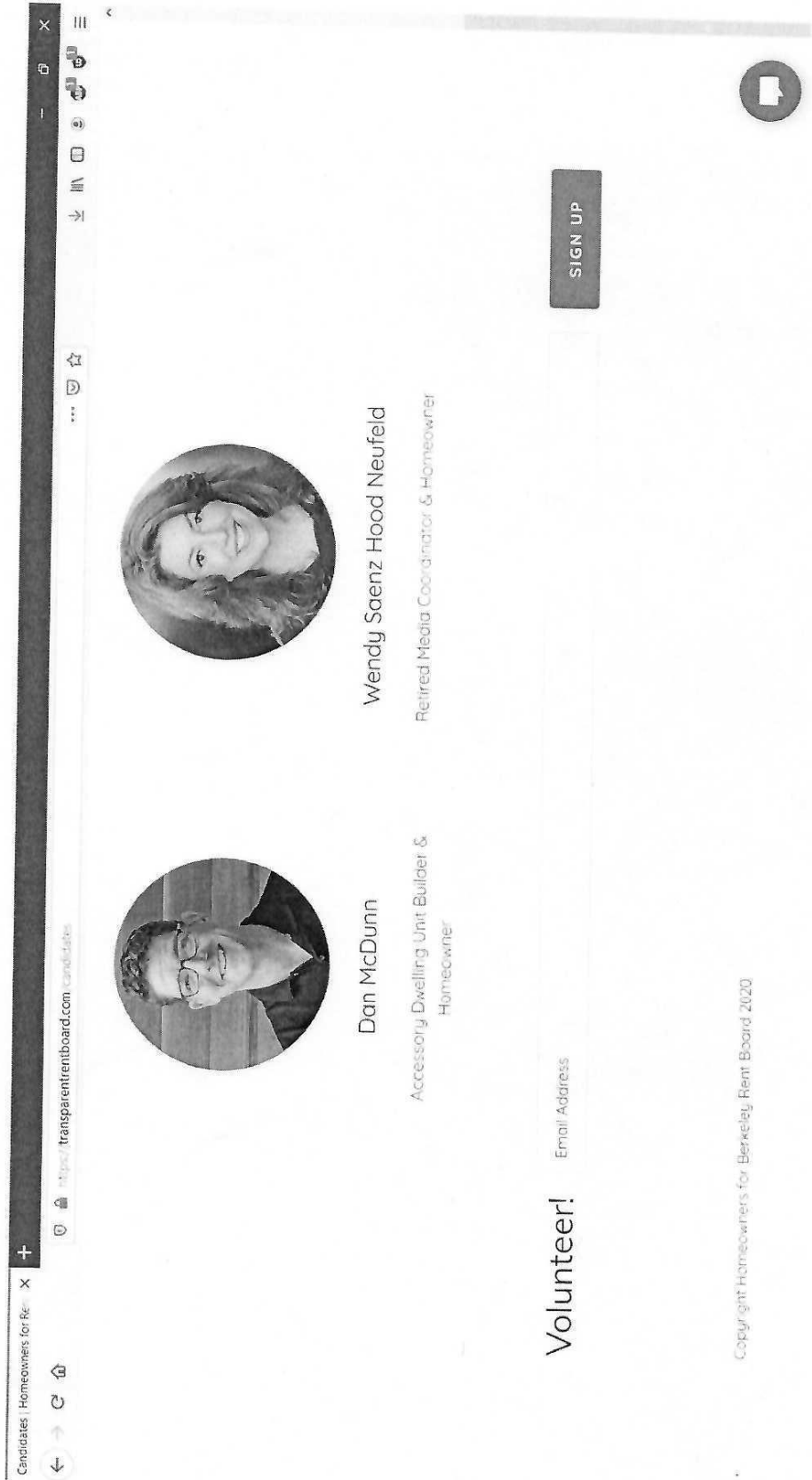
I declare under penalty of perjury under the laws of the State of California that all information submitted hereon and in the attachments is true and correct.

