

Fair Political Practices Commission ("Commission")

MEMORANDUM

To: Chairman Ravel, Commissioners Eskovitz, Garrett, Montgomery, and Rotunda

From: Gary S. Winuk, Chief of Enforcement
Neal P. Bucknell, Senior Commission Counsel

Date: October 24, 2012

Re: Assignment of Hearing to Administrative Law Judge ("ALJ")

Case Name: In the Matter of Bill Berryhill, Tom Berryhill, Bill Berryhill for Assembly - 2008, Berryhill for Assembly 2008, Stanislaus Republican Central Committee (State Acct.), and San Joaquin County Republican Central Committee/Calif. Republican Victory Fund (FPPC Case No. 10/828)

I. INTRODUCTION

In 2008, Respondent Bill Berryhill was a non-incumbent candidate for the California State Assembly, 26th District. He won the election. Respondent Bill Berryhill for Assembly - 2008 was his candidate controlled committee. (Hereafter, the committee is referred to as "Bill Berryhill for Assembly.")

In this same election year, Respondent Tom Berryhill was seeking re-election as the incumbent candidate for the California State Assembly, 25th District. He won his election as well. Respondent Berryhill for Assembly 2008 was his candidate controlled committee. (Hereafter, the committee is referred to as "Tom Berryhill for Assembly.")

Respondents Bill and Tom Berryhill are brothers.

At all relevant times, Respondent Stanislaus Republican Central Committee (State Acct.) was a political party committee in that it was the Republican county central committee for Stanislaus County. (Hereafter, the committee is referred to as the "Stanislaus County Republican Central Committee.")

Also, at all relevant times, Respondent San Joaquin County Republican Central Committee/Calif. Republican Victory Fund was a political party committee in that it was the Republican county central committee for San Joaquin County. (Hereafter, the committee is referred to as the "San Joaquin County Republican Central Committee.")

The above-referenced Respondents have requested an administrative hearing on the accusation attached hereto as Exhibit 1 (with an amendment attached hereto as Exhibit 2). The accusation alleges multiple violations of the Political Reform Act (the "Act").¹

This memorandum is submitted to each member of the Commission pursuant to Regulation 18361.5, subdivision (b), which provides: "If the Executive Director determines that a hearing on the merits should be conducted before an administrative law judge alone pursuant to Government Code section 11512(a), he or she shall provide a copy of the accusation as well as a memorandum describing the issues involved to each member of the Commission. If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, the matter will be scheduled for a hearing before the Commission when an administrative law judge is available."

II. PROCEDURAL HISTORY

On September 20, 2012, a probable cause conference was held in this case. Sukhi Brar, Commission Counsel for the Legal Division, presided as the hearing officer.

On September 26, 2012, pursuant to Regulation 18361.4, subdivision (e), Ms. Brar issued an Order Finding Probable Cause and to Prepare and Serve an Accusation. (The order was issued on September 26, 2012, and it was served on the Enforcement Division and Respondents' counsel via email and regular mail on September 27, 2012.)

On October 5, 2012, the Enforcement Division served the Accusation and related papers on counsel for all Respondents. On October 18 and 19, 2012, all Respondents timely requested an administrative hearing by filing Notices of Defense with the Enforcement Division.

III. PROCEDURAL ISSUES

Every hearing in a contested case must be presided over by an ALJ. The agency itself shall determine whether the ALJ is to hear the case alone or whether the agency itself is to hear the case with the ALJ. (See Section 11512, subd. (a).)

When the agency itself hears the case, the ALJ shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the ALJ. When the ALJ alone hears a case, he or she shall exercise all powers relating to the conduct of the hearing. A ruling of the ALJ admitting or excluding evidence is

¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

subject to review in the same manner and to the same extent as the ALJ's proposed decision in the proceeding. (See Section 11512, subd. (b).)

IV. SUMMARY OF THE ACCUSATION

The accusation includes 16 counts, which are summarized as follows:

Money Laundering and Unlawful Circumvention of Campaign Contribution Limits

COUNT 1: On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of \$20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed. This was accomplished by making the contribution in the name of another, Respondent Stanislaus County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

COUNT 2: On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was \$3,600. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of \$20,000 that is described in Count 1, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution. Additionally, Respondent Stanislaus County Republican Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. (The Stanislaus County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution

was laundered through the committee.) In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

COUNT 3: On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of \$20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed. This was accomplished by making the contribution in the name of another, Respondent San Joaquin County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section 84301, which prohibits the making of a contribution in the name of another.

COUNT 4: On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was \$3,600. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of \$20,000 that is described in Count 3, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution. Additionally, Respondent San Joaquin County Republican Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere intermediary for the funds. (The San Joaquin County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution was laundered through the committee.) In this way, Respondents Bill

Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

COUNT 5: In connection with a fundraiser that was held on or about October 28th, 2008, and as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office. At the time, the contribution limit for contributions to Respondent Bill Berryhill was \$3,600 per election, and Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, already had contributed the maximum allowed amount to Respondent Bill Berryhill for Assembly as of the end of 2007. However, Respondent Tom Berryhill, by and through his controlled committee, made an additional, over-the-limit in-kind contribution to Respondent Bill Berryhill for Assembly by paying in excess of \$4,000 toward the cost of organizing and holding the above-referenced fundraiser of October 28th, which was for the benefit of Respondent Bill Berryhill. Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, attended the fundraiser and accepted this over-the-limit in-kind contribution from his brother. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

False Reporting

COUNT 6: On or about October 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of \$20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84203,

subdivision (a), which requires accurate reporting of information about the sources of contributions received.

COUNT 7: On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of \$20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84211, subdivision (f), which requires accurate reporting of information about the sources of contributions received.

COUNT 8: On or about October 29th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 1 through 2 by falsely reporting that the contribution in question (in the amount of \$20,000) was made to Respondent Stanislaus County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere intermediary for the transaction. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

COUNT 9: On or about October 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State. This filing concealed the violations described in Counts 3 through 4 by falsely reporting that the contribution in question (in the amount of \$20,000) was made to Respondent San Joaquin County Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for Assembly, and the central committee was a mere intermediary for the transaction. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly

violated Section 84203, subdivision (a), which requires accurate reporting of information about the recipients of contributions.

COUNT 10: On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of \$20,000 each) were made to Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were made to Respondent Bill Berryhill for Assembly, and the central committees were mere intermediaries for the transactions. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section 84211, subdivision (k), which requires accurate reporting of information about the recipients of contributions.

Failure to Report the Making and Receipt of an In-kind Contribution

COUNT 11: Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly failed to report receipt of the contribution by filing a late contribution report with the Secretary of State within 48 hours of receiving the contribution, in violation of Sections 84203, subdivisions (a) and (b), and 84203.3, subdivision (b).

COUNT 12: Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and Bill Berryhill for Assembly also failed to report receipt of the contribution on a semi-annual campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (a), (c) and (f).

COUNT 13: Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly failed to report the making of the contribution by filing a late contribution report with the Secretary of State within 24 hours of making the contribution, in violation of Section 84203, subdivisions (a) and (b).

COUNT 14: Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and Tom Berryhill for Assembly also failed to report the making of the contribution on a semi-annual campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the

reporting period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (b), (i) and (k).

Failure to Report Gifts Received

COUNT 15: As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of park tickets from the Walt Disney Company—worth approximately \$244—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

COUNT 16: As a member of the California State Assembly, Respondent Tom Berryhill failed to report receipt of a gift of Keith Urban concert ticket(s) from the Pechanga Band of Luiseno Mission Indians—worth approximately \$59.50—on his 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

The accusation requests a monetary penalty pursuant to Section 83116, subdivision (c), of up to \$5,000 per count, for a total monetary penalty in an amount not to exceed \$80,000.

V. CONCLUSION

If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, the matter will be scheduled for a hearing before the Commission when an ALJ is available. (Regulation 18361.5, subd. (b).) Otherwise, hearing of this matter will be conducted before an ALJ alone pursuant to Section 11512, subdivision (a).

EXHIBIT 1

1 GARY S. WINUK
Chief of Enforcement
2 NEAL P. BUCKNELL
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 Complainant

7
8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**

10
11 In the Matter of

12 **BILL BERRYHILL, TOM BERRYHILL,**
13 **BILL BERRYHILL FOR ASSEMBLY -**
14 **2008, BERRYHILL FOR ASSEMBLY**
15 **2008, STANISLAUS REPUBLICAN**
16 **CENTRAL COMMITTEE (STATE**
17 **ACCT.), and SAN JOAQUIN COUNTY**
18 **REPUBLICAN CENTRAL**
19 **COMMITTEE/CALIF. REPUBLICAN**
20 **VICTORY FUND,**

21 Respondents.

OAH No.

FPPC No. 10/828

ACCUSATION

(Gov. Code, § 11503)

22 Complainant, the Fair Political Practices Commission ("Commission" or "FPPC"), hereby alleges
23 the following:

24 **PARTIES**

25
26 1. Complainant is the Commission, a state agency charged with the duty to administer,
27 implement, and enforce the provisions of the Political Reform Act.¹ (Sections 83111 and 83116.
28 Hereafter, the Political Reform Act is referred to as the "Act.")

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

1 2. In 2008, Respondent Bill Berryhill was a non-incumbent candidate for the California State
2 Assembly, 26th District. He won the election. Respondent Bill Berryhill for Assembly – 2008 was his
3 candidate controlled committee. (Hereafter, the committee is referred to as “Bill Berryhill for
4 Assembly.”)

5 3. In this same election year, Respondent Tom Berryhill was seeking re-election as the
6 incumbent candidate for the California State Assembly, 25th District. He won his election as well.
7 Respondent Berryhill for Assembly 2008 was his candidate controlled committee. (Hereafter, the
8 committee is referred to as “Tom Berryhill for Assembly.”)

9 4. Respondents Bill and Tom Berryhill are brothers.

10 5. At all relevant times, Respondent Stanislaus Republican Central Committee (State Acct.)
11 was a political party committee within the meaning of Section 85205 in that it was the Republican county
12 central committee for Stanislaus County. (Hereafter, the committee is referred to as the “Stanislaus
13 County Republican Central Committee.”)

14 6. Also, at all relevant times, Respondent San Joaquin County Republican Central
15 Committee/Calif. Republican Victory Fund was a political party committee within the meaning of
16 Section 85205 in that it was the Republican county central committee for San Joaquin County.
17 (Hereafter, the committee is referred to as the “San Joaquin County Republican Central Committee.”)
18

JURISDICTION

19 7. When the Commission determines there is probable cause for believing that the Political
20 Reform Act has been violated, it may hold a hearing in accordance with the Administrative Procedure
21 Act to determine if a violation has occurred. (Section 83116.)

22 8. On September 26, 2012, pursuant to Regulation 18361.4, subdivision (e), the Commission
23 issued an Order Finding Probable Cause and to Prepare and Serve an Accusation in this case. A true and
24 correct copy of the order is attached hereto as Exhibit 1. (The order was issued on September 26, 2012,
25 and it was served on the Enforcement Division and Respondents’ counsel via email and regular mail on
26 September 27, 2012.)

