



May 24, 2017

Jodie Remke, Chair, Fair Political Practices Commission  
Commissioner Maria Audero  
Commissioner Eric Casher  
Commissioner Brian Hatch  
Commissioner Allison Hayward

Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

Via Fax 916-322-0886

Re: Reject McFadden and Democratic Party Stipulations and Require Staff To Interview Witnesses

Dear FPPC Commissioners,

The top aide to the Governor and the former top staffer to the former Assembly Speaker owned up to \$1 million dollars in the same oil and gas company that benefited financially when they used their posts to blunt tough regulation of fracking in the legislature.

What did the FPPC do about these serious allegations?

Fail to interview witnesses, ignore evidence of a pattern of conflict of interest indiscretions, and send a message that this type of conduct is okay in the future.

We ask that you closely examine the facts and reject the staff recommendations for the FPPC's May 25 agenda item No. 16/19635 (In the Matter of California Democratic Party and Katherine Moret), No. 15/124 In the Matter of Yes on Prop 30, and No. 16/263 (In the Matter of Nancy McFadden), which amount to slap-on-the-wrist fines. It is critical to the integrity of the enforcement process that the staff be directed to reopen these files and interview witnesses that they have refused to contact on these matters.

As our communications with the Commission attached show, Consumer Watchdog has repeatedly offered to connect enforcement staff with witnesses in these matters but was rebuffed. These are not trivial issues. California has no fracking ban, while the states of New York, Vermont, and Maryland do, because of the positions of Governor Brown and Assembly Speaker John Perez, decisions the subjects of our FPPC complaints influenced while holding in a company that benefited from them.

These are not minor technical violations and the inability of FPPC staff to see the context and importance of these matters requires that you, as Commissioners, direct them to fully investigate the issues.

### McFadden and Maviglio's Financial Conflicts & Fracking Advocacy

Nancy McFadden, the executive secretary to Governor Brown, and Steve Maviglio, former top communications deputy to Assembly Speaker Perez, both held significant shares in Linn Energy while fracking legislation was moving through the legislature.

Evidence suggests that they both used their posts to derail a fracking ban embodied in SB 4 fracking legislation introduced in 2012.

Linn Energy, an oil and gas developer with operations in several states, used cyclic steaming in more than 1,000 wells in California prior to its merger with Berry Petroleum, another oil and gas company specializing in the practice. Steam injection uses steam and chemicals in regular, repeated intervals to soak and break up rock in order to reach oil and gas beneath. SB 4 was amended to specifically exclude cyclic steam injection from its regulation, directly benefiting Linn. The analysis provided to the FPPC staff (see **Exhibit A**, emails titled "McFadden Test, April 20, 2016," and "Linn's Cyclic Steam Injection Wells, October 26, 2016"), shows the material benefit to McFadden and Maviglio of the decision to exempt Linn's wells from oversight.

Under a proposed fracking moratorium, amended out of the SB 4 legislation, idling more than 1,000 wells in California would have easily cost Linn at least \$300,000, which meets the conflict of interest threshold of having a material impact on Linn of \$300,000 or more. In addition, Linn was merging with Berry in 2013, as fracking legislation moved. Linn acquired Berry Petroleum and its more than 3,000 production wells in California that were ultimately spared regulation. This further bulked up the material benefit to Linn of the SB 4 amendments.

Despite the fact that we showed a decision by Ms. McFadden to influence SB 4 would have had a material impact on her holdings, the staff refused our offer to connect them with confidential witnesses who could confirm that she was involved in the legislation and its amendment. (See **Exhibit B**, email titled "Linn's Cyclic Steam Injection Wells.")

Ms. McFadden made her presence on that legislation known on the floor of the legislature, offering amendments to the bill on behalf of the governor, and in meetings attended by lobbyists.

Her holdings were particularly suspect because a good friend of hers, with whom she vacations, Steve Maviglio, was the top communications deputy for Assembly Speaker John Perez at the time (Perez opposed the moratorium), and also had holdings in Linn Energy. A complaint was lodged by Consumer Watchdog with the previous FPPC enforcement director Gary Winuk on this matter on August 8, 2012. (See **Exhibit C**, press release, "Consumer Watchdog Asks FPPC

To Review Whether Top Assembly Aide Maviglio Broke Law By Having Economic Interest In Decisions And Not Recusing Himself.”)

This previous complaint was brought to the attention of the current Enforcement Director, who could find no official log of the complaint but received the email exchange with us, including a reply from Mr. Winuk who confirmed he was reviewing the matter. Winuk served with Maviglio in the Davis Administration. (See **Exhibit D**, email “Assembly Conflict”).

In our correspondence with the FPPC at the time, we outlined that four top aides to Perez had significant financial holdings in fracking companies, including Maviglio, who was in a position to influence the Speaker. The Assembly killed key anti-fracking bills and even recalled one from the Senate in 2013 that had already passed.

The allegation that the top staffer for the Governor and a top staffer for the Assembly Speaker worked to exempt cyclic steam injection from fracking legislation, while holding substantial shares in a company that benefited greatly from that decision, should not be swept under the rug.

Ms. McFadden's work on this legislation on behalf of the Governor would have violated her public trust and Reg. 18700, which lays out the steps that must be confirmed to find that a public official has a financial conflict of interest. Under § 18703.1 the conflict is triggered if (a) The public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more in the business entity. According to McFadden’s amended filings, she has met this threshold. (See **Exhibit E**)

The FPPC should not condone the highest ranking appointee in the executive branch—expressly tasked with overseeing appointments, legislation, and policy—being involved in such public decisions affecting her portfolio. This is particularly true when that official would have been subject to investigation but for a five-year statute of limitations in a related issue.

