

**In the Matter of George Barich, FPPC No. 09/774
Item #9 on the January 28, 2011 Agenda**

STATEMENT BY GEORGE BARICH

I am making the following statement in order to take full responsibility for my actions and to try to provide some explanation for them.

I have been an active citizen participant in my local city government since 1997, just a few years after I bought my first home in Cotati. I have attended and been very vocal at every city council meeting and workshop with few exceptions for over a decade. I was often the first to show up for our council meetings, and the last member of the public to leave. My high public profile earned me the title of "Cotati City Council Watchdog" by the leading county newspaper because of my tenacious commitment as a citizen activist.

I ran for Cotati City Council in 1998, 2000, 2004, 2008, and 2010 and I self funded all of my campaigns 100%. I have always been committed to refusing to give or receive financial contributions to insure that I am accountable to no one but the citizens in my community. Saying No to special interests has been the hallmark of my many political campaigns.

I attended an FPPC workshop on the rules governing running political campaigns a decade ago and I took away the notion that if I refused all financial contributions and in-kind contributions, and did not make any such contributions to others, I would forgo many of the dangers that candidates can run into with the FPPC.

Having said that, in the spring of 2006, I was seriously considering becoming a candidate for Cotati City Council. I had saved up approximately \$3,000 of my hard earned money that I earned by working a second job at night. I was financially prepared to self fund my small campaign and run it entirely by myself as I had done in the past.

I had been an active member of a local community group, The Coalition to Protect Cotati's Future. I had attended many of their meetings, volunteered for their events and rallies, and made small cash donations to this group whenever they had a donation jar at an event. Michelle Berman, Adrienne Lauby, Robin Birdfeather, and Linel Hardy and many others were all fellow members of this community organization and we worked together on educational workshops and promoting the concept of bringing a retail village to our town to further economic development. I was not a voting member, nor was I a member of its board of directors, although they listened to what I had to say.

In the summer of 2006, there were two seats coming available on the Cotati city council. Well before the formal nomination period opened up for these positions, I took a telephone call from Michelle Berman, in late June or early July, asking me if I was considering running for city council. I told her I was serious thinking about it, but I was also seriously considering walking door to door in opposition to ballot measure J, a parcel tax increase for our local fire department. I had been attending the local fire district board meetings for five years and was convinced the fire tax was simply unnecessary and needed to be defeated.

A week or so later, I was contacted by Adrienne Lauby by telephone at my home, and she asked that whether or not I may be running for city council if I would consider making a contribution because she and her group were considering starting a newsletter, doing some public outreach to find people willing to run for public office, and looking into starting a homeless shelter in Cotati. I had made small contributions in the past. Hoping I might increase my standing with her in that she and Ms. Berman might in fact endorse me as a candidate for one of the two open seats on the city council, I offered to the Coalition a portion of my campaign fund, \$1,000. In the week(s) that followed, I was contacted by Adrienne Lauby for my contribution. I told her I would make out a check and that she could stop by and pick it up. She called me back a day or two later and asked me if I would mind making the contribution in cash because she had no bank account she could deposit the money in. That seemed reasonable to me and I had no understanding that giving cash in that amount would in anyway be unlawful. Within a few days, I stopped by Lauby's apartment to make the donation to Lauby herself.

In the days that followed, I was telephoned by Michelle Berman who I was friends with. She said that she had met this really nice man who had recently moved to Cotati, and that he would make a great candidate for city council. His name was John Guardino and was renting a small house in town. I did not know anything about the man, and I was a bit suspicious. Knowing there were two city council positions available, I thought one more newcomer running for a seat would pose little problem for me in the upcoming council race. I doubted seriously that any newcomer to town would actually make a serious run for city council, so I humored Berman as not to offend her.

In middle or late July, I was telephoned and invited to meet John Guardino as a potential candidate for city council in a group setting with many members who I knew in Cotati. I attended the meeting to hopefully gain some support for my own candidacy and to ask some questions of my own to Mr. Guardino and reveal his shortcomings as a viable candidate. I was hoping to get a chance to make a speech for my own possible candidacy because there were two council seats available. Unfortunately, the event became all about John Guardino, and to my disappointment, I was not offered an opportunity to speak about my possible campaign and I did not push the issue feeling a bit let down and upstaged.