27 9. The order included a finding that Respondents violated the Act as set forth in this
28 Accusation.

1 county central committee, and the committee files statements/reports to the effect that it decided to
2 contribute the money to the candidate—effectively concealing the fact that the individual was the true
3 source of funds, and the committee was a mere “straw man” or intermediary. By laundering the
4 contribution in this way, the parties have committed multiple violations of the Act (making a contribution
5 in the name of another, making and accepting an over-the-limit contribution, and false reporting).

6 17. Another area that is covered by the Act is the reporting of gifts. Public officials, including
7 members of the California State Assembly, are required to file statements of economic interests, which
8 must disclose, among other things, the receipt of gifts worth \$50 or more.

9 18. In this case, Respondents carried out a money laundering scheme to help Respondent Bill
10 Berryhill get elected to the California State Assembly in 2008. The scheme was similar to the example
11 described above, but it involved contributions laundered through two different county central
12 committees.

13 19. Also, the scheme involved an over-the-limit in-kind contribution from Tom Berryhill to
14 Bill Berryhill in the form of a fundraiser for Bill that was paid for by Tom.

15 20. Additionally, the scheme involved false reporting on campaign statements/reports and
16 non-reporting, which served to conceal Respondents’ violations of the Act.

17 21. Also, this case involves failure to report the receipt of gifts on statements of economic
18 interests.

19 APPLICABLE LAW

20 22. All legal references and discussions of law pertain to the Act’s provisions as they existed
21 at the time of Respondents’ violations in 2008.

22 **Importance of Liberal Construction and Vigorous Enforcement of the Political Reform Act**

23 23. When the Political Reform Act was enacted, the people of the state of California found
24 and declared that previous laws regulating political practices suffered from inadequate enforcement by
25 state and local authorities. (Section 81001, subd. (h).) To that end, Section 81003 requires that the Act
26 be liberally construed to achieve its purposes.

27 24. One of the purposes of the Act is to ensure that receipts and expenditures in election
28 campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are

1 inhibited. (Section 81002, subd. (a).) Also, as described above, the Act prohibits money laundering,
2 over-the-limit contributions, false reporting, and non-reporting. Another purpose of the Act is to provide
3 adequate enforcement mechanisms so that the Act will be "vigorously enforced." (Section 81002, subd.
4 (f).)

5 **Definition of Controlled Committee**

6 25. Section 82013, subdivision (a), defines a "committee" to include any person or
7 combination of persons who receives contributions totaling \$1,000 or more in a calendar year. This type
8 of committee is commonly referred to as a "recipient committee." Under Section 82016, a recipient
9 committee which is controlled directly or indirectly by a candidate, or which acts jointly with a candidate
10 in connection with the making of expenditures, is a "controlled committee." A candidate controls a
11 committee if he or she, his or her agent, or any other committee he or she controls has a significant
12 influence on the actions or decisions of the committee. (Section 82016, subd. (a).)

13 **Definition of Contribution**

14 26. A "contribution" includes any payment except to the extent that full and adequate
15 consideration is received, unless it is clear from the surrounding circumstances that the payment is not
16 made for political purposes. (Section 82015, subdivision (a).)

17 **Difference Between Monetary, In-kind and Non-monetary Contributions**

18 27. The most common type of contribution results in the payment of money to a candidate or
19 committee. Such contributions are referred to as "monetary contributions," but sometimes a contribution
20 of goods or services is made to a candidate or committee—rather than an outright payment to the
21 candidate or committee. Such contributions are referred to as "in-kind" or "non-monetary" contributions.
22 For example, if you pay for a fundraiser that is held for the benefit of a candidate, you are making an in-
23 kind/non-monetary contribution to the candidate because your money is not going directly to the
24 candidate, but the candidate is receiving the benefit of your money in the form of a fundraiser. The terms
25 "in-kind" and "non-monetary" are interchangeable. (See Section 84203.3 as compared to Regulation
26 18421.1, subd. (f).)

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Required Reporting of Contributions on Semi-Annual Campaign Statements

28. At the core of the Act's campaign reporting system is the requirement set forth in Section 84200, subdivision (a), that a recipient committee file semi-annual campaign statements each year no later than July 31st for the period ending June 30th, and no later than January 31st for the period ending December 31st. (Extensions are allowed when the filing deadline falls on a weekend or holiday.) For more information about reporting periods and filing deadlines, see the schedule attached hereto as Exhibit 2, which was published by the FPPC and which applies to the general election that was held on November 4, 2008.

29. In most cases, campaign statements must be filed in more than one place. Section 84215 (as it was in effect in 2008) requires members of the legislature, candidates for such offices, their controlled committees, and committees formed or existing primarily to support or oppose such candidates or officeholders to file campaign statements with: (1) the California Secretary of State; (2) the elections official of the county in which they are domiciled; and (3) the elections official of the county with the largest number of registered voters in the districts affected. (Hereafter, the "Filing Officers.")

30. Additionally, candidates and committees must file online/electronically with the California Secretary of State if the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is \$50,000 or more. (Section 84605, subd. (a).)

31. With respect to the contents of campaign statements, each statement must include information about the making and receipt of contributions (along with other information that is not pertinent in this case).

32. In this regard, Section 84211, subdivision (a), requires the reporting of "[t]he total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received." Also, Section 84211, subdivision (c), requires reporting of the total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of \$100 or more. Additionally, Section 84211, subdivision (f), requires that certain identifying information be reported for each person from whom a cumulative amount of contributions of \$100 or more has been received during the period covered by the campaign statement,

1 including the following: (1) the person's full name; (2) his or her street address; (3) his or her
2 occupation; (4) the name of his or her employer, or if self-employed, the name of the business; (5) the
3 date and amount received for each contribution received during the period covered by the campaign
4 statement and if the contribution is a loan, the interest rate for the loan; and (6) the cumulative amount of
5 contributions.

6 33. Also, Section 84211, subdivision (b), requires reporting of "[t]he total amount of
7 expenditures [including contributions] made during the period covered by the campaign statement and
8 the total cumulative amount of expenditures made." Additionally, Section 84211, subdivision (i),
9 requires reporting of the total amount of expenditures (including contributions) made during the period
10 covered by the campaign statement to persons who have received \$100 or more. Also, Section 84211,
11 subdivision (k), requires that certain identifying information be provided for each person to whom an
12 expenditure of \$100 or more has been made during the period covered by the campaign statement,
13 including the following: (1) the person's full name; (2) his or her street address; (3) the amount of each
14 expenditure; (4) a brief description of the consideration for which each expenditure was made; and (5) in
15 the case of an expenditure which is a contribution to a candidate, elected officer, or committee, the date
16 of the contribution, the cumulative amount of contributions made to that recipient, the full name of the
17 recipient, and the office and district/jurisdiction for which he or she seeks nomination or election.

18 **Required Reporting of Contributions on Late Contribution Reports**

19 34. Under Section 84203, subdivisions (a) and (b), each candidate or committee that makes or
20 receives a late contribution, must file a late contribution report with each Filing Officer within 24 hours
21 of making or receiving the contribution. Section 82036 defines a "late contribution" to include a
22 contribution aggregating \$1,000 or more that is made or received by a candidate or his controlled
23 committee before an election, but after the closing date of the last pre-election campaign statement that
24 was required to be filed by the committee before the election. This period of time before the election is
25 referred to as the late contribution reporting period. In connection with the general election that was held
26 on November 4, 2008, the late contribution reporting period was October 19 through November 3, 2008.
27 (See Ex. 2.)

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1 35. In the case of a late contribution that is an in-kind or non-monetary contribution, the
2 normal 24 hour reporting deadline is extended to 48 hours, but only with respect to reporting *receipt* of
3 the contribution; reporting the *making* of such a contribution is subject to the normal 24 hour deadline.
4 (Section 84203.3, subd. (b).)

5 36. For purposes of calculating the 24 or 48 hour deadline, it is important to note that an in-
6 kind or non-monetary contribution is "made" by the contributor, and "received" by the candidate or
7 committee, on the earlier of the following dates: (a) the date that funds are expended by the contributor
8 in connection with the making of the in-kind/non-monetary contribution; or (b) the date that the
9 candidate or committee, or the agent of the candidate or committee, obtains possession or control of the
10 goods or services, or the date that the candidate or committee otherwise receives the benefit of the
11 expenditure. (Regulation 18421.1, subd. (f).)

12 37. If the actual value of an in-kind/non-monetary contribution is not known at the time of
13 filing, a good faith estimate of the value must be reported. Later, if it is learned that the actual value
14 differs from the estimate by 20 percent or more, the report with the estimate must be amended within 24
15 hours. (See Regulation 18425, subd. (b)(1)(B).)

16 **Campaign Contribution Limits**

17 38. The Act imposes campaign contribution limits with respect to the making and receiving of
18 certain contributions. However, these limits are adjusted periodically, and different limits apply
19 depending upon who is contributing and who is receiving. (See Section 85301, subdivision (a), as well
20 as Sections 83124, 85303 and 85305, which prohibit the making and acceptance of over-the-limit
21 contributions.)

22 39. Attached hereto as Exhibit 3 is an FPPC publication regarding the contribution limits that
23 were in effect for the general election that was held on November 4, 2008. As shown in Exhibit 3, in
24 connection with that election year, an individual wishing to contribute to a candidate for California State
25 Assembly could not contribute more than \$3,600 per election. However, at that time, there was no limit
26 on contributions from a political party committee (such as a county central committee) to that same

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1 candidate. (At the time, there was a calendar year limit of \$30,200 with respect to how much an
2 individual could contribute to a political party committee, but individuals could exceed this amount so
3 long as the excess was not used by the committee to support/oppose candidates for state office.)

4 **Prohibition Against Money Laundering**

5 40. Money laundering occurs when an individual makes a contribution, directly or indirectly,
6 in the name of another. This is prohibited by Section 84301 because it deprives the public of important
7 information about the true source of campaign contributions, and it facilitates the unlawful circumvention
8 of campaign contribution limits. (Also, see Section 81002, subd. (a): "Receipts and expenditures in
9 election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed
10 and improper practices may be inhibited.")

11 41. For this reason, Section 84302 requires full disclosure when a person makes a contribution
12 on behalf of another, or while acting as the intermediary or agent of another. Along these lines, Section
13 85704 provides: "A person may not make any contribution to a committee on the condition or with the
14 agreement that it will be contributed to any particular candidate unless the contribution is fully disclosed
15 pursuant to Section 84302."

16 42. If an intermediary fails to disclose the true source of a contribution to a recipient, the
17 recipient's duty to properly report the true source of the contribution is not excused if the recipient knows
18 or has reason to know of the true source of the funds. (Regulation 18432.5, subd. (c).)

19 **Identification of the True Source and the True Recipient of a Contribution**

20 43. As stated above, a "contribution" includes any payment except to the extent that full and
21 adequate consideration is received, unless it is clear from the surrounding circumstances that the payment
22 is not made for political purposes. (Section 82015, subdivision (a).)