Another of the initial complaint’s allegations against Ms. McFadden was that she intervened in official decisions related to stock holdings in Pacific Gas & Electric. When McFadden began working for Governor Brown, she held up to \$1 million in PG&E stock, and in addition had been paid a \$1 million bonus by PG&E on her way out the door.

Strong evidence was conveyed to the FPPC that McFadden interfered in the appointment of a commissioner to the Public Utilities Commission on behalf of Pacific Gas & Electric lobbyist Brian Cherry. (See **Exhibit F**, emails “You can call her directly if you’d like” and “back door route”) Emails released under the Public Records Act showed Cherry advising then-PUC President Michael Peevey (now under criminal investigation for an under-the-table deal with another major investor-owned utility involving billions of dollars) to feed names of pro-industry candidates for the Public Utilities Commission to Nancy McFadden.

One of the emails could not have been clearer. “Nancy asks if you have any names you would recommend,” Cherry wrote Peevey in January 2011. “You can call her directly if you’d like.” Elsewhere, Cherry had called McFadden “the back door route” in the Governor’s office on whispering names of appointees into Governor Jerry Brown’s ear. A pro-utility industry

investment banker was soon named to the PUC who helped steer decisions benefiting PG&E and other major investor-owned utilities.

When queried, enforcement staff informed us that the emails may have been strong enough to prompt an investigation but the acts took place five years ago, beyond the statute of limitations.

Viewed in the context of this troubling pattern, the recommended \$300 fine for McFadden's failure to disclose seven figure holdings looks like a whitewash. This is particularly true because McFadden concealed multiple financial assets for multiple years.

The fracking legislation interference is the type of case for which the FPPC exists, because no one else has the independence to pursue it. Whether the failure to proceed stemmed from political interference by the Brown Administration, or the belief that campaign finance laws couldn't sustain a prosecution, at minimum all witnesses should have been interviewed.

Affirming the proposed slap on the wrist in this matter would show that the commission is prone to take the path of least resistance and does not understand the import of the decisions affected by these abuses of power. The decision about whether the state allows fracking, and if so, whether it will be strictly regulated or not, has major public health implications for the people of California.

#### Democratic Party Contributions

In the case of the Democratic Party, and possible laundering of contributions to Governor Brown's 2014 re-election campaign of oil and other energy company donations, we offered staff new internal documents and a confidential witness, in addition to our report "Brown's Dirty Hands." Again, enforcement staff chose not to reach out to this individual witness. (See **Exhibit G**, email, "New info Brown Hands Report complaint.")

The allegations again involved Ms. McFadden, who worked for the Democratic party as a fundraising consultant while serving as the Governor's chief of staff and Appointments chief. One internal document (See **Exhibit H**, "Vacancy List") submitted as part of our complaint found the governor's staff emailing open appointment slots to the fundraising team from the staffer's personal email, suggesting appointments may have been for sale.

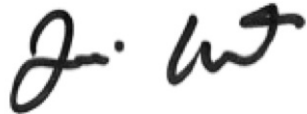
Among the additional documents submitted (See **Exhibit I**, "Schedule for three days in '13," and "SAVE THE DATE") were evidence that Democratic Party staff were raising money for Brown's 2014 re-election together with his wife Ann Gust Brown via visits to two dozen Sacramento lobbying shops. The lobbyists involved, who were named, should have been interviewed by the FPPC staff to see what was said and if earmarking of contributions was part of the pitch. The Commission should find out and disclose whether this interviewing of lobbyists occurred.

We also questioned why the Party would transfer massive funds to the Governor's race when his re-election was assured and there was a far more urgent need for funds in highly contested races. In addition, the timing of contributions made to the party, then transferred to the Governor's

committee, in close proximity to official acts helping the donors, raised big red flags. Again, these are critical issues for the people of the state. All witnesses should have been interviewed.

The staff should be directed to go back to the drawing board, interview all witnesses involved, and address the issues raised in this letter and the original complaints so that there is a full public airing of this matter. We appreciate your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Court".

Jamie Court  
President, Consumer Watchdog

A handwritten signature in black ink, appearing to read "Liza Tucker".

Liza Tucker  
Consumer Advocate, Consumer Watchdog

CC:

Galena West, Chief, FPPC Enforcement Division

# **EXHIBIT A**

From: "Jamie Court, Consumer Watchdog"  
<jamie@consumerwatchdog.org>  
Subject: McFadden TeSt  
Date: April 20, 2016 at 4:50:37 PM PDT  
To: Galena West <gwest@fppc.ca.gov>  
Cc: Carmen Balber <carmen@consumerwatchdog.org>,  
Liza Tucker <liza@consumerwatchdog.org>, Cody  
Rosenfield <cody@consumerwatchdog.org>, "Esq. Fred D.  
Woocher" <fwoocher@strumwooch.com>

Galina,

For the purpose of proceeding with tipster/sources confidentially, here's the facts applied to the test as prepared by our team. Let me know what you think.

Thanks,

Jamie

McFadden-Linn Conflicts Test

Reg. 18700 lays out the steps you have to confirm in order to find a financial conflict of interest. Nancy McFadden's investment in Linn Energy meets those criteria.

1) As an employee in the Governor's office, McFadden is a public official within the meaning of the Act - .

2) As the Governor's top advisor, and his representative to the legislature on energy and utility issues, McFadden directly "advises or makes recommendations to the decision maker." In this case, the legislature which passes the bill, and the Governor who can threaten a veto a bill, can both be considered the "decision maker." McFadden attempted to use that official position to influence a government decision - the outcome of SB 4. Sources in the building confirm McFadden was involved in amendments to SB 4.

3) McFadden's economic interest is the investment worth over \$2,000 that she held in Linn Energy throughout the time period SB 4 was proposed and enacted.