In the days that followed, Lauby and Berman learned somehow that I was upset that I was not given an opportunity to speak on my own behalf and make a pitch for myself becoming a candidate for city council. They called me by telephone and both got on the speakerphone together to express their personal admiration and respect for me for my many years of service to the town's political scene. They then proceeded to tell me although I would be a strong candidate, incumbent candidates Pat Gilardi and Lisa Moore would be difficult, if not impossible to beat, and that it might be better to run only one candidate in the 2006 race as not to run the risk of splitting the vote further. They asked me if I would be so gracious as to step aside for the 2006 race and support John Guardino. They said that they had spoken with our other friends that had attended the meet and greet John Guardino gathering and agreed that we should all support one strong candidate, not two. In return for my support of John Guardino and stepping aside, they would wholeheartedly support my candidacy in 2008. Once John Guardino became elected, they promised that Guardino would return the favor and endorse me in 2008. They convinced me this would be the best strategy to get both John and I elected to public office within the next two years. We never again discussed my \$1,000 contribution. I had their assurance that I had their endorsement for 2008 and did not want to risk losing that endorsement by asking for my money back. I had every reason to believe the money would be used legally.

After this phone call, I was deeply hurt and disappointed that I was passed over by essentially an unknown, in essence a carpetbagger, a man with no experience in Cotati City Hall or local politics. I had been on the forefront of every battle at City Hall for almost a decade. I felt it was my time to be elected and they were being short sided. I felt I had earned their respect and the right to be endorsed, yet was passed over for someone much younger, more handsome, much more liberal, much more impressionable, and someone who could be effectively molded by Lauby and Berman.

I came to the conclusion that my politics were simply not far enough to the left for the liking of Berman and Lauby. At that point, I decided I would not declare myself as a candidate and had nothing left to loose by endorsing John Guardino. After the nomination period to file as a candidate for 2006 passed, I threw myself into running a tiny campaign to oppose Measure J, the fire tax, by walking door to door with my message of government excess and mismanagement. I was busy personally taking on an entire fire department and firefighter's union which should not be overlooked. I had nothing more to do with the Committee to elect John Guardino, until October 2006, when I was again approached by Lauby and Berman who knew I was walking door to door in opposition to Measure J. They asked me since I was indeed an independent conservative, if I would walk the Republican households in Cotati and get out the vote for John Guardino since they thought that might make a big difference in the outcome of the election. Again, to be in their good graces and attempt to assure their endorsement in 2008, I made the decision to walk for John Guardino with his fliers in hand. Lauby gave me a walk list of all Republican households in Cotati and highlighted them for my convenience. I had never seen a voter list like that before and followed the list as instructed. I spent four or more Saturdays and Sundays walking for John Guardino and felt my efforts had a significant impact on John Guardino winning a seat on the city council. Guardino thanked me for my efforts. I never had any reason to discuss my cash contribution to Lauby with Guardino; it was simply irrelevant.

In 2008, Berman and Lauby made good on their promise to support me in my run for city council. That was the deal and they helped me with designing my campaign flier. Guardino did not support me and remained neutral in the 2008 race. He had no reason to believe he owed me anything special. I was elected to office in November, 2008. In February, 2009 Lauby and Berman and I had a falling out when they objected to me making good on my campaign pledges and insisted I play politics with the liberal majority on the city council. They began verbally attacking me during council meetings. The tea party movement had just begun, and I jumped onboard with both feet along with other Cotati residents. I came to the conclusion that Berman, Lauby, and Hardy were not to be trusted, and I suspected foul play with my earlier cash contribution now that they were attacking me for no good reason.

2009 was a turbulent year for me as I tried to implement my campaign promises while serving on the council to the distain of many on the far left in town. Berman, Lauby, and Hardy began a signature drive to have me recalled in a special election. The battle lines were being drawn. Cotati, like the rest of the country, was becoming more polarized with each passing day. Berman, Lauby and Hardy were so visibly upset at my fiscal conservative positions on the city council and for exposing my personal life to the public that flew in the face of "political correctness" they taunted me and verbally harassed me at each city council meeting for months leading up to the recall election. I was not about to sit back, be quite, go along just to get along and lose everything I had worked for over a decade.

In October of 2009, the recall battle was coming to a close and I was exhausted fighting these liars going street by street, and house by house. I shared my thoughts with Cotati resident Phil Maher. I explained that I could not understand why these three women had turned on me for doing my job after everything I had done for them in light of even making a cash contribution to them in 2006. Maybe they felt they returned the favor by helping me get elected in 2008 and we were "even". I asked Phil if he would look at Guardino's 460s and see if I was mentioned anywhere. I was too busy fighting a pro-recall campaign to be bothered by investigating the matter myself, and I knew I had nothing to worry about no matter what the end results were. Phil Maher offered to investigate the matter by looking into Guardino's Form 460s from 2006. When Maher discovered I was nowhere to be found on Guardino's 460s, Maher began making some inquiries on his own to get to the truth.