23 44. Such a payment made at the "behest" of a committee is a contribution to the committee.
24 (Section 82015, subdivision (b)(1).) The "behesting" committee is the true recipient of the contribution,
25 and the other committee (or candidate) is the true source of the contribution.

26 45. "Made at the behest of" includes contributions that are made in cooperation, consultation,
27 coordination, or concert with, at the request or suggestion of, or with the express, prior consent of, the
28 true recipient. (Regulation 18225.7, subdivision (a).)

1 **Identification of the "Straw Man" or Intermediary in a Money Laundering Transaction**

2 46. As stated above, Sections 84301 and 84302 address the situation that arises when the true
3 source of a contribution gives the contribution to a third party for the purpose of transmitting or
4 delivering the funds to the true recipient. Specifically, Section 84302 deals with third parties who "make
5 a contribution on behalf of another, or while acting as the intermediary or agent of another."

6 47. In this case, the term "straw man" is used to refer to third parties who "make a
7 contribution on behalf of another, or while acting as the intermediary or agent of another," and an
8 intermediary is a type of "straw man."³

9 48. Regulation 18432.5, subdivision (a), provides that a party "is an intermediary for a
10 contribution if . . . [t]he recipient of the contribution would consider the person to be the contributor
11 without the disclosure of the identity of the true source of the contribution."⁴

12 **Required Reporting of Gifts**

13 49. Public officials, including members of the legislature, are required to file statements of
14 economic interests, which must disclose, among other things, the receipt of gifts worth \$50 or more.
15 (See Sections 87200, 87203, 87207, subdivision (a), and Regulation 18723.) The filing deadline for
16 annual statements of economic interests filed by members of the California State Assembly is March 1st.
17 (Regulation 18723, subd. (b)(1).)

18 **Liability for Aiding and Abetting**

19 50. Section 83116.5 imposes liability for violating the Act on those who: (i) violate the Act;
20 (ii) purposely or negligently cause another to violate the Act; or (iii) aid and abet another in violating the
21 Act.

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25 ³ Dictionary.com defines "straw man" to mean "a person whose importance or function is only
26 nominal, as to cover another's activities; front," which is an apt description of the third parties described
27 by Section 84302 (when those third parties purport to be the true source of funds).

28 ⁴ As stated above, if an intermediary fails to disclose the true source of a contribution to a
recipient, the recipient's duty to properly report the true source of the contribution *is not excused if the
recipient knows or has reason to know of the true source of the funds.* (Regulation 18432.5, subd. (c).)

1 **Joint and Several Liability**

2 51. If two or more parties are responsible for a violation of the Act, they are jointly and
3 severally liable. (Section 91006.)

4 **Penalty for Violations of the Act**

5 52. Each violation of the Act is punishable by imposition of a monetary penalty of up to
6 \$5,000 per violation, which must be paid to the General Fund of the State of California. (Section 83116,
7 subd. (c).)

8 **Factors to be Considered by the Commission and Administrative Law Judge**

9 53. Regulation 18361.5, subdivision (d), provides:

10 In framing a proposed order following a finding of a violation
11 pursuant to Government Code section 83116, the Commission and the
12 administrative law judge shall consider all the surrounding circumstances
including but not limited to:

- 13 (1) The seriousness of the violation;
- 14 (2) The presence or absence of any intention to conceal, deceive or
mislead;
- 15 (3) Whether the violation was deliberate, negligent or inadvertent;
- 16 (4) Whether the violator demonstrated good faith by consulting the
Commission staff or any other government agency in a manner not
constituting a complete defense under Government Code section 83114(b);
- 17 (5) Whether the violation was isolated or part of a pattern and
whether the violator has a prior record of violations of the Political Reform
18 Act or similar laws; and
- 19 (6) Whether the violator, upon learning of a reporting violation,
voluntarily filed amendments to provide full disclosure.

20 **VIOLATIONS OF THE ACT**

21 **General Allegations Regarding Counts 1 through 5**

22 54. At all relevant times, Respondent Tom Berryhill was being pressured for money by his
23 brother's campaign manager, Carl Fogliani.

24 55. Respondent Bill Berryhill was in a "tight" race. He needed money to help pay for a
25 commercial television campaign attacking his opponent. Both central committees in this case were made
26 aware of this need. He could not have afforded the television commercial without the money that came
27 from his brother through the central committees.

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1 56. Respondent Tom Berryhill was unhappy with how the California Republican Party spent
2 its money, so he preferred to contribute to county central committees. He knew the people that ran
3 Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican
4 Central Committee. They had a reputation for being “good” central committees.

5 57. Respondent Tom Berryhill admits that he was raising money for his brother, but instead of
6 directing the donors to make their contributions to his brother directly, he directed the donors to cut their
7 checks to the central committees.

8 58. Respondent Tom Berryhill refers to such donors as people who were giving to his
9 brother—even though they wrote their checks to the central committees. The reason for this is that an
10 earmarking agreement was in place. It was a foregone conclusion that the central committees would give
11 the money to Respondent Bill Berryhill for Assembly.

12 59. On October 28th, 2008, Respondent Tom Berryhill held a fundraiser. Contributor records
13 show that he raised in excess of \$50,000 for his own committee as a result of that fundraiser. However,
14 he admits that the fundraiser wound up being for the benefit his brother. He talked about the importance
15 of his brother’s race, and he directed contributors to support his brother by making their contributions to
16 the central committees. (Most of the money that Respondent Tom Berryhill raised for his own
17 committee as a result of that fundraiser wound up being laundered to his brother’s committee through the
18 central committees. The primary purpose of the fundraiser was to help Respondent Bill Berryhill get
19 elected—regardless of how the fundraiser might have been promoted at the outset.)

20 60. On the evening of October 29th, 2008, Respondent Bill Berryhill’s campaign manager, Mr.
21 Fogliani, sent an email to Respondent Tom Berryhill that said, “call me.”

22 61. Later that evening, Respondent Tom Berryhill replied, “Think I can get mony [*sic*] earlier.
23 Tom. Late morning.”

24 62. Even later in the evening, Mr. Fogliani replied, “Even better.”

25 63. Campaign records reflect that the next day, on October 30th, 2008, Respondent Stanislaus
26 County Republican Central Committee received a contribution in the amount of \$20,000 from
27 Respondent Tom Berryhill’s committee. Bank records reflect that it deposited the check that same day.

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1 Also, that same day, the committee contributed the exact same amount of money to Respondent Bill
2 Berryhill for Assembly.

3 64. Campaign records reflect that the day after that, on October 31st, 2008, Respondent San
4 Joaquin County Republican Central Committee received a contribution in the amount of \$20,000 from
5 Respondent Tom Berryhill's committee. Bank records reflect that it deposited the check that same day.
6 Also, that same day, the committee contributed the exact same amount of money to Respondent Bill
7 Berryhill for Assembly (plus an extra thousand dollars).

8 65. Bank records reflect that neither central committee had sufficient funds to make its
9 contribution without the money that was received from Respondent Tom Berryhill's committee.

10 66. During the morning of October 31st, 2008, while Respondent San Joaquin County
11 Republican Central Committee was in the process of figuring out how to expedite its contribution to
12 Respondent Bill Berryhill's committee, Mr. Fogliani emailed wire transfer information to Respondent
13 Tom Berryhill for Respondent Bill Berryhill's campaign account. Respondent Tom Berryhill already
14 had contributed the maximum allowed amount to his brother's campaign, which means he did not need
15 wire transfer information for his brother's account—unless he was the true source of the money that was
16 still in the process of being laundered to his brother.

17 67. On the afternoon of October 31st, 2008, Mr. Fogliani emailed Respondent Tom Berryhill
18 and asked, "Find any new dough?"

19 68. By splitting his contribution between two central committees, Respondent Tom Berryhill
20 made sure that every penny would go to his brother's committee. Otherwise, if Respondent Tom
21 Berryhill had given \$40,000 to just one central committee (instead of \$20,000 to two), the central
22 committee only would have been allowed to contribute \$30,200 to his brother's committee. (See
23 contribution limit set forth in Ex. 3.)

24 69. The Chairman of Respondent San Joaquin County Republican Central Committee
25 admitted that he may have received advance notice of the contribution from Respondent Tom Berryhill's
26 committee.

27 70. More importantly, Respondent San Joaquin County Republican Central Committee
28 decided to make its contribution to Respondent Bill Berryhill for Assembly "[p]robably a day or two

1 before" the check was written. *This is consistent with a prior earmarking agreement about how the*
2 *money would be spent.* The committee reported that it received the money from Respondent Tom
3 Berryhill the same day that the committee wrote the check to Respondent Bill Berryhill for Assembly—
4 so "a day or two before" the check was written equates to "a day or two before" the committee received
5 Respondent Tom Berryhill's money.

6 71. Respondent Bill Berryhill's campaign was "worried" that Respondent San Joaquin County
7 Republican Central Committee would "change" its "mind" about passing along the money from
8 Respondent Tom Berryhill. This also is consistent with a prior earmarking agreement about how the
9 money would be spent.

10 72. The policy of Respondent Stanislaus County Republican Central Committee was for the
11 Executive Board to meet to approve all campaign contributions "above about \$1,000 or so, for sure."
12 However, this was not done with respect to the contribution from Respondent Tom Berryhill's committee
13 in the amount of \$20,000 that was laundered through the central committee.

14 73. The policy of Respondent San Joaquin County Republican Central Committee was to take
15 15% to 20% off the top of all donations that the committee received in order to help pay for operations of
16 the committee, voter registration, bills, and Proposition 8. Whatever was left over would be spent on
17 different candidates, including candidates that had been "targeted" by the California Republican Party.
18 However, this was not done with respect to the contribution from Respondent Tom Berryhill's committee
19 in the amount of \$20,000 that was laundered through the central committee.

20 74. Telephone calls, texts and emails during the period of the laundering are consistent with a
21 laundering scheme. For example, records show that Respondent Tom Berryhill was in communication
22 during this time with the Chairman of Respondent Stanislaus County Republican Central Committee, the
23 committee treasurer, an Executive Board Member of the Committee, his brother, and his brother's
24 campaign manager. Also, records show that Respondent Bill Berryhill was in communication during this
25 time with his own campaign manager, a member of Respondent Stanislaus County Republican Central
26 Committee, and Respondent Bill Berryhill met with the Chairman of Respondent San Joaquin County
27 Republican Central Committee to discuss the need for money to pay for his commercial television
28 campaign. Additionally, records show that Respondent Bill Berryhill's campaign manager was in

1 communication during this time with the Chairman of Respondent San Joaquin County Republican
2 Central Committee. These communications show ample opportunity for discussion of the logistics of the
3 money laundering in this case.

4 75. Sometimes, James DeMartini, Vice Chairman of Respondent Stanislaus County
5 Republican Central Committee, dealt with Respondent Bill Berryhill's campaign manager, Mr. Fogliani,
6 but most of the time, Mr. DeMartini dealt with Respondent Bill Berryhill directly because they had
7 known each other for a long time. Mr. DeMartini admits that he could have had contact with Respondent
8 Bill Berryhill about the \$20,000 transaction in this case.