4) Her economic interest in Linn is indirectly involved in the decision, because the business entity (Linn) did not initiate a proceeding and is not a named party to a proceeding.

5) Linn is listed on the NASDAQ exchange, so the materiality standard is: If the decision results in an impact of \$300,000 or more on Linn's gross revenue, assets or liabilities OR it will result in Linn incurring or reducing expenses by at least \$100,000.

SB 4, enacted in 2013, directly impacted Linn and the company it was buying at the time, Berry Petroleum, detailed more fully below. Briefly, SB 4 was amended so that fracking companies like



Berry could continue operations with minimal disclosure or permitting (environmentalists opposed the final version as a result). The bill also initially put a moratorium on fracking until regulations were developed until a June amendment (The bill would ~~prohibit the supervisor or district deputy, as of January 1, 2015, from issuing a permit to commence a hydraulic fracturing treatment,~~) – Linn and Berry, which specialize in steam injection of oil wells, also got another huge boon when steam injection was exempted in an amendment from the legislation, so that no permitting or new regulation applied.

Following the Berry purchase, Linn today has 5,796 active wells in CA, according DOGGR, and 3,060 are tagged “Cyclic steam – injection.” Amending the moratorium against fracking out of the legislation had a huge financial impact on the purchase of Berry, a fracker, by Linn, and the companies’ profitability. Exempting steam wells from permitting and regulation also had huge economic impact for the company – at least millions of dollars, and likely tens of millions of dollars — due to elimination of new regulatory expenses on 3,000 wells. And the lessened regulatory and permitting burden in the final legislation on Linn and Berry’s fracking operations also had significant financial benefits. These economic benefits easily to had to total tens of millions dollars if you consider a minimal per well cost of compliance, and likely far more. Considering the cost of a moratorium on fracking, had it passed, the economic benefits to Berry and Linn would easily total well over \$100 million.

6) It was reasonably foreseeable that SB 4 would have this material

financial impact on McFadden's holdings in Linn because a multi-million dollar impact on Linn's (revenue or expenses) was substantially likely.

7) The financial effect is distinguishable from the effect on the public generally because SB 4 targeted a specific industry.

8) McFadden is not legally required to participate in legislative affairs, so the conflict of interest is disqualifying.

SB4, by Fran Pavley, was introduced on Dec. 3, 2012 in response to major concern over the pollution of the environment by fracking. The bill sought to regulate fracking via permitting of this radical well stimulation technique, monitoring of environmental effects, and public disclosure of fracking chemicals. The next iteration of the bill, amended in the Senate on March 11, 2013, included language pausing fracking until further studies of its environmental effects were complete:

*The bill would require the Secretary of the Natural Resources Agency, on or before January 1, 2015, to cause to be conducted an independent scientific study on hydraulic fracturing treatments... The bill would prohibit the supervisor or district deputy, as of January 1, 2015, from issuing a permit to commence a hydraulic fracturing treatment, as specified, until the study is completed and peer reviewed by independent scientific experts.*

Environmentalists were also concerned about the lack of regulation of acid stimulation for reasons of toxicity, and steam stimulation because it burns greenhouse gas emitting natural gas in generators to produce steam out of large quantities of water, which is a limited natural resource, to boil large quantities of water to produce boiling steam to inject to loosen up oil. That process also involves chemical additives and is often used in tandem with fracking.

See:

<http://www.cafrackfacts.org/technology/new-technologies/>

Oil companies did not want the legislation to expand to include lucrative and long-standing cyclic steam and

steam flooding extraction techniques.

See:

<http://www.independent.com/news/2014/jun/26/anatomy-cyclic-steaming/>

Berry Petroleum, practices steam flooding and cyclic steaming in hundreds of California oil fields and would have had a lot at stake if the legislation had regulated that method of extracting oil. Linn Energy was attracted to purchasing Berry because one of its major strategies is to find new ways of getting more oil out of existing fields, including through steam injection.

See: <http://www.criticalpointcapital.com/PDF/San%20Fernando%20Business%20Journal%20For%20Web.pdf>

To this day, there is no regulation of steam injection in the state, thanks to groups like the Conservation Committee of California Oil and Gas Producers—to which Linn belongs.

See: <http://www.latimes.com/local/california/la-me-oil-steam-20151129-story.html>

Linn belongs to the group.

and

[http://cccogp.org/index.cfm?  
fuseaction=page&page\\_id=5005](http://cccogp.org/index.cfm?fuseaction=page&page_id=5005)

By May 24, 2013, Senate amendments specifically exempted steam injection from the bill. The language read:

*3157.*

*“Cyclic steam injection” means the alternating injection of steam and production of oil with condensed steam from the same well or wells and is an enhanced oil recovery technique. Typical operations using this technique involve a cycle through a steam injection stage, followed by a steam soak stage, and then a production stage.*

*(3) (A) A hydraulic fracturing treatment that is applied to a well where cyclic steam injection is approved pursuant to Section 1724.8 of Title 14 of the California Code of Regulations, and that is distinct from the*

*process described under Section 3157, is subject to this section.*

*(B) A cyclic steam injection process as described in Section 3157 is not subject to this section.*

By June 19, the Assembly had broadened the bill to include acid stimulation, in addition to fracking:

This bill would define, among other things, the terms *well stimulation treatment*, hydraulic fracturing, and hydraulic fracturing fluid. The bill would require the Secretary of the Natural Resources Agency, on or before January 1, 2015, to cause to be conducted an independent scientific study on *well stimulation treatments, including acid well stimulation and hydraulic fracturing treatments*. The bill would require an operator of a well to record and include all data on ~~hydraulic fracturing~~ *well stimulation treatments*, as specified.

