

FILED
ENDORSED

13 AUG 15 PM 3:06

LEGAL PROCESS #3

1 GARY S. WINUK, SBN 190313
Chief of Enforcement
2 DAVE BAINBRIDGE, SBN 238340
Senior Commission Counsel
3 FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 322-5660
5 Facsimile: (916) 322-1932

6 Attorneys for Plaintiff

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SACRAMENTO

10
11)
12 FAIR POLITICAL PRACTICES COMMISSION,)

13 Plaintiff,

14 vs.

15 LOEB & LOEB, LLP, a California Limited
16 Liability Partnership, and DOES 1 through 10,

17 Defendants.

No. 34-2013-00148848

)
) DECLARATION OF DAVE
) BAINBRIDGE IN SUPPORT OF
) APPLICATION FOR ORDER TO
) SHOW CAUSE RE PRELIMINARY
) INJUNCTION

)
) Date: 8.19.13
) Time: 1:30PM
) Dept.: 54
) Judge:
) Date Filed: 8.15.13
) Trial date:

18
19
20 I, Dave Bainbridge, declare:

21 1. I am an attorney at law duly admitted to practice before all the courts of the State of
22 California and an attorney for plaintiff, the California Fair Political Practices Commission ("Plaintiff").

23 I make this declaration in support of Plaintiff's ex parte application for an order to show cause re
24 preliminary injunction.

25 2. On August 8, 2013, Plaintiff determined that defendant, Loeb & Loeb, LLP
26 ("Defendant") made a payment of \$80,000 to Olson & Associates, LLC ("Olson") based on bank
27 records received from Olson and an interview with Paul Olson of Olson. Paul Olson told me Olson was
28 hired to collect signatures for a petition to place an initiative on the ballot in the City of Sacramento

1 asking voters to approve the City of Sacramento's financing plan for the proposed downtown arena. He
2 said hired sub-vendors who began gathering signatures on or about June 22, 2013

3 3. On August 9, 2013 I called Defendant to discuss the payment to Olson. Later that day,
4 Defendant's attorney, Steve Baric of the law firm Baric & Tran called me. I informed him that by virtue
5 of making the payment to Olson, Defendant, or the person(s) on whose behalf they made the payments,
6 had incurred filing obligations under the Political Reform Act of 1974 and that Defendant, or the
7 person(s) on whose behalf they made the payments, had failed to file campaign statements for the
8 reporting period from January 1, 2013 through June 30, 2013. I informed him that Defendant should file
9 the past-due statements immediately.

10 4. At no point in our communications has Plaintiff denied that it made the \$80,000 payment
11 to Olson.

12 5. On August 12, 2013, I sent a letter to Defendant's counsel via email and U.S. mail
13 demanding that Defendant file all past due campaign statements immediately. A copy of that letter is
14 attached as Exhibit 1.

15 6. Defendant's counsel assured me multiple times between August 12 and 14 during
16 telephone conversations that Defendant was preparing campaign statements to file.

17 7. On August 14, 2013 at approximately 4:15 pm I called Defendant's counsel to inquire
18 about the filing. He told me Defendant's would file the next morning and that he would email me a
19 copy of the draft filings by 8:30 am before he filed them.

20 8. I did not receive an email from Defendant by 8:30 am on August 15, 2013. I called
21 Defendant's counsel at 8:45 am. He informed me he was having trouble obtaining some information for
22 the filing and had a court appearance that morning but would send the draft filings to me by noon that
23 day.

24 9. I did not receive the draft filing by 12:00 pm on August 15, 2013.

25 10. My office inquired with the City of Sacramento Clerk's Office to determine if they
26 received any filings from Defendant or any other person(s) responsible for the \$80,000 payment to
27 Olson. They informed us that they had not received any such filings in a letter, a copy of which is
28 attached as Exhibit 2.

1 11. Unless a preliminary injunction is granted, great irreparable injury will result to the
2 citizens of Sacramento as they will be denied information regarding the source of money used to fund
3 the initiative drive at issue while the petition drive is ongoing.
4

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed on this 15th day of August 2013.
7


8 
9 _____
10 Dave Bainbridge
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Exhibit 1



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

August 12, 2013

Steve Baric
Baric & Tran
2603 Main Street, Ste. 1050
Irvine, CA 92651

RE: FPPC Reporting Obligations

Dear Mr. Baric:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") has evidence that your client, Loeb & Loeb, LLP, made a payment of \$80,000 on June 21, 2013 to Olson Campaigns to pay for a signature-gathering effort in Sacramento. The purpose of that effort is to qualify a measure for the ballot in the City of Sacramento that would permit city residents to vote on a proposed plan for the construction of a new arena in downtown Sacramento. The payment to Olson Campaigns triggered campaign reporting requirements under the Political Reform Act ("Act").¹ This expenditure created a ballot measure committee under Government Code section 82013. Those persons responsible for the payment should have filed a Statement of Organization under Government Code section 84101 and a semi-annual campaign statement for the reporting period ending on June 30, 2013 under Government Code section 84200. The semi-annual statement was due on July 31, 2013 and, as of the date of this letter, is twelve days late. Depending on additional facts, the source(s) of the funds may have additional reporting requirements not mentioned above. You may consult the Commission's website at www.fppc.ca.gov for additional information regarding filing and reporting requirements.

Because the signature-gathering effort at issue is ongoing, it is imperative that the ultimate source(s) of the \$80,000 payment be fully and truthfully reported immediately so that citizens considering whether to sign the petition are fully informed. The Commission demands that Loeb & Loeb, or the person, or persons on whose behalf the \$80,000 payment was made, comply with all reporting requirements of the Act immediately. Failure to do so will result in legal action by the Commission's Enforcement Division to compel immediate compliance with the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Bainbridge".

Dave Bainbridge
Senior Commission Counsel

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.



Exhibit 2

City of
SACRAMENTO
Office of the City Clerk

August 15, 2013

Lee Myers
Special Investigator, Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

The office of the Sacramento City Clerk has not received any campaign filings from Loeb and Loeb LLP or any other related persons regarding the arena initiative signature gathering effort.

Sincerely,

**Shirley
Concolino**

Digitally signed by Shirley Concolino
DN: cn=Shirley Concolino, o=City
Clerk, ou=City of Sacramento,
email=sconcolino@cityofsacramento.
org, c=US
Date: 2013.08.15 13:49:47 -07'00'

City Clerk