9 76. Respondent Tom Berryhill had a meeting with the Vice Chairman of Respondent
10 Stanislaus County Republican Central Committee on October 28th, 2008, at 6:00 p.m.

11 77. The relationships between the parties are consistent with a laundering scheme. For
12 example, Respondents Tom and Bill Berryhill are brothers. Their campaign and family accounting firm
13 is Clendenin, Bird & Company, PC. The Chairman of Respondent Stanislaus County Republican Central
14 Committee, Joan Clendenin, happens to be married to a founding partner with that accounting firm.
15 Also, the Executive Director of Respondent Stanislaus County Republican Central Committee, Ann
16 Fogliani, happens to have been married to Respondent Bill Berryhill's campaign manager, and she was
17 reporting to Mrs. Clendenin while she was the Executive Director. Additionally, the Vice-Chairman of
18 Respondent Stanislaus County Republican Central Committee, James DeMartini, took Respondent Tom
19 Berryhill's spot on the committee approximately 20 years ago, and there is a close relationship between
20 the two. Also, Respondent Bill Berryhill has done harvesting for Mr. DeMartini in the past.
21 Additionally, Doug Miller was both an Executive Board Member of Respondent Stanislaus County
22 Republican Central Committee and an employee of Respondent Tom Berryhill.

23 78. Although Respondents claim that Respondent Bill Berryhill was in a "targeted" race,
24 campaign records reflect that neither central committee made any monetary contributions to Respondent
25 Bill Berryhill in 2008 prior to the time of the laundering in this case, which took place during the last
26 week before the election.

27 79. The central committees were not free to decide where to spend Respondent Tom
28 Berryhill's money. They already had decided to give it to his brother, and Respondent Tom Berryhill

1 knew this. *It was a foregone conclusion*, which is not necessarily illegal, but the central committees are
2 “straw men” or intermediaries under such circumstances; they must be reported as such, and Respondent
3 Tom Berryhill’s contribution limit would apply—not the more lenient contribution limit that applies
4 when central committees are the true source. However, in this case, the sole purpose of the laundering
5 was to circumvent Respondent Tom Berryhill’s contribution limit, and Respondents filed false campaign
6 statements/reports to cover up their laundering scheme.

7 80. The money laundering in this case was carried out so that Respondent Bill Berryhill could
8 pay for a television commercial attacking his opponent right before the election. When interviewed by
9 the FPPC, Respondent Bill Berryhill downplayed his own knowledge of the commercial and
10 characterized himself as not being aware of it until the last minute—when he allegedly found out from
11 his wife at a gas station (who had heard about it from his campaign manager’s wife).

12 81. However, this is contradicted by an email from Dale Fritchen, Chairman of Respondent
13 San Joaquin County Republican Central Committee, which talked about how Mr. Fritchen “picked up the
14 20K check,” and which stated: “Let’s give 21K to Bill Berryhill. They are willing to take a check. *I met*
15 *with Bill and they are desperate for money to put out a commercial campaign that they are already*
16 *committed for.*”

17 82. Also, although Respondent Bill Berryhill claimed in his interview that he did not expect
18 the contribution that he received from Respondent San Joaquin County Republican Central Committee,
19 he had told his campaign manager words to the effect that money for the commercial would be coming.

20 83. Bill Berryhill was aware of the money laundering scheme, participated in it, and had full
21 knowledge of the true source of the contributions in this case.

22 84. However, even if Respondent Bill Berryhill were completely unaware of what his
23 campaign manager was doing (which would be implausible given the facts of this case) Respondent Bill
24 Berryhill still would be responsible for his campaign manager’s misconduct. Section 85301, subdivision
25 (a), which is charged in Counts 2, 4, and 5, holds the candidate responsible—not the candidate’s
26 campaign manager—for accepting over-the-limit contributions. Similarly, the filing requirements that
27 are the subject of the other counts involving Respondent Bill Berryhill (Counts 6, 7, 11, and 12) are
28 imposed upon the candidate and committee—not the campaign manager. This is consistent with

1 principles of agency and the doctrine of *respondeat superior*. (See Civ. Code, § 2295: “An agent is one
2 who represents another, called the principal, in dealings with third persons. Such representation is called
3 agency.” See also, Civ. Code, § 2332: “As against a principal, both principal and agent are deemed to
4 have notice of whatever either has notice of, and ought, in good faith and the exercise of ordinary care
5 and diligence, to communicate to the other.”)

6 85. All of the foregoing paragraphs are incorporated by reference, as if in full, into each of the
7 counts set forth below.

8	Count 1:	Money Laundering – Section 84301
9	Respondents:	Tom Berryhill and Tom Berryhill for Assembly (source of funds) 10 Stanislaus County Republican Central Committee (aided and abetted)

11 86. On or about October 29th and 30th, 2008, as part of a money laundering scheme to help
12 Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by
13 and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in
14 the amount of \$20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution
15 was concealed.

16 87. This was accomplished by making the contribution in the name of another, Respondent
17 Stanislaus County Republican Central Committee, an entity which aided and abetted in the carrying out
18 of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for
19 the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere
20 “straw man” or intermediary for the funds.

21 88. Respondent Tom Berryhill, by and through his controlled committee, made the
22 contribution at the behest of, in cooperation, consultation, coordination, or concert with, at the request or
23 suggestion of, or with the express, prior consent of, his brother’s controlled committee, Respondent Bill
24 Berryhill for Assembly.

25 89. Respondent Tom Berryhill, by and through his controlled committee, was the true source
26 of the contribution, and his brother’s controlled committee, Respondent Bill Berryhill for Assembly, was
27 the true recipient.

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1 90. When Respondent Tom Berryhill, by and through his controlled committee, caused the
2 contribution to be received by Respondent Stanislaus County Republican Central Committee (on or about
3 October 30th, 2008), it was for the purpose of laundering the money to his brother's controlled
4 committee—a purpose which was carried out by Respondent Stanislaus County Republican Central
5 Committee that same day.

6 91. The laundering was accomplished with two checks. On or about October 30th, 2008,
7 Respondent Stanislaus County Republican Central Committee deposited the first check from Respondent
8 Tom Berryhill's committee into its own bank account, and that same day, the central committee
9 completed the contribution by writing a second check to Respondent Bill Berryhill for Assembly in the
10 exact same amount as the first check.

11 92. At all relevant times, Respondent Tom Berryhill knew and intended that his contribution
12 was to be eventually deposited with his brother's controlled committee.

13 93. After the laundering, Respondent Tom Berryhill, by and through his controlled
14 committee, filed false campaign statements and reports to conceal the true source of the funds and the
15 "straw man" or intermediary role of the central committee. Respondent Stanislaus County Republican
16 Central Committee filed similarly false campaign statements and reports in this regard.

17 94. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus
18 County Republican Central Committee violated Section 84301, which prohibits the making of a
19 contribution in the name of another.

20 95. In aggravation, Respondent Tom Berryhill, by and through his controlled committee,
21 made the contribution on the condition or with the agreement that Respondent Stanislaus County
22 Republican Central Committee would give the money to his brother's controlled committee, in violation
23 of Section 85704.

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Count 2:	Making and Accepting Over-the-limit Contribution – Sections 85301(a), 83124, and 85305
Respondents:	Tom Berryhill and Tom Berryhill for Assembly (source of funds) Bill Berryhill and Bill Berryhill for Assembly (accepted funds) Stanislaus County Republican Central Committee (aided and abetted)

96. On or about October 29th and 30th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee unlawfully circumvented the campaign contribution limit for contributions to a candidate for elective state office.

97. At the time, the contribution limit for contributions to Respondent Bill Berryhill was \$3,600.

98. However, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount of \$20,000 that is described in Count 1, and Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution.

99. Additionally, Respondent Stanislaus County Republican Central Committee aided and abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere “straw man” or intermediary for the funds. (The Stanislaus County Republican Central Committee would not have been subject to this same contribution limit, which is why the contribution was laundered through the committee.)

100. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County Republican Central Committee violated Section 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance of over-the-limit contributions.

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Count 3:	Money Laundering – Section 84301
Respondents:	Tom Berryhill and Tom Berryhill for Assembly (source of funds) San Joaquin County Republican Central Committee (aided and abetted)

101. On or about October 30th and 31st, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, made a contribution in the amount of \$20,000 to Respondent Bill Berryhill for Assembly, but the true source of the contribution was concealed.

102. This was accomplished by making the contribution in the name of another, Respondent San Joaquin County Republican Central Committee, an entity which aided and abetted in the carrying out of this concealment (within the meaning of Section 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true source of the contribution—when in fact it was a mere “straw man” or intermediary for the funds.

103. Respondent Tom Berryhill, by and through his controlled committee, made the contribution at the behest of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of, his brother’s controlled committee, Respondent Bill Berryhill for Assembly.

104. Respondent Tom Berryhill, by and through his controlled committee, was the true source of the contribution, and his brother’s controlled committee, Respondent Bill Berryhill for Assembly, was the true recipient.

105. When Respondent Tom Berryhill, by and through his controlled committee, caused the contribution to be received by Respondent San Joaquin County Republican Central Committee (on or about October 31st, 2008), it was for the purpose of laundering the money to his brother’s controlled committee—a purpose which was carried out by Respondent San Joaquin County Republican Central Committee that same day.

106. The laundering was accomplished with two checks. On or about October 31st, 2008, Respondent San Joaquin County Republican Central Committee deposited the first check from Respondent Tom Berryhill’s committee into its own bank account, and that same day, the central

1 committee completed the contribution by writing a second check to Respondent Bill Berryhill for
2 Assembly in the exact same amount as the first check (with the exception of an extra thousand dollars).

3 107. At all relevant times, Respondent Tom Berryhill knew and intended that his contribution
4 was to be eventually deposited with his brother's controlled committee.

5 108. After the laundering, Respondent Tom Berryhill, by and through his controlled
6 committee, filed false campaign statements and reports to conceal the true source of the funds and the
7 "straw man" or intermediary role of the central committee. Respondent San Joaquin County Republican
8 Central Committee filed similarly false campaign statements and reports in this regard.

9 109. In this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and the San
10 Joaquin County Republican Central Committee violated Section 84301, which prohibits the making of a
11 contribution in the name of another.

12 110. In aggravation, Respondent Tom Berryhill, by and through his controlled committee,
13 made the contribution on the condition or with the agreement that Respondent San Joaquin County
14 Republican Central Committee would give the money to his brother's controlled committee, in violation
15 of Section 85704.

16	Count 4:	Making and Accepting Over-the-limit Contribution – Sections
17		85301(a), 83124, and 85305
18	Respondents:	Tom Berryhill and Tom Berryhill for Assembly (source of funds)
19		Bill Berryhill and Bill Berryhill for Assembly (accepted funds)
		San Joaquin County Republican Central Committee (aided and abetted)

20 111. On or about October 30th and 31st, 2008, as part of a money laundering scheme to help
21 Respondent Bill Berryhill get elected to the California State Assembly, Respondents Bill Berryhill, Bill
22 Berryhill for Assembly, Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County
23 Republican Central Committee unlawfully circumvented the campaign contribution limit for
24 contributions to a candidate for elective state office.