By June 25, the Assembly had clarified the steam exclusion:

**3157.**

~~“Well-For purposes of this article, “well stimulation treatment” means a any treatment applied to of a well in order designed to enhance oil and gas production or recovery, including, but not limited to, hydraulic fracturing and acid well stimulation. Well stimulation treatments include, but are not limited to, hydraulic fracturing treatments and acid well stimulation treatments. Well stimulation treatments are not underground injection or disposal projects that are approved under Sections 1724.6 to 1724.10, inclusive, of Title 14 of the California Code of Regulations. do not include steam flooding, water flooding, or cyclic steaming.~~

When the bill was chaptered September 20, the final language appeared as:

(b) Well stimulation treatments do not include steam flooding, water flooding, or cyclic steaming and do not include routine well cleanout work, routine well maintenance, routine removal of formation damage due to drilling, bottom hole pressure surveys, or routine activities that do not affect the integrity of the well or

the formation.

Ultimately, the bill was weakened, allowing the withholding of public information about specific fracking chemicals, requiring simply the monitoring of all data on fracking and acid well simulation treatments, and requiring that permits be complete for approval. The legislation that passed was ultimately helpful to the oil industry by resulting in no real regulation of fracking or publicizing and banning of dangerous chemicals used in the process. And the legislation produced no regulation whatsoever of cyclic steam stimulation and steam flooding to loosen up hard to reach oil.

January 2011 – McFadden enters position in Governor’s office with up to \$1 million in Linn Energy stock

January – December 2012 McFadden claims to have up to \$100,000 in Linn Energy stock



December 3, 2012 – Fracking Legislation (Pavley – SB 4) introduced

February 21, 2013 – Linn Energy announces intent to acquire Berry

March 11, 2013 – Maviglio enters office with up to a million in Linn stock

July 1, 2013 – Linn announces SEC inquiry into Linn Energy & LinnCo, their relationship and their use of non-GAAP measures.

September 20, 2013 – Fracking Legislation (Pavley – SB 4) signed by Governor

December 31, 2013 – McFadden has up to \$10,000 in Linn stock

December 2013, Berry merger is completed

December 31, 2014 – McFadden has up to \$10,000 in Linn Stock

December 31, 2015 – McFadden has up to \$10,000 in Linn Stock

Jamie Court  
President | Consumer Watchdog  
O 310-392-0075  
C 310-874-9989  
2701 Ocean Park Blvd Ste 112  
Santa Monica, CA 90405  
<http://ConsumerWatchdog.org>  
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From: "Jamie Court, Consumer Watchdog"  
<jamie@consumerwatchdog.org>  
Subject: Fwd: Linn's Cyclic Steam Injection Wells  
Date: May 23, 2017 at 1:23:52 PM PDT  
To: Liza Tucker <liza@consumerwatchdog.org>

Begin forwarded message:

**From:** Cody Rosenfield <cody@consumerwatchdog.org>  
**Subject:** Linn's Cyclic Steam Injection Wells  
**Date:** August 9, 2016 at 3:29:51 PM PDT  
**To:** "Jamie Court, Consumer Watchdog"  
<jamie@consumerwatchdog.org>

DOGGR has information on wells in California. The first sheet has every single Linn Operating inc. well. Linn Operating is Linn Energy's oil-field operating subsidiary. The second sheet of the spreadsheet is called "SC" (Cyclic Steam) and has the Linn wells that are tagged SC, meaning they use cyclic steam.

On the far right, You can see the "SPUD Date" - which is the date of first drilling. The "Abandoned Date" - meaning they left the well (not to be confused with 'Completion Date' - when they finished drilling, and began production from the well).

**Linn wells that were DEFINITELY still active during part of SB 4 debate: 1,036**

**Linn wells POSSIBLY active during that time (no data on drilling or abandonment dates: 2,929**

# **EXHIBIT B**

Begin forwarded message:

From: Angela Brereton <[ABrereton@fppc.ca.gov](mailto:ABrereton@fppc.ca.gov)>

Subject: RE: Linn's Cyclic Steam Injection Wells

Date: October 26, 2016 at 11:16:47 AM PDT

To: "Jamie Court, Consumer Watchdog"

<[jamie@consumerwatchdog.org](mailto:jamie@consumerwatchdog.org)>

Cc: Galena West <[GWest@fppc.ca.gov](mailto:GWest@fppc.ca.gov)>

Hi Jamie-

Thank you for your email. My investigator and I are not yet ready to interview witnesses. We will likely not be in a position to do so until sometime after the November 8, 2016 election. We will contact you if we need further information and when we are ready to contact witnesses.

Thank you for your continuing cooperation in this matter.

Best regards,



**Angela J. Brereton**

**Senior Commission Counsel, Enforcement Division**

FAIR POLITICAL PRACTICES COMMISSION

428 J Street, Suite 620 | Sacramento, CA 95814

[www.fppc.ca.gov](http://www.fppc.ca.gov) | Phone: 916.322.5771 | Enf. Fax 916.322.1932

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From: Jamie Court, Consumer Watchdog  
[mailto:[jamie@consumerwatchdog.org](mailto:jamie@consumerwatchdog.org)]  
Sent: Wednesday, October 26, 2016 10:13 AM  
To: Angela Brereton <[ABrereton@fppc.ca.gov](mailto:ABrereton@fppc.ca.gov)>; Galena West  
<[GWest@fppc.ca.gov](mailto:GWest@fppc.ca.gov)>  
Cc: Carmen Balber <[carmen@consumerwatchdog.org](mailto:carmen@consumerwatchdog.org)>  
Subject: Re: Linn's Cyclic Steam Injection Wells

Angela and Galena,

I am very conscious that time is slipping away on the FPCC's ability to hear from witnesses who can testify to Nancy McFadden's intervention in SB 4. In August, we proved that Linn had substantial financial interest in SB 4 and its fate was impacted by amendments. As I said many months ago, witnesses in and out of the building can attest to McFadden's involvement on the issue. The potential witnesses include those who will depart after the current legislative term.