Never in my wildest imagination did I ever think I did anything wrong or it would come under the investigation of the FPPC. I now understand as a result of reading news reports and the FPPC's documents that it appears that indeed my cash contribution was funneled by others to the political campaign of John Guardino. For giving a contribution in the form of cash, and not insisting on giving it in the form of a bank check, I made a mistake in the eyes of the law.

Count Two:

As to my campaign bank accounts, since 1998 I relied on the Cotati City Clerk interpretation of the rules as she knew them and explained them to me. I explained to her that I had been using a separate bank account for no other purpose during the election period for my campaigns, and if that would be sufficient for the Act. I asked her if it was really necessary to open and close a new account and if I could simply use the existing campaign account. She explained that the Act calls for a separate bank account and didn't see any problem in using my existing campaign checking account as long as it was "separate". I should have never relied on her advice alone and instead sought the advice from the FPPC's through their toll free hotline. For that, I take full responsibility for not opening and closing a new bank account for each and every election I participated in. Since all contributions to myself, or loans to myself, came from me personally and from no one else, and I believe I reported all of the contributions I received from myself and reported each and all of my expenditures with the city clerk in a timely manner, I feel there was absolutely no harm done to the public's right to know who contributed to my campaigns, and what every dollar was spent on. Since 1998, I have filed all of my Form 700s and 460's on time and as accurately as I knew how. If I violated the letter of the Act by not opening up a separate account for every one of my campaigns for city council, I apologize, but I must say that I never felt that I violated the spirit of the Act, which was to insure all contributions and expenditures are made from one bank account so as to be easily investigated by the state, if necessary.

Conclusion:

In conclusion, as an elected official, I stayed true to my core values, voted my conscience, and stood up for my constituency as I promised them I would. I tried to make good on my campaign promises and was never concerned with getting re-elected as I pushed hard for local term limits. I challenged the policies of the extreme far left in Cotati and brought hope to hundreds of citizens in Cotati. I failed to play politics as usual and I owe no one any special favors for winning a seat on the city council. In that

sense, I guess I broke those rules and proud of it. This simply infuriated Ms. Berman, Ms. Lauby, Ms. Hardy and their ilk who retaliated by attacking me in the press, slandering me in the neighborhoods, and berating me during city council meetings without mercy. They not only demanded I resign from office, but promised to have me recalled if I did not step down immediately in disgrace for simply doing my job as I saw fit.

I am proud of my service to my community. I had no intention of breaking or getting around any campaign laws. I placed my faith in others who did wrong with my cash contribution after I decided to drop out of the 2006 race for city council. I will continue to refuse to accept financial contributions from anyone, and I will refuse to give contributions to other candidates regardless of the outcome of this case.

I will leave here today knowing I have nothing to be ashamed of. I am proud of my politics, and have never had a reason to hide or conceal my identity to anyone, for any reason. For anyone to suggest that I needed to somehow conceal my identity in order to make a cash contribution rather than make a contribution by check is simply absurd. Had I wanted to give John Guardino, or anyone else for that matter, a sizable contribution, there are plenty of ways legally to do that without relying on intermediaries that adhere to far left Marxist ideologies like Berman and Lauby. I could have asked my spouse, my siblings, my children, my mother, or a dozen other family members to give and give generously if that was my intent. I was defrauded by Lauby and Berman and I will seek another legal course of action to see justice done as a result of damaging my good reputation.

I take full responsibility for making a sizable cash donation to the Coalition to Protect Cotati's Future. I understand that this count is a strict liability offense and I had a duty to ask for a receipt for my money to prove the innocence of my actions and now must suffer some consequence, whatever that might be.

I take full responsibility for not maintaining a separate bank account for each of my political campaigns for city council over the many years, and promise that I will never rely on the Cotati City Clerk for any of her erroneous advice ever again. I ask the Commission to take my statement into consideration. Knowing the resolve of my opponents is to see tea-baggers like myself wiped off the political landscape in Cotati for good, I can't promise I won't be standing before you someday in the future. But I will promise you that I will try to be more careful in the future to minimize the chances of ever appearing before you in the position I find myself today.

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