25 112. At the time, the contribution limit for contributions to Respondent Bill Berryhill was
26 \$3,600.

27 113. However, Respondent Tom Berryhill, by and through his controlled committee,
28 Respondent Tom Berryhill for Assembly, exceeded this limit by making the contribution in the amount

1 of \$20,000 that is described in Count 3, and Respondent Bill Berryhill, by and through his controlled
2 committee, Respondent Bill Berryhill for Assembly, accepted this over-the-limit contribution.

3 114. Additionally, Respondent San Joaquin County Republican Central Committee aided and
4 abetted in the making and receipt of this over-the-limit contribution (within the meaning of Section
5 83116.5) by allowing itself to be used as a conduit for the contribution and by acting as if it were the true
6 source of the contribution—when in fact it was a mere “straw man” or intermediary for the funds. (The
7 San Joaquin County Republican Central Committee would not have been subject to this same
8 contribution limit, which is why the contribution was laundered through the committee.)

9 115. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom
10 Berryhill for Assembly, and the San Joaquin County Republican Central Committee violated Section
11 85301, subdivision (a), as well as Sections 83124 and 85305, which prohibit the making and acceptance
12 of over-the-limit contributions.

13	Count 5:	Making and Accepting Over-the-limit In-kind Contribution in the
14		Form of a Fundraiser – Sections 85301(a), 83124, and 85305
15	Respondents:	Tom Berryhill and Tom Berryhill for Assembly (source of contribution)
16		Bill Berryhill and Bill Berryhill for Assembly (accepted contribution)

17 116. In connection with a fundraiser that was held on or about October 28th, 2008, and as part
18 of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State
19 Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill
20 for Assembly unlawfully circumvented the campaign contribution limit for contributions to a candidate
21 for elective state office.

22 117. At the time, the contribution limit for contributions to Respondent Bill Berryhill was
23 \$3,600 per election, and Respondent Tom Berryhill, by and through his controlled committee,
24 Respondent Tom Berryhill for Assembly, already had contributed the maximum allowed amount to
25 Respondent Bill Berryhill for Assembly as of the end of 2007.

26 118. However, Respondent Tom Berryhill, by and through his controlled committee, made an
27 additional, over-the-limit in-kind contribution to Respondent Bill Berryhill for Assembly by paying in
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1 excess of \$4,000 toward the cost of organizing and holding the above-referenced fundraiser of October
2 28th, which was for the benefit of Respondent Bill Berryhill.

3 119. Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill
4 Berryhill for Assembly, attended the fundraiser and accepted this over-the-limit in-kind contribution
5 from his brother.

6 120. In this way, Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and
7 Tom Berryhill for Assembly violated Section 85301, subdivision (a), as well as Sections 83124 and
8 85305, which prohibit the making and acceptance of over-the-limit contributions.

9	Count 6: False Reporting (Late Contribution Report Filed 10/31/08) – Section 84203(a)
10	
11	Respondents: Bill Berryhill and Bill Berryhill for Assembly

12 121. On or about October 31st, 2008, as part of a money laundering scheme to help Respondent
13 Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his
14 controlled committee, Respondent Bill Berryhill for Assembly, filed a false late contribution report with
15 the Secretary of State.

16 122. This filing concealed the violations described in Counts 1 through 4 by falsely reporting
17 that the two contributions in question (in the amounts of \$20,000 each) were received from Respondents
18 Stanislaus County Republican Central Committee and San Joaquin County Republican Central
19 Committee—when in fact both contributions were received from Respondent Tom Berryhill for
20 Assembly, and the central committees were mere “straw men” or intermediaries for the transactions.

21 123. As alleged in Counts 1 and 3, the contributions were made at the behest of Respondent
22 Bill Berryhill’s controlled committee. Respondents Bill Berryhill and Bill Berryhill for Assembly knew
23 or should have known that the true source of the contributions was Respondent Tom Berryhill, by and
24 through his controlled committee, and that the central committees were mere “straw men” or
25 intermediaries.

26 124. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section
27 84203, subdivision (a), which requires accurate reporting of information about the sources of
28 contributions received.

Count 7:	False Reporting (Semi-annual Campaign Statement Filed 2/3/09) – Section 84211(f)
Respondents:	Bill Berryhill and Bill Berryhill for Assembly

125. On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Bill Berryhill, by and through his controlled committee, Respondent Bill Berryhill for Assembly, filed a false semi-annual campaign statement with the Secretary of State.

126. This filing concealed the violations described in Counts 1 through 4 by falsely reporting that the two contributions in question (in the amounts of \$20,000 each) were received from Respondents Stanislaus County Republican Central Committee and San Joaquin County Republican Central Committee—when in fact both contributions were received from Respondent Tom Berryhill for Assembly, and the central committees were mere “straw men” or intermediaries for the transactions.

127. As alleged in Counts 1 and 3, the contributions were made at the behest of Respondent Bill Berryhill’s controlled committee. Respondents Bill Berryhill and Bill Berryhill for Assembly knew or should have known that the true source of the contributions was Respondent Tom Berryhill, by and through his controlled committee, and that the central committees were mere “straw men” or intermediaries.

128. In this way, Respondents Bill Berryhill and Bill Berryhill for Assembly violated Section 84211, subdivision (f), which requires accurate reporting of information about the sources of contributions received.

Count 8:	False Reporting (Late Contribution Report Filed 10/29/08) – Section 84203(a)
Respondents:	Tom Berryhill and Tom Berryhill for Assembly

129. On or about October 29th, 2008, as part of a money laundering scheme to help Respondent Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report with the Secretary of State.

///

1 130. This filing concealed the violations described in Counts 1 through 2 by falsely reporting
2 that the contribution in question (in the amount of \$20,000) was made to Respondent Stanislaus County
3 Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for
4 Assembly, and the central committee was a mere “straw man” or intermediary for the transaction.

5 131. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section
6 84203, subdivision (a), which requires accurate reporting of information about the recipients of
7 contributions.

Count 9:	False Reporting (Late Contribution Report Filed 10/30/08) – Section 84203(a)
Respondents:	Tom Berryhill and Tom Berryhill for Assembly

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11 132. On or about October 30th, 2008, as part of a money laundering scheme to help Respondent
12 Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through
13 his controlled committee, Respondent Tom Berryhill for Assembly, filed a false late contribution report
14 with the Secretary of State.

15 133. This filing concealed the violations described in Counts 3 through 4 by falsely reporting
16 that the contribution in question (in the amount of \$20,000) was made to Respondent San Joaquin County
17 Republican Central Committee—when in fact the contribution was made to Respondent Bill Berryhill for
18 Assembly, and the central committee was a mere “straw man” or intermediary for the transaction.

19 134. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section
20 84203, subdivision (a), which requires accurate reporting of information about the recipients of
21 contributions.

Count 10:	False Reporting (Semi-annual Campaign Statement Filed 2/3/09) – Section 84211(k)
Respondents:	Tom Berryhill and Tom Berryhill for Assembly

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24
25 135. On or about February 3rd, 2009, as part of a money laundering scheme to help Respondent
26 Bill Berryhill get elected to the California State Assembly, Respondent Tom Berryhill, by and through
27 his controlled committee, Respondent Tom Berryhill for Assembly, filed a false semi-annual campaign
28 statement with the Secretary of State.

1 136. This filing concealed the violations described in Counts 1 through 4 by falsely reporting
2 that the two contributions in question (in the amounts of \$20,000 each) were made to Respondents
3 Stanislaus County Republican Central Committee and San Joaquin County Republican Central
4 Committee—when in fact both contributions were made to Respondent Bill Berryhill for Assembly, and
5 the central committees were mere “straw men” or intermediaries for the transactions.

6 137. In this way, Respondents Tom Berryhill and Tom Berryhill for Assembly violated Section
7 84211, subdivision (k), which requires accurate reporting of information about the recipients of
8 contributions.

9 Count 11:	Failure to Report Receipt of In-kind Contribution on Late Contribution Report – Sections 84203(a)(b) and 84203.3(b)
10 Respondents:	Bill Berryhill and Bill Berryhill for Assembly

11
12 138. Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and
13 Bill Berryhill for Assembly failed to report receipt of the contribution by filing a late contribution report
14 with the Secretary of State within 48 hours of receiving the contribution, in violation of Sections 84203,
15 subdivisions (a) and (b), and 84203.3, subdivision (b).

16 Count 12:	Failure to Report Receipt of In-kind Contribution on Semi-annual Campaign Statement – Section 84211(a)(c)(f)
17 Respondents:	Bill Berryhill and Bill Berryhill for Assembly

18
19 139. Regarding the in-kind contribution described in Count 5, Respondents Bill Berryhill and
20 Bill Berryhill for Assembly also failed to report receipt of the contribution on a semi-annual campaign
21 statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the reporting
22 period of October 19th through December 31st, 2008), in violation of Section 84211, subdivisions (a), (c)
23 and (f).

24 Count 13:	Failure to Report Making of In-kind Contribution on Late Contribution Report – Section 84203(a)(b)
25 Respondents:	Tom Berryhill and Tom Berryhill for Assembly

26
27 140. Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and
28 Tom Berryhill for Assembly failed to report the making of the contribution by filing a late contribution

1 report with the Secretary of State within 24 hours of making the contribution, in violation of Section
2 84203, subdivisions (a) and (b).

3 Count 14:	Failure to Report Making of In-kind Contribution on 4 Semi-annual Campaign Statement – Section 84211(b)(i)(k)
5 Respondents:	Tom Berryhill and Tom Berryhill for Assembly

6 141. Regarding the in-kind contribution described in Count 5, Respondents Tom Berryhill and
7 Tom Berryhill for Assembly also failed to report the making of the contribution on a semi-annual
8 campaign statement that was filed with the Secretary of State on or about February 3rd, 2009 (for the
9 reporting period of October 19th through December 31st, 2008), in violation of Section 84211,
10 subdivisions (b), (i) and (k).

11 Count 15:	Failure to Report Receipt of Gift (Park Tickets from Walt 12 Disney Company) on Statement of Economic Interests – 13 Sections 87203, 87207(a), and Regulation 18723
14 Respondent:	Tom Berryhill

15 142. As a member of the California State Assembly, Respondent Tom Berryhill failed to report
16 receipt of a gift of park tickets from the Walt Disney Company—worth approximately \$244—on his
17 2008 annual statement of economic interests by the deadline of March 1st, 2009, in violation of Sections
18 87203, 87207, subdivision (a), and Regulation 18723.

19 Count 16:	Failure to Report Receipt of Gift (Ticket(s) for Keith 20 Urban Concert) on Statement of Economic Interests – 21 Sections 87203, 87207(a), and Regulation 18723
22 Respondent:	Tom Berryhill

23 143. As a member of the California State Assembly, Respondent Tom Berryhill failed to report
24 receipt of a gift of Keith Urban concert ticket(s) from the Pechanga Band of Luiseno Mission Indians—
25 worth approximately \$59.50—on his 2008 annual statement of economic interests by the deadline of
26 March 1st, 2009, in violation of Sections 87203, 87207, subdivision (a), and Regulation 18723.