I very much would like to connect you with witnesses before they change their professional circumstances. Are you ready to take their testimony? Is there any other info we can provide?

Please let us know as soon as possible as the election is upon us. It was frustrating that the statute of limitations issues interfered with your pursuit of an investigation of McFadden over PUC appointments in 2011. I am concerned that time will be a factor again in the SB 4/Linn matter.

Thanks,

Jamie

On Aug 9, 2016, at 4:00 PM, Angela Brereton  
<[ABrereton@fppc.ca.gov](mailto:ABrereton@fppc.ca.gov)> wrote:

Hi Jamie-

Thank you very much.

Angela

From: Jamie Court, Consumer Watchdog  
[<mailto:jamie@consumerwatchdog.org>]  
Sent: Tuesday, August 09, 2016 3:45 PM  
To: Angela Brereton <[ABrereton@fppc.ca.gov](mailto:ABrereton@fppc.ca.gov)>  
Cc: Carmen Balber <[carmen@consumerwatchdog.org](mailto:carmen@consumerwatchdog.org)>  
Subject: Fwd: Linn's Cyclic Steam Injection Wells

Linn had a dog in this fight, and shouldn't be hard to prove that 1,036 wells under moratorium would cost the company at least \$300 each = \$300K?

Begin forwarded message:

From: Cody Rosenfield <[cody@consumerwatchdog.org](mailto:cody@consumerwatchdog.org)>  
Subject: Linn's Cyclic Steam Injection Wells  
Date: August 9, 2016 at 3:29:51 PM PDT  
To: "Jamie Court, Consumer Watchdog"  
<[jamie@consumerwatchdog.org](mailto:jamie@consumerwatchdog.org)>

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Linn wells POSSIBLY active during that time (no data on drilling or abandonment dates: 2,929

Jamie Court  
President | Consumer Watchdog  
O 310-392-0075  
C 310-874-9989  
2701 Ocean Park Blvd Ste 112  
Santa Monica, CA 90405  
<http://ConsumerWatchdog.org>  
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# **EXHIBIT C**



[home \(/\)](#) › [newsrelease \(/updates/newsrelease/all/all/all\)](#) › [clean energy \(/tags/clean-energy\)](#) › consumer watchdog asks fppc to review whether top assembly aide maviglio broke law by having economic interest in decisions and not recusing himself

## NEWS RELEASE

# Consumer Watchdog Asks FPPC To Review Whether Top Assembly Aide Maviglio Broke Law By Having Economic Interest In Decisions And Not Recusing Himself

8/8/2012

### Contact Info

#### Name:

Jamie Court or Carmen Balber

#### Phone Number:

Jamie Court (310) 392-0075, Carmen Balber (310) 526-0746

**Santa Monica, CA** -- Consumer Watchdog today asked the Fair Political Practices Commission to review whether top Assembly communications chief Steve Maviglio broke the law by having economic interests as a private consultant on legislation while influencing Assembly decisions about that legislation, and for holding stock in fracking companies while influencing anti-fracking legislation.

The nonprofit public interest group also asked whether two other top Assembly aides who held stock in fracking companies, while anti-fracking legislation stalled in the Assembly, should have recused themselves as well.

State law requires that legislative aides recuse themselves officially from governmental decisions in which they have an economic interest of over \$2,000. Maviglio, who works privately for lobbyist employers as a consultant while serving the Assembly, argues that he is simply "marketing" legislation, not influencing decisions, but the FPPC guidance applies to those who contribute to public decision making as well.

"In the age when polling and public opinion are often the most important influence on legislative decisions, it's outrageous to claim that the top communications officer in the Assembly doesn't influence the Speaker's decision making," said Jamie Court, president of Consumer Watchdog. "The conflict of interest statutes require official recusal because the public deserves to know that aides' private pecuniary interests are not dictating public policy. It's not up to Maviglio to decide how much influence he has over a decision. His only duty is to follow the law and recuse himself from any decision that impacts his bank account."

The FPPC guidance follows: <http://www.fppc.ca.gov/index.php?id=37> (<http://www.fppc.ca.gov/index.php?id=37>)

Consumer Watchdog had previously asked the FPPC to review four top aides to Assembly Speaker John Perez who have significant financial holdings in fracking companies. Communications Chief Maviglio, who claims significant income from environmental consulting work, reported in his Statement of Economic Interests up to \$1 million in investments in Linn Energy, a fracking company, and soon to be parent of Berry Fracking, which has large California fracking interests. Maviglio contends he sold the stock shortly after taking office, but his Statement of Economic Interests form does not reflect this fact. Two other top Assembly aides have similar holdings – Katie Vavao, of the Speaker's Office of Member Services, and Linda Roper-Ayala of Rules Committee. Vavao holds stock in Exxon Mobil and PPL Corporation, both frackers, and Roper-Ayala has stock in Pacific Gas & Electric and Alliant Energy. Greg Campbell, the Assembly Speaker's Chief of Staff, held \$25,000 in Chevron stock but was on leave during the decision-making.

The anti-fracking legislation took mysterious and unprecedented turns in the Assembly before dying, including the recall back from the Senate of one bill that had already passed the Assembly. Environmentalists reported to Consumer Watchdog the odd course of the bills and conflicts among the aides.