Signature

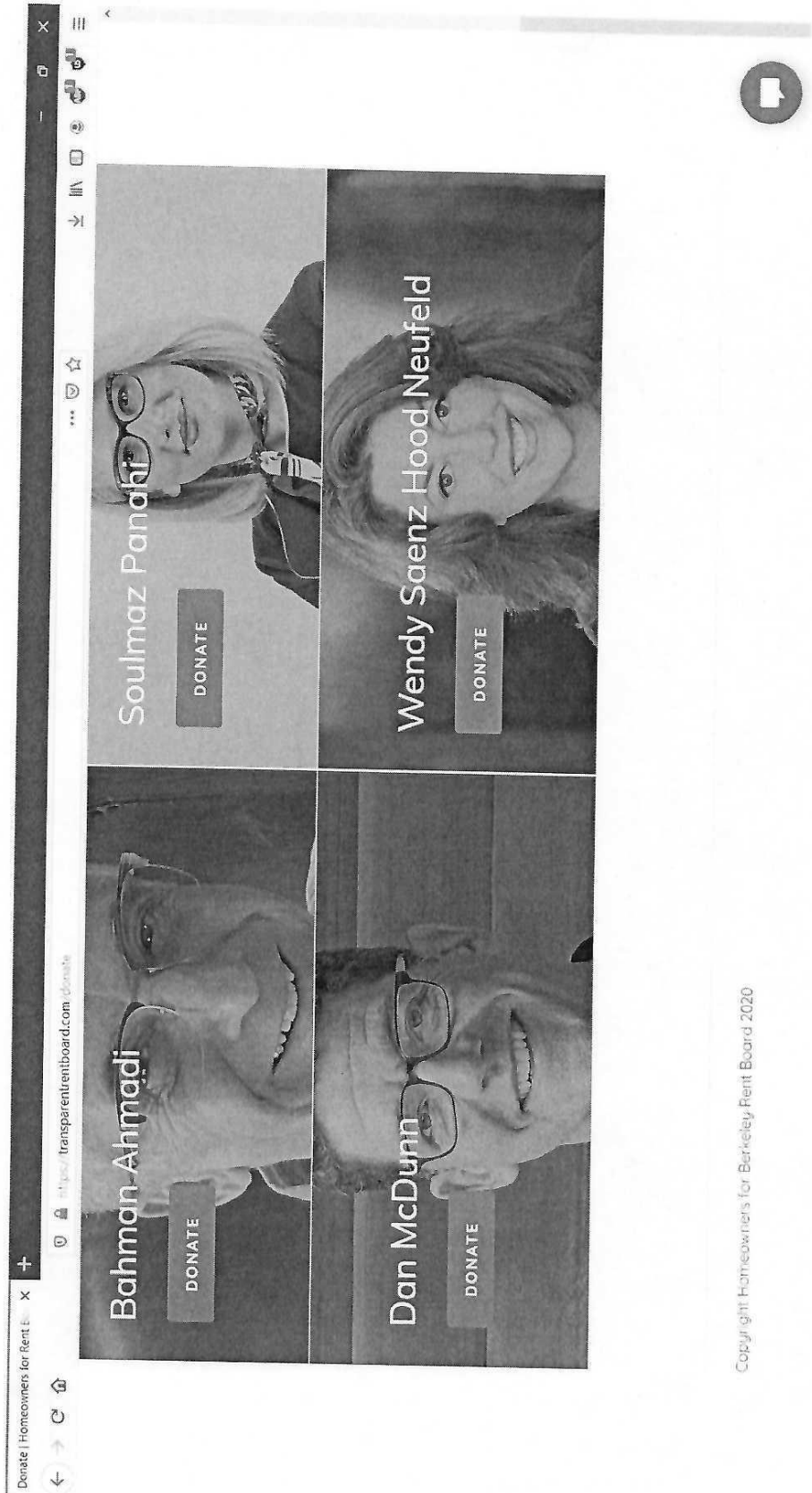
Date 9/5/2020

*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*.





ITEM 12
Attachment 1



Copyright Homeowners for Berkeley Rent Board 2020

Current Policy is Making the Housing Crisis Worse

When housing policy starts to constrict an owner's ability to choose how to use their investment, owners are less likely to offer their property for rent. Decades of increased regulation in Berkeley is starting to take its toll. Owners are concerned about the risk they take when renting to a tenant. Add to that the constant barrage of opposition to building additional housing - now you've got a real housing crisis on your hands. We want to create policy that creates a balance so owners are encouraged to put their units on the market, not take them off.

Bureaucracy & Increased Costs Keep Supply Low

Homeowners make up the bulk of the city's tax base. Increased parcel taxes and other fees not only drive up the cost of living in Berkeley, but they keep some from being able to afford to buy property in Berkeley. Continually taxing homeowners and adding regulations *isn't* going to magically solve the crisis. Complicated and cumbersome building processes *isn't* making it any easier either. Whether it's the exorbitant fees tacked onto the cost to build, or increased regulation that causes owners to take their rental units off the market, lack of diversified supply is driving rents up. We need a variety of housing options that meet the needs of our community.



Help us reach our goals!

DONATE NOW

Homeowner for Berkeley Rent Board

Sign up to receive updates or to volunteer for the homeowner candidates!

Email*

SIGN UP