27 ///

28 ///

1 **PRAYER**

2 WHEREFORE, Complainant prays as follows:

3 1. That the Commission hold a hearing pursuant to Section 83116, and at such hearing find
4 that Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for
5 Assembly, Stanislaus County Republican Central Committee, and San Joaquin County Republican
6 Central Committee violated the Act as alleged herein;

7 2. That the Commission order Respondents Bill Berryhill, Bill Berryhill for Assembly, Tom
8 Berryhill, Tom Berryhill for Assembly, Stanislaus County Republican Central Committee, and San
9 Joaquin County Republican Central Committee to pay a monetary penalty pursuant to Section 83116,
10 subdivision (c), of up to \$5,000.00 for each violation of the Act alleged herein, for a total monetary
11 penalty in an amount not to exceed \$80,000;

12 3. That the Commission grant such other and further relief as it deems just and proper.
13

14
15 Dated: 10/5/12

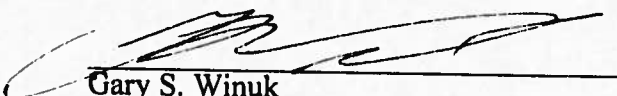
16 
17 Gary S. Winuk
18 Chief of Enforcement
19 Fair Political Practices Commission
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27
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EXHIBIT 1

1 **FAIR POLITICAL PRACTICES COMMISSION**
2 428 J Street, Suite 620
3 Sacramento, CA 95814
4 Telephone: (916) 322-5660

5 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
6 **STATE OF CALIFORNIA**

7 In the Matter of

FPPC No. 10/828

8
9 **BILL BERRYHILL, TOM BERRYHILL, BILL**
10 **BERRYHILL FOR ASSEMBLY - 2008,**
11 **BERRYHILL FOR ASSEMBLY 2008,**
12 **STANISLAUS REPUBLICAN CENTRAL**
13 **COMMITTEE (STATE ACCT.), SAN**
14 **JOAQUIN COUNTY REPUBLICAN**
15 **CENTRAL COMMITTEE/CALIF.**
16 **REPUBLICAN VICTORY FUND,**

ORDER FINDING PROBABLE CAUSE
AND TO PREPARE AND SERVE AN
ACCUSATION

17 Respondents.

18 This matter came on for a probable cause conference pursuant to Regulation 18361.4 on
19 September 20, 2012. Commission Counsel Sukhi K. Brar presided over the hearing under the authority
20 of Regulation 18361(b). Respondents Tom Berryhill, Berryhill for Assembly 2008, Stanislaus
21 Republican Central Committee (State Acct.), San Joaquin County Republican Central Committee/Calif.
22 Republican Victory Fund were represented by Charles Bell and Brian Hildreth. Respondents Bill
23 Berryhill and Bill Berryhill for Assembly - 2008 were represented by Steven Churchwell. Appearing
24 for the Enforcement Division were Enforcement Division Counsel Neal P. Bucknell, and Investigator
25 Paul Rasey. The purpose of a probable cause conference is for the General Counsel or an attorney from
26 the Legal Division to determine whether probable cause exists to believe that a respondent violated the
27 Political Reform Act (the "Act")¹ as alleged by the Enforcement Division in its Report in Support of a
28 Finding of Probable Cause.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated.

1 Probable cause to believe a violation has occurred can be found to exist when "the evidence is
2 sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion
3 that a proposed respondent committed or caused a violation." (Regulation 18361.4(e).) A finding of
4 probable cause does not constitute a finding that a violation has actually occurred. (*Ibid.*)

5 The Report in Support of a Finding of Probable Cause alleges that the respondents herein
6 violated the Act as follows:

7 COUNT 1: On or about October 29th and 30th, 2008, as part of a money laundering
8 scheme to help Respondent Bill Berryhill get elected to the California
9 State Assembly, Respondent Tom Berryhill, by and through his controlled
10 committee, Respondent Tom Berryhill for Assembly, made a contribution
11 in the amount of \$20,000 to Respondent Bill Berryhill for Assembly, but
12 the true source of the contribution was concealed. This was accomplished
13 by making the contribution in the name of another, Respondent Stanislaus
14 County Republican Central Committee, an entity which aided and abetted
15 in the carrying out of this concealment (within the meaning of Section
16 83116.5) by allowing itself to be used as a conduit for the contribution and
17 by acting as if it were the true source of the contribution—when in fact it
18 was a mere intermediary for the funds. In this way, Respondents Tom
19 Berryhill, Tom Berryhill for Assembly, and the Stanislaus County
20 Republican Central Committee violated Section 84301, which prohibits
21 the making of a contribution in the name of another.

22 COUNT 2: On or about October 29th and 30th, 2008, as part of a money laundering
23 scheme to help Respondent Bill Berryhill get elected to the California
24 State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly,
25 Tom Berryhill, Tom Berryhill for Assembly, and the Stanislaus County
26 Republican Central Committee unlawfully circumvented the campaign
27 contribution limit for contributions to a candidate for elective state office.
28 At the time, the contribution limit for contributions to Respondent Bill
Berryhill was \$3,600. However, Respondent Tom Berryhill, by and
through his controlled committee, Respondent Tom Berryhill for
Assembly, exceeded this limit by making the contribution in the amount of
\$20,000 that is described in Count 1, and Respondent Bill Berryhill, by
and through his controlled committee, Respondent Bill Berryhill for
Assembly, accepted this over-the-limit contribution. Additionally,
Respondent Stanislaus County Republican Central Committee aided and
abetted in the making and receipt of this over-the-limit contribution
(within the meaning of Section 83116.5) by allowing itself to be used as a
conduit for the contribution and by acting as if it were the true source of
the contribution—when in fact it was a mere intermediary for the funds.
(The Stanislaus County Republican Central Committee would not have
been subject to this same contribution limit, which is why the contribution
was laundered through the committee.) In this way, Respondents Bill
Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for
Assembly, and the Stanislaus County Republican Central Committee
violated Section 85301, subdivision (a), as well as Sections 83124 and
85305, which prohibit the making and acceptance of over-the-limit
contributions.

1
2 COUNT 3:

3 On or about October 30th and 31st, 2008, as part of a money laundering
4 scheme to help Respondent Bill Berryhill get elected to the California
5 State Assembly, Respondent Tom Berryhill, by and through his controlled
6 committee, Respondent Tom Berryhill for Assembly, made a contribution
7 in the amount of \$20,000 to Respondent Bill Berryhill for Assembly, but
8 the true source of the contribution was concealed. This was accomplished
9 by making the contribution in the name of another, Respondent San
10 Joaquin County Republican Central Committee, an entity which aided and
11 abetted in the carrying out of this concealment (within the meaning of
12 Section 83116.5) by allowing itself to be used as a conduit for the
13 contribution and by acting as if it were the true source of the
14 contribution—when in fact it was a mere intermediary for the funds. In
15 this way, Respondents Tom Berryhill, Tom Berryhill for Assembly, and
16 the San Joaquin County Republican Central Committee violated Section
17 84301, which prohibits the making of a contribution in the name of
18 another.

19 COUNT 4:

20 On or about October 30th and 31st, 2008, as part of a money laundering
21 scheme to help Respondent Bill Berryhill get elected to the California
22 State Assembly, Respondents Bill Berryhill, Bill Berryhill for Assembly,
23 Tom Berryhill, Tom Berryhill for Assembly, and the San Joaquin County
24 Republican Central Committee unlawfully circumvented the campaign
25 contribution limit for contributions to a candidate for elective state office.
26 At the time, the contribution limit for contributions to Respondent Bill
27 Berryhill was \$3,600. However, Respondent Tom Berryhill, by and
28 through his controlled committee, Respondent Tom Berryhill for
Assembly, exceeded this limit by making the contribution in the amount of
\$20,000 that is described in Count 3, and Respondent Bill Berryhill, by
and through his controlled committee, Respondent Bill Berryhill for
Assembly, accepted this over-the-limit contribution. Additionally,
Respondent San Joaquin County Republican Central Committee aided and
abetted in the making and receipt of this over-the-limit contribution
(within the meaning of Section 83116.5) by allowing itself to be used as a
conduit for the contribution and by acting as if it were the true source of
the contribution—when in fact it was a mere intermediary for the funds.
(The San Joaquin County Republican Central Committee would not have
been subject to this same contribution limit, which is why the contribution
was laundered through the committee.) In this way, Respondents Bill
Berryhill, Bill Berryhill for Assembly, Tom Berryhill, Tom Berryhill for
Assembly, and the San Joaquin County Republican Central Committee
violated Section 85301, subdivision (a), as well as Sections 83124 and
85305, which prohibit the making and acceptance of over-the-limit
contributions.

29 COUNT 5:

30 In connection with a fundraiser that was held on or about October 28th,
31 2008, and as part of a money laundering scheme to help Respondent Bill
32 Berryhill get elected to the California State Assembly, Respondents Bill
33 Berryhill, Bill Berryhill for Assembly, Tom Berryhill, and Tom Berryhill
34 for Assembly unlawfully circumvented the campaign contribution limit for
35 contributions to a candidate for elective state office. At the time, the
36 contribution limit for contributions to Respondent Bill Berryhill was
37 \$3,600 per election, and Respondent Tom Berryhill, by and through his

1 controlled committee, Respondent Tom Berryhill for Assembly, already
2 had contributed the maximum allowed amount to Respondent Bill
3 Berryhill for Assembly as of the end of 2007. However, Respondent Tom
4 Berryhill, by and through his controlled committee, made an additional,
5 over-the-limit in-kind contribution to Respondent Bill Berryhill for
6 Assembly by paying in excess of \$4,000 toward the cost of organizing and
7 holding the above-referenced fundraiser of October 28th, which was for the
8 benefit of Respondent Bill Berryhill. Respondent Bill Berryhill, by and
9 through his controlled committee, Respondent Bill Berryhill for Assembly,
10 attended the fundraiser and accepted this over-the-limit in-kind
11 contribution from his brother. In this way, Respondents Bill Berryhill, Bill
12 Berryhill for Assembly, Tom Berryhill, and Tom Berryhill for Assembly
13 violated Section 85301, subdivision (a), as well as Sections 83124 and
14 85305, which prohibit the making and acceptance of over-the-limit
15 contributions.

False Reporting

11 COUNT 6: On or about October 31st, 2008, as part of a money laundering scheme to
12 help Respondent Bill Berryhill get elected to the California State
13 Assembly, Respondent Bill Berryhill, by and through his controlled
14 committee, Respondent Bill Berryhill for Assembly, filed a false late
15 contribution report with the Secretary of State. This filing concealed the
16 violations described in Counts 1 through 4 by falsely reporting that the two
17 contributions in question (in the amounts of \$20,000 each) were received
18 from Respondents Stanislaus County Republican Central Committee and
19 San Joaquin County Republican Central Committee—when in fact both
20 contributions were received from Respondent Tom Berryhill for
21 Assembly, and the central committees were mere intermediaries for the
22 transactions. In this way, Respondents Bill Berryhill and Bill Berryhill for
23 Assembly violated Section 84203, subdivision (a), which requires accurate
24 reporting of information about the sources of contributions received.

19 COUNT 7: On or about February 3rd, 2009, as part of a money laundering scheme to
20 help Respondent Bill Berryhill get elected to the California State
21 Assembly, Respondent Bill Berryhill, by and through his controlled
22 committee, Respondent Bill Berryhill for Assembly, filed a false semi-
23 annual campaign statement with the Secretary of State. This filing
24 concealed the violations described in Counts 1 through 4 by falsely
25 reporting that the two contributions in question (in the amounts of \$20,000
26 each) were received from Respondents Stanislaus County Republican
27 Central Committee and San Joaquin County Republican Central
28 Committee—when in fact both contributions were received from
Respondent Tom Berryhill for Assembly, and the central committees were
mere intermediaries for the transactions. In this way, Respondents Bill
Berryhill and Bill Berryhill for Assembly violated Section 84211,
subdivision (f), which requires accurate reporting of information about the
sources of contributions received.

28 COUNT 8: On or about October 29th, 2008, as part of a money laundering scheme to
help Respondent Bill Berryhill get elected to the California State

1 Assembly, Respondent Tom Berryhill, by and through his controlled
2 committee, Respondent Tom Berryhill for Assembly, filed a false late
3 contribution report with the Secretary of State. This filing concealed the
4 violations described in Counts 1 through 2 by falsely reporting that the
5 contribution in question (in the amount of \$20,000) was made to
6 Respondent Stanislaus County Republican Central Committee—when in
7 fact the contribution was made to Respondent Bill Berryhill for Assembly,
8 and the central committee was a mere intermediary for the transaction. In
9 this way, Respondents Tom Berryhill and Tom Berryhill for Assembly
10 violated Section 84203, subdivision (a), which requires accurate reporting
11 of information about the recipients of contributions.

8 COUNT 9: On or about October 30th, 2008, as part of a money laundering scheme to
9 help Respondent Bill Berryhill get elected to the California State
10 Assembly, Respondent Tom Berryhill, by and through his controlled
11 committee, Respondent Tom Berryhill for Assembly, filed a false late
12 contribution report with the Secretary of State. This filing concealed the
13 violations described in Counts 3 through 4 by falsely reporting that the
14 contribution in question (in the amount of \$20,000) was made to
15 Respondent San Joaquin County Republican Central Committee—when in
16 fact the contribution was made to Respondent Bill Berryhill for Assembly,
17 and the central committee was a mere intermediary for the transaction. In
18 this way, Respondents Tom Berryhill and Tom Berryhill for Assembly
19 violated Section 84203, subdivision (a), which requires accurate reporting
20 of information about the recipients of contributions.

15 COUNT 10: On or about February 3rd, 2009, as part of a money laundering scheme to
16 help Respondent Bill Berryhill get elected to the California State
17 Assembly, Respondent Tom Berryhill, by and through his controlled
18 committee, Respondent Tom Berryhill for Assembly, filed a false semi-
19 annual campaign statement with the Secretary of State. This filing
20 concealed the violations described in Counts 1 through 4 by falsely
21 reporting that the two contributions in question (in the amounts of \$20,000
22 each) were made to Respondents Stanislaus County Republican Central
23 Committee and San Joaquin County Republican Central Committee—
24 when in fact both contributions were made to Respondent Bill Berryhill
25 for Assembly, and the central committees were mere intermediaries for the
26 transactions. In this way, Respondents Tom Berryhill and Tom Berryhill
27 for Assembly violated Section 84211, subdivision (k), which requires
28 accurate reporting of information about the recipients of contributions.

Failure to Report the Making and Receipt of an In-kind Contribution

25 COUNT 11: Regarding the in-kind contribution described in Count 5, Respondents Bill
26 Berryhill and Bill Berryhill for Assembly failed to report receipt of the
27 contribution by filing a late contribution report with the Secretary of State
28 within 48 hours of receiving the contribution, in violation of Sections
84203, subdivisions (a) and (b), and 84203.3, subdivision (b).

28 COUNT 12: Regarding the in-kind contribution described in Count 5, Respondents Bill
Berryhill and Bill Berryhill for Assembly also failed to report receipt of
the contribution on a semi-annual campaign statement that was filed with

1 the Secretary of State on or about February 3rd, 2009 (for the reporting
2 period of October 19th through December 31st, 2008), in violation of
3 Section 84211, subdivisions (a), (c) and (f).

4 COUNT 13: Regarding the in-kind contribution described in Count 5, Respondents
5 Tom Berryhill and Tom Berryhill for Assembly failed to report the making
6 of the contribution by filing a late contribution report with the Secretary of
7 State within 24 hours of making the contribution, in violation of Section
8 84203, subdivisions (a) and (b).

9 COUNT 14: Regarding the in-kind contribution described in Count 5, Respondents
10 Tom Berryhill and Tom Berryhill for Assembly also failed to report the
11 making of the contribution on a semi-annual campaign statement that was
12 filed with the Secretary of State on or about February 3rd, 2009 (for the
13 reporting period of October 19th through December 31st, 2008), in
14 violation of Section 84211, subdivisions (b), (i) and (k).

15 **Failure to Report Gifts Received**

16 COUNT 15: As a member of the California State Assembly, Respondent Tom Berryhill
17 failed to report receipt of a gift of park tickets from the Walt Disney
18 Company—worth approximately \$244—on his 2008 annual statement of
19 economic interests by the deadline of March 1st, 2009, in violation of
20 Sections 87203, 87207, subdivision (a), and Regulation 18723.

21 COUNT 16: As a member of the California State Assembly, Respondent Tom Berryhill
22 failed to report receipt of a gift of Keith Urban concert ticket(s) from the
23 Pechanga Band of Luiseno Mission Indians—worth approximately
24 \$59.50—on his 2008 annual statement of economic interests by the
25 deadline of March 1st, 2009, in violation of Sections 87203, 87207,
26 subdivision (a), and Regulation 18723.

27 Based on the facts presented to me in documents submitted by the Enforcement Division and by
28 Respondent, and on evidence and argument presented by the parties during the probable cause
conference, I find that notice was given as provided by Section 83115.5 and Regulation 18361.4. I
further find that there is probable cause to believe the Respondents violated the Political Reform Act as
alleged in Enforcement's Report in Support of a Finding of Probable Cause. Notwithstanding this
finding of probable cause, Respondents are presumed to be innocent of any violation of the Act unless
and until a violation is proved in a subsequent proceeding.

Respondents have submitted a motion to strike the use of the term "money laundering" because
they believe the Enforcement Division's use of the term is legally improper and is pejorative. That
motion to strike is denied. The term "money laundering" is used to describe a situation where the source

1 or nature of funds is intentionally disguised by channeling funds through an intermediary. The term is
2 commonly used to describe concealment of the true source of funds in the area of campaign finance law
3 in California and around the nation. That is the precise activity Enforcement has charged Respondents
4 with in this matter and therefore the use of the term is appropriate.

5 I therefore direct that the Enforcement Division issue an Accusation against Respondents in
6 accordance with this Finding.

7
8 IT IS SO ORDERED.

9 Dated: 9/20/12

Sukhi K. Brar

10 Sukhi K. Brar, Commission Counsel
11 Fair Political Practices Commission
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EXHIBIT 2

Candidates for State Office
Committees Primarily Formed to Support/Oppose
Candidates for State Office
Committees Primarily Formed to Support/Oppose State Measures

Being Voted on November 4, 2008

<i>Filing Deadline</i>	<i>Type of Statement</i>	<i>Period Covered^{1/}</i>	<i>Method of Delivery^{2/}</i>
Within 10 Business Days	\$5,000 Report ^{3/}	Any time other than 90-day election cycle (see below)	✧ Online or Electronically with Secretary of State
July 31, 2008	Semi-Annual	^{1/} - 6/30/08	✧ Personal Delivery ✧ First Class Mail
Within 24 Hours	90-Day Election Cycle Report ^{4/}	8/6/08 - 11/4/08	✧ Online or Electronically with Secretary of State
October 6, 2008 ^{5/}	Pre-Election	7/1/08 - 9/30/08	✧ Personal Delivery ✧ First Class Mail
Within 48 Hours	Issue Advocacy Report ^{6/}	9/20/08 - 11/3/08	✧ Online or Electronically with Secretary of State
October 23, 2008	Pre-Election	10/1/08 - 10/18/08	✧ Personal Delivery ✧ Guaranteed Overnight Service
Within 24 Hours	Late Contributions ^{7/} and Late Independent Expenditures ^{8/}	10/19/08 - 11/3/08	✧ Personal Delivery ✧ Guaranteed Overnight Service ✧ Fax
February 2, 2009 ^{5/}	Semi-Annual	10/19/08 - 12/31/08	✧ Personal Delivery ✧ First Class Mail

State Ballot Measure Expenditures

Within 10 Business Days	\$5,000 496/497 Report ^{9/}	^{1/} - date of expenditure	✧ Online or Electronically with Secretary of State
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Footnotes:

^{1/} **Period Covered:** The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.

^{2/} **Electronic Filers:** Committees must file electronically with the Secretary of State if, since January 1, 2000, they receive contributions or make expenditures totaling \$50,000 or more. For more information, visit the Secretary of State's web site at www.sos.ca.gov. Paper filings are also required except as described in footnotes 3, 4, 6, and 8.

^{3/} **\$5,000 Reports:** Electronic filers must file Form 497 if they receive a contribution of \$5,000 or more from a single source at any time other than the 90-day election cycle (see footnote 4), including after the election. No paper copies are required, and no copies are required to be filed with other filing officers. This report is not required for committees primarily formed to support or oppose state candidates.

^{4/} **90-Day Election Cycle Reports:** "Election cycle" is defined as 90 days prior to an election and ending on the date of election.

Electronic filers must file Form 497 if they receive a contribution of \$1,000 or more from a single source during the period. This report is not required for committees primarily formed to support or oppose state candidates.

Electronic filers must also file Form 496 if an independent expenditure of \$1,000 or more is made during the period to support or oppose a state candidate or a state ballot measure being voted on November 4, 2008. (Also see footnote 8.)

No paper copies are required, and no copies are required to be filed with other filing officers, including during the late period.

- ^{5/} **Extended Deadlines:** Because the October 5 deadline falls on Sunday, and the January 31, 2009 filing deadline falls on Saturday, these filing deadlines are extended to October 6, 2008, and February 2, 2009, respectively.
- ^{6/} **Issue Advocacy Reports:** A committee must file Form E-530 if a payment or a promise of payment of \$50,000 or more is made during the 45 days prior to an election for a communication that clearly identifies a state candidate being voted on in the election but does not expressly advocate the election or defeat of the candidate. No paper copy is required and no copies are required to be filed with other filing officers.
- ^{7/} **Late Non-Monetary Contributions:** The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind contribution is received.
- ^{8/} **Prohibition on Candidate Independent Expenditures:** A controlled committee may not make independent expenditures to support or oppose candidates and may not contribute to another committee for the purpose of making independent expenditures to support or oppose other candidates.
- ^{9/} **State Ballot Measure Expenditures:** Electronic filers must file Form 496 or 497 each time they make contributions or independent expenditures totaling \$5,000 or more to support or oppose the qualification or passage of a single state ballot measure. No paper copies are required, and no copies are required to be filed with other filings officers. Independent expenditures of \$1,000 or more made within 90 days before a state election are required to be reported within 24 hours. (See footnote 4.)