-30-

### Related Focus Areas:

[Dirty Money Watch \(/focusarea/dirty-money-watch\)](#)

[Holding Big Oil Accountable \(/focusarea/holding-big-oil-accountable\)](#)

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[Clean Energy \(/tags/clean-energy\)](#) [Money in Politics \(/tags/money-politics\)](#) [Oil Companies \(/tags/oil-companies\)](#) [Fracking \(/tags/fracking\)](#) [Oil Watchdog \(/tags/oil-watchdog\)](#)



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[File a Consumer Complaint \(/node/add/complaint\)](#) [Site map \(/sitemap\)](#) [Privacy Policy \(/privacy-policy\)](#)

Contact: 310.392.0522

# **EXHIBIT D**

Begin forwarded message:

**From:** "Jamie Court, Consumer Watchdog"

[<jamie@consumerwatchdog.org>](mailto:jamie@consumerwatchdog.org)

**Subject: Fwd: Assembly Conflict**

**Date:** May 4, 2016 at 11:08:52 AM PDT

**To:** Galena West [<gwest@fppc.ca.gov>](mailto:gwest@fppc.ca.gov)

Begin forwarded message:

**From:** Gary Winuk [<GWinuk@fppc.ca.gov>](mailto:GWinuk@fppc.ca.gov)

**Subject: RE: Assembly Conflict**

**Date:** August 8, 2013 at 11:08:59 AM PDT

**To:** "Jamie Court, Consumer Watchdog"

[<jamie@consumerwatchdog.org>](mailto:jamie@consumerwatchdog.org)

You can amend if you want, but we are going to review the whole issue.



**GARY S. WINUK**

**CHIEF, Enforcement Division**

FAIR POLITICAL PRACTICES COMMISSION

428 J Street, Suite 620 | Sacramento, CA 95814

916.322.8029 Office | 916.322.1932 Fax | [gwinuk@fppc.ca.gov](mailto:gwinuk@fppc.ca.gov)

-  
Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.  
-

**From:** Jamie Court, Consumer Watchdog  
[mailto:[jamie@consumerwatchdog.org](mailto:jamie@consumerwatchdog.org)]  
**Sent:** Thursday, August 08, 2013 10:34 AM  
**To:** Gary Winuk  
**Subject:** Re: Assembly Conflict

Gary,

Today's Bee story on Mavigilo would seem to add to the conflicts Maviglio has. He argues he is only in "marketing" but that doesn't seem right. Under this FPCC advice below, he would seem to have an economic interest -- as consultant to trade groups etc who derives income-- and need to recuse because he is involved in official decisions (giving advice to Speaker on how an issue plays out with the public/) Am I wrong here? Should I file official complaint or is this sufficient for you to review also?

Here's your guidance: <http://www.fppc.ca.gov/index.php?id=37>

Thanks,

Jamie

On Aug 6, 2013, at 4:30 PM, Jamie Court, Consumer Watchdog wrote:

Hi Gary,

Sorry, just got back from vacation. Here is the core of the complaint:

Four top aides to Assembly Speaker John Perez have significant financial holdings in fracking companies. The Assembly killed key anti-fracking bills this year and, in a highly unusual measure, recalled from

the state Senate one that had already passed. Under state fair political practices rules, public officials, including legislative aides, are supposed to recuse themselves from official decisions if they have more than \$2,000 in economic interest in the decision.

Perez Communications Chief Steve Maviglio, who claims significant income from environmental consulting work, reports in his state of economic interest filings up to \$1 million in investments in the Linn Energy, a fracking company, and soon to be parent of Berry Fracking, which has large California fracking interest. Chief of Staff Campbell owns only one stock -- \$25K in Chevron, which would have been hurt by the antifracking effort. Two other top aides similarly have holdings -- Vavao #2 in political shop. In charge of liaison pol to members, and Roper # 2 in Rules.

A timeline is below. The question is whether Maviglio, Campbell, Vavao and Roper recused themselves on the bills.

Here's the FPPC reference and our understanding:

The FPPC says \$2,000 of economic interest is the threshold for triggering a conflict of interest. You don't need a vote on the issue, you just need to be in a position to advise a decision maker on the issue at hand. If a conflict exists you are supposed to announce and document it, and leave the room. Did mavig with up to \$1 million in interest at stake announce his potential conflict and leave the room? The decision to allow fracking had a direct effect on the value of his Linn stock. And Campbell, Vavao, or Roper? All had \$2,000 or more and their stock values were effected by fracking bills outcome. Here is the FPPC Page.

<http://www.fppc.ca.gov/index.php?id=37>

The disgruntled environmentalists who gave this to me anonymously created this private web site to document backup on this, including SEIs.

<http://factsonfracking.ca/>



Here's a timeline they constructed..... You are free to contact the pseudonymous email the whistleblower is using as well with questions. Marion Belzer <[marion.belzer@yahoo.com](mailto:marion.belzer@yahoo.com)>

Feb 20 Linn/Berry announce merger deal

Feb 21 Asm Stone intros AB669

Feb 21 Asm Nazarian intros AB649

Feb 22 Asm Williams intros AB982

Feb 22 Asm Bloom intros AB1301

Feb 22 Asm Mitchell intros AB1323

March 11 Maviglio assumes office

March 13 Maviglio signs and dates SEI with up to \$1mil in Linn ownership

April 9 FPPC date stamps Maviglio's SEI

May 24 Nazarian AB649 held in Appr Committee

May 24 Williams AB982 held in Appr Committee

May 24 Bloom AB1301 held in Appr Committee

May 30 Stone AB669 fails passage on Asm floor

May 30 Mitchell AB1323 fails passage on Asm Floor

Jul 2 SEC inquiry in Linn/Berry merger announced, merger delayed

And most bizarre bill history of all

Dec 3 Asm Wieckowski intros AB7

Apr 15 AB7 passes NR 7-0-2

May 24 AB7 passes Appr 16-0-1

May 31 Asm votes to suspend rules and send AB7 back to NR

June 12 AB7 fails passage in NR 3-0-6

June 12 AB7 granted reconsideration by NR 8-0-1

June 24 AB7 passes NR 5-2-2

June 27 AB7 fails passage on Asm Floor 24-17-38

Unprecedented twists and turns. How does a bill that gets out of approps 16-0-1 go on to die on the floor 24-17-38? Who drove that course of



events, only the Speaker's office can direct a bill unanimously approved in approps from 3rd reading on the Asm floor back to the policy committee in the house of origin?

Let me know what you think.

Thanks,

Jamie

Jamie Court  
President | Consumer Watchdog  
O 310-392-0075  
C 310-874-9989  
2701 Ocean Park Blvd Ste 112  
Santa Monica, CA 90405  
<http://ConsumerWatchdog.org>  
**Expose. Confront. Change.**

**<clip\_image002.gif>**

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**this e-mail message in error, please delete the message and advise the sender by reply e-mail or by calling (310) 392-0522 ext 326**

Jamie Court  
President | Consumer Watchdog  
O 310-392-0075  
C 310-874-9989  
2701 Ocean Park Blvd Ste 112  
Santa Monica, CA 90405  
<http://ConsumerWatchdog.org>  
**Expose. Confront. Change.**



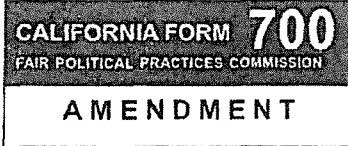
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# **EXHIBIT E**

**SCHEDULE A-1  
Investments**

**Stocks, Bonds, and Other Interests**  
(Ownership Interest is Less Than 10%)

Do not attach brokerage or financial statements.



▶ NAME OF BUSINESS ENTITY  
PG&E

GENERAL DESCRIPTION OF BUSINESS ACTIVITY  
Energy Utility

FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000

NATURE OF INVESTMENT  
 Stock     Other Stock Options  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
     /      / 12    01 / 03 / 12  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000

NATURE OF INVESTMENT  
 Stock     Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
     /      / 12         /      / 12  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
Linn Energy

GENERAL DESCRIPTION OF BUSINESS ACTIVITY  
Energy Company

FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000

NATURE OF INVESTMENT  
 Stock     Other Limited Partnership  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
     /      / 12         /      / 12  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000

NATURE OF INVESTMENT  
 Stock     Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
     /      / 12         /      / 12  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000

NATURE OF INVESTMENT  
 Stock     Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
     /      / 12         /      / 12  
 ACQUIRED                      DISPOSED

**Filer's Verification**

Print Name Nancy McFadden

Office, Agency or Court Governor's Office

Statement Type  2012/2013 Annual     Assuming     Leaving  
 \_\_\_\_\_ Annual     Candidate  
(year)

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.

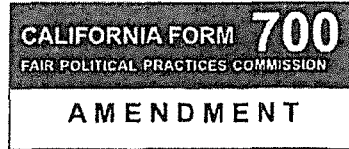
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed March 21, 2016  
(month, day, year)

Filer's Signature Nancy S. McFadden

Comments: PG&E also disposed 3/3/12 and 3/9/12

**SCHEDULE A-1**  
**Investments**  
 Stocks, Bonds, and Other Interests  
 (Ownership Interest is Less Than 10%)  
 Do not attach brokerage or financial statements.



▶ NAME OF BUSINESS ENTITY  
Linn Energy  
 GENERAL DESCRIPTION OF THIS BUSINESS  
Energy Utility  
 FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000  
 NATURE OF INVESTMENT  
 Stock     Other Limited Partnership  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
     Income Received of \$500 or More (Report on Schedule C)  
 IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/13    \_\_\_\_/\_\_\_\_/13  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
 \_\_\_\_\_  
 GENERAL DESCRIPTION OF THIS BUSINESS  
 \_\_\_\_\_  
 FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000  
 NATURE OF INVESTMENT  
 Stock     Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
     Income Received of \$500 or More (Report on Schedule C)  
 IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/13    \_\_\_\_/\_\_\_\_/13  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
PG&E  
 GENERAL DESCRIPTION OF THIS BUSINESS  
Energy Utility  
 FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000  
 NATURE OF INVESTMENT  
 Stock     Other Stock Options  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
     Income Received of \$500 or More (Report on Schedule C)  
 IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/13    03/09/13  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
 \_\_\_\_\_  
 GENERAL DESCRIPTION OF THIS BUSINESS  
 \_\_\_\_\_  
 FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000  
 NATURE OF INVESTMENT  
 Stock     Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
     Income Received of \$500 or More (Report on Schedule C)  
 IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/13    \_\_\_\_/\_\_\_\_/13  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
 \_\_\_\_\_  
 GENERAL DESCRIPTION OF THIS BUSINESS  
 \_\_\_\_\_  
 FAIR MARKET VALUE  
 \$2,000 - \$10,000     \$10,001 - \$100,000  
 \$100,001 - \$1,000,000     Over \$1,000,000  
 NATURE OF INVESTMENT  
 Stock     Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
     Income Received of \$500 or More (Report on Schedule C)  
 IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/13    \_\_\_\_/\_\_\_\_/13  
 ACQUIRED                      DISPOSED

**Filer's Verification**  
 Print Name Nancy McFadden  
 Office, Agency or Court Governor's Office  
 Statement Type     2013/2014 Annual     Assuming     Leaving  
     \_\_\_\_\_ Annual     Candidate  
(year)  
 I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.  
 I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 Date Signed March 21, 2016  
(month, day, year)  
 Filer's Signature Nancy S. McFadden

Comments: \_\_\_\_\_

**SCHEDULE A-1**  
**Investments**  
**Stocks, Bonds, and Other Interests**  
 (Ownership Interest is Less Than 10%)  
*Do not attach brokerage or financial statements.*



▶ NAME OF BUSINESS ENTITY  
PG&E

GENERAL DESCRIPTION OF THIS BUSINESS  
Energy Utility

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other Stock Option  
(Describe)

Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/14      \_\_\_\_/\_\_\_\_/14  
 ACQUIRED                  DISPOSED

▶ NAME OF BUSINESS ENTITY  
 \_\_\_\_\_

GENERAL DESCRIPTION OF THIS BUSINESS  
 \_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_  
(Describe)

Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/14      \_\_\_\_/\_\_\_\_/14  
 ACQUIRED                  DISPOSED

▶ NAME OF BUSINESS ENTITY  
Linn Energy

GENERAL DESCRIPTION OF THIS BUSINESS  
Energy Utility

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other Limited Partnership  
(Describe)

Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/14      \_\_\_\_/\_\_\_\_/14  
 ACQUIRED                  DISPOSED

▶ NAME OF BUSINESS ENTITY  
 \_\_\_\_\_

GENERAL DESCRIPTION OF THIS BUSINESS  
 \_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_  
(Describe)

Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/14      \_\_\_\_/\_\_\_\_/14  
 ACQUIRED                  DISPOSED

▶ NAME OF BUSINESS ENTITY  
 \_\_\_\_\_

GENERAL DESCRIPTION OF THIS BUSINESS  
 \_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_  
(Describe)

Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
 \_\_\_\_/\_\_\_\_/14      \_\_\_\_/\_\_\_\_/14  
 ACQUIRED                  DISPOSED

**Filer's Verification**

Print Name Nancy McFadden

Office, Agency or Court Governor's Office

Statement Type  2014/2015 Annual     Assuming     Leaving  
 \_\_\_\_\_ Annual     Candidate  
(yr)

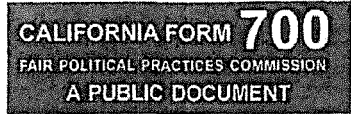
I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.

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

Date Signed March 21, 2016  
(month, day, year)

Filer's Signature Nancy S. McFadden

Comments: \_\_\_\_\_



STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

Date Initial Filing Received
Official Use Only

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)
McFadden Nancy Elizabeth

1. Office, Agency, or Court

Agency Name (Do not use acronyms)
Governor's Office
Division, Board, Department, District, if applicable
Your Position
Executive Secretary

If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: Fine Art Museum of San Francisco Position: Trustee

2. Jurisdiction of Office (Check at least one box)

- State
Multi-County
City of
Judge or Court Commissioner (Statewide Jurisdiction)
County of
Other

3. Type of Statement (Check at least one box)

- Annual: The period covered is January 1, 2015, through December 31, 2015.
-or-
The period covered is through December 31, 2015.
Assuming Office: Date assumed
Candidate: Election year and office sought, if different than Part 1:
Leaving Office: Date Left
The period covered is January 1, 2015, through the date of leaving office.
-or-
The period covered is through the date of leaving office.

4. Schedule Summary (must complete) Total number of pages including this cover page: 6
Schedules attached
Schedule A-1 - Investments - schedule attached
Schedule A-2 - Investments - schedule attached
Schedule B - Real Property - schedule attached
Schedule C - Income, Loans, & Business Positions - schedule attached
Schedule D - Income - Gifts - schedule attached
Schedule E - Income - Gifts - Travel Payments - schedule attached
-or-
None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
State Capitol Sacramento CA 95814
DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS
( 916 ) 445-0796 Nancy.McFadden@gov.ca.gov

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed March 21, 2016 (month, day, year)

Signature Nancy R. McFadden (File the originally signed statement with your filing official.)

**SCHEDULE A-1  
Investments**

**Stocks, Bonds, and Other Interests**  
(Ownership Interest is Less Than 10%)

*Do not attach brokerage or financial statements.*

**CALIFORNIA FORM 700**  
FAIR POLITICAL PRACTICES COMMISSION

Name  
Nancy E. McFadden

▶ NAME OF BUSINESS ENTITY  
Linn Energy

GENERAL DESCRIPTION OF THIS BUSINESS  
Energy Utility

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other Limited Partnership  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
       /        / 15      04 / 08 / 15  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
\_\_\_\_\_

GENERAL DESCRIPTION OF THIS BUSINESS  
\_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
       /        / 15             /        / 15  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
PG&E

GENERAL DESCRIPTION OF THIS BUSINESS  
Energy Utility

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other Stock Options  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
       /        / 15      06 / 24 / 15  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
\_\_\_\_\_

GENERAL DESCRIPTION OF THIS BUSINESS  
\_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
       /        / 15             /        / 15  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
\_\_\_\_\_

GENERAL DESCRIPTION OF THIS BUSINESS  
\_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
       /        / 15             /        / 15  
 ACQUIRED                      DISPOSED

▶ NAME OF BUSINESS ENTITY  
\_\_\_\_\_

GENERAL DESCRIPTION OF THIS BUSINESS  
\_\_\_\_\_

FAIR MARKET VALUE  
 \$2,000 - \$10,000       \$10,001 - \$100,000  
 \$100,001 - \$1,000,000       Over \$1,000,000

NATURE OF INVESTMENT  
 Stock       Other \_\_\_\_\_  
(Describe)  
 Partnership     Income Received of \$0 - \$499  
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:  
       /        / 15             /        / 15  
 ACQUIRED                      DISPOSED

Comments: The