Additional Notes:

- **Primarily Formed Ballot Measure Committees:** Prior to the semi-annual period in which the measure(s) supported or opposed is being voted on, committees must file quarterly campaign statements in addition to semi-annual statements. Following the election, quarterly statements may also be required. Please refer to the Q&A's for additional information.
Candidates: After an election, reporting requirements will depend on whether the candidate is successful.
- **Late Statements:** Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, filing deadlines may not be extended. Late statements are subject to a \$10 per day late fine.
- All statements are public documents.
- **Contribution Limits:** Contributions to state candidates and to committees that make contributions to state candidates are subject to contribution limits. Some committees that feature state candidates in advertisements are also subject to contribution limits.
- **Paid Spokesperson:** A committee that makes an expenditure totaling \$5,000 or more to an individual to appear in an advertisement to support or oppose a ballot measure must report the expenditure within 10 days on FPPC Form 511.

As of the date of this publication (10/07), the Campaign Disclosure Manual for State candidates (Manual 1) contains the most recent information on campaign disclosure requirements. Be sure to check the FPPC web site (www.fppc.ca.gov) for updated information.

EXHIBIT 3

California Contribution Limits

What You Need to Know Before You Contribute – Fast Facts

Candidates seeking a state office and committees that make contributions to state candidates are subject to contribution limits from a single source. Contributions from affiliated entities are aggregated for purposes of the limits. (Regulation 18215.1.) The chart below shows the current limits per contributor and type of office sought. The primary, general, special and special run-off elections are considered separate elections.

Per-election Limits on Contributions to State Candidates

(For elections held on or after January 1, 2007)

Contributor	Legislature	Statewide Except Governor	Governor
Person	\$3,600	\$6,000	\$24,100
Small Contributor Committee	\$7,200	\$12,100	\$24,100
Political Party	NO LIMIT	NO LIMIT	NO LIMIT

Calendar Year Limits on Contributions to Other State Committees

(2007 and 2008)

Contributor	Committee (Not Political Party) that Contributes to State Candidates	Political Party for State Candidates	Small Contributor Committee	Committee/Political Party Not for State Candidates
Person	\$6,000	\$30,200	\$200	NO LIMIT*

*State committees (including political parties) may receive contributions in excess of the limits identified above as long as the contributions are NOT used for state candidate contributions. (Regulation 18534.)

Calendar Year Limits on Contributions to State Officeholder Committees

Recently enacted legislation (SB 145) allows elected state officeholders to set up officeholder accounts subject to contribution limits specified below.

Contributor	Legislature	Statewide Except Governor	Governor
Any Source Person, Small Contributor Committee or Political Party	\$3,000	\$5,000	\$20,000
Aggregate From all Sources	Legislature	Statewide Except Governor	Governor
	\$50,000	\$100,000	\$200,000

- **Legal Defense Funds**

Contributions raised for a legal defense fund are not subject to contribution limits or the voluntary expenditure ceiling. However, a candidate or officeholder may raise, in total, no more than is reasonably necessary to cover attorney's fees and other legal costs related to the proceeding for which the fund is created. (Section 85304.)

- **Communications Identifying State Candidates**

Any committee that makes a payment or a promise of payment totaling \$50,000 or more for a communication that:

1. Clearly identifies a state candidate; but
2. Does not expressly advocate the election or defeat of the candidate; and
3. Is disseminated, broadcast, or otherwise published within 45 days of an election,

may not receive a contribution from any single source of more than \$30,200 in a calendar year if the communication is made at the behest of the candidate featured in the communication. (Section 85310.)

- **Contributions from State Lobbyists**

A state lobbyist may not contribute to a state officeholder's or candidate's committee if the lobbyist is registered to lobby the agency of the elected officer or the agency to which the candidate is seeking election. The lobbyist also may not contribute to a local committee controlled by any such state candidate. (Section 85702.)

- **Recall Elections**

A state officeholder who is the subject of a recall may set up a separate committee to oppose the qualification of the recall measure and, if the recall petition qualifies, the recall election. Neither contribution limits nor voluntary expenditure ceilings apply to the committee to oppose the recall that is controlled by the officeholder who is the target of the recall attempt. Candidates running to replace an officeholder who is the target of a recall are subject to the contribution limits and the expenditure limits applicable to the election for that office. (Section 85315.)

- **Ballot Measure Committees**

Contributions to ballot measure committees controlled by a candidate for elective state office are not limited. However, contributions to a state candidate controlled ballot measure committee from another state candidate controlled committee are subject to a limit of \$3,600. (Section 85305.)

- **Contribution Limits for Local Candidates and Committees**

Check with the pertinent local jurisdiction for information regarding limits imposed by a local campaign ordinance.

Expenditure Ceilings

Using the formula specified in regulation 18544, the Commission has established the following voluntary expenditure ceilings for elections held on or after January 1, 2007:

Voluntary Expenditure Ceilings for Candidates for Elective State Offices

For elections on or after January 1, 2007

Office	Primary/Special Election	General/Special Runoff Election
Assembly	\$483,000	\$845,000
Senate	\$724,000	\$1,086,000
Governor	\$7,243,000	\$12,071,000
Lt. Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Supt. of Public Instruction, Treasurer	\$4,828,000	\$7,243,000
Board of Equalization	\$1,207,000	\$1,811,000

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814. On the date below, I served the following document(s):

STATEMENT TO RESPONDENT

ACCUSATION

NOTICE OF DEFENSE (TWO COPIES)

COPIES OF GOVERNMENT CODE SECTIONS 11506 THROUGH 11508

- By fax transmission. I faxed the document(s) from the Fair Political Practices Commission in Sacramento, California to:
- The person(s) at the fax number(s) listed below based on an agreement of the parties to accept service by fax transmission.
 - To the person(s) and the regional Office of Administrative Hearings at the fax numbers listed below pursuant to Title 1 of the California Code of Regulations at section 1006.

No error was reported by the fax machine that I used. **A copy of the record of the fax transmission, which I printed out, is attached.**

- By United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and:
- Deposited the sealed envelope or package with the United States Postal Service, with the postage fully prepaid for [Click here for mailing options.](#)
 - Placed the envelope or package for collection and mailing by [Click here for mailing options](#), following my company's ordinary business practices. I am readily familiar with this business' practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

- By personal service.

- I personally delivered the document(s) listed above to the offices of Respondents' counsel at the address(es) shown on the service list below. This was done pursuant to agreements with Respondents' counsel so that Respondents would not suffer the inconvenience of being personally served.
- By providing the document(s) listed above with instructions for registered process server to personally deliver the envelope(s) to the person(s) at the address(es) set forth on the service list below. **The signed proof of service by the registered process server is attached.**
- By overnight delivery. I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) at the address(es) listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- By email or electronic transmission. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the person(s) at the e-mail address(es) listed below. I did not receive, within a reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

SERVICE LIST

Respondents Bill Berryhill and Bill Berryhill for Assembly – 2008, care of their attorney:
Mr. Steve Churchwell, Esq.
DLA Piper
400 Capitol Mall, Suite 2400
Sacramento, CA 95814-4428

Respondents Tom Berryhill, Berryhill for Assembly 2008, Stanislaus Republican Central Committee (State Acct.), and San Joaquin County Republican Central Committee/Calif. Republican Victory Fund, care of their attorney:

Mr. Charles Bell, Esq.
Bell, McAndrews & Hiltachk, LLP
455 Capitol Mall, Suite 600
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 5, 2012.



Neal Bucknell, Senior Commission Counsel

EXHIBIT 2

1 GARY S. WINUK
Chief of Enforcement
2 NEAL P. BUCKNELL
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 Complainant

7
8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**

10
11 In the Matter of

12 **BILL BERRYHILL, TOM BERRYHILL,**
13 **BILL BERRYHILL FOR ASSEMBLY -**
14 **2008, BERRYHILL FOR ASSEMBLY**
15 **2008, STANISLAUS REPUBLICAN**
16 **CENTRAL COMMITTEE (STATE**
17 **ACCT.), and SAN JOAQUIN COUNTY**
18 **REPUBLICAN CENTRAL**
19 **COMMITTEE/CALIF. REPUBLICAN**
20 **VICTORY FUND,**

21 Respondents.

OAH No.

FPPC No. 10/828

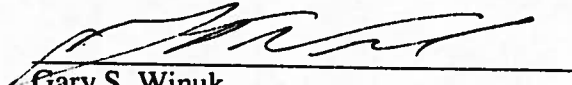
AMENDMENT TO ACCUSATION

(Gov. Code, §§ 11503 and 11507)

22 Paragraph 9 of the Accusation is hereby deleted in its entirety and replaced with the following
23 paragraph:

24 9. The order included a finding of probable cause in connection with the counts that are set
25 forth below in this Accusation, and the order is hereby incorporated by reference, as if in full, into this
26 Accusation.

27 Dated: 10/15/12

28 
Gary S. Winuk
Chief of Enforcement
Fair Political Practices Commission



**IN THE MATTER OF BILL BERRYHILL, TOM BERRYHILL, ET AL.
FPPC Case No. 10/828**

PROOF OF SERVICE

I am a citizen of the United States, employed in the City and County of Sacramento, California. I am over the age of eighteen years and not a party to the above-entitled action. My business address is 428 J Street, Suite 620, Sacramento, California. On the date below, I served the following document(s):

1. **STATE AGENCY REQUEST TO SET (with attachments)**
2. **AMENDMENT TO ACCUSATION (the accusation was previously served)**

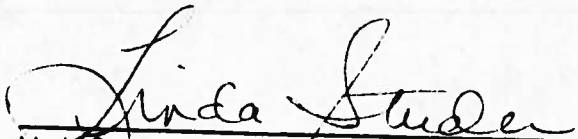
**MANNER OF SERVICE
(Cal. Code Regs., tit. 1, § 1008)**

By United States Mail. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed below and placed the envelope or package for collection and mailing following the ordinary business practices of the Fair Political Practices Commission. I am familiar with these business practices for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident of or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Sacramento, California.

PARTY(IES) SERVED AND ADDRESS:

Respondents Tom Berryhill, Berryhill for Assembly 2008, Stanislaus Republican Central Committee (State Acct.), and San Joaquin County Republican Central Committee/Calif. Republican Victory Fund, care of their attorney: Mr. Charles Bell, Esq. Bell, McAndrews & Hiltachk, LLP 455 Capitol Mall, Suite 600 Sacramento, CA 95814	Respondents Bill Berryhill and Bill Berryhill for Assembly - 2008, care of their attorney: Mr. Steve Churchwell, Esq. DLA Piper 400 Capitol Mall, Suite 2400 Sacramento, CA 95814-4428
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on 10/22, 2012, in Sacramento, California.


Linda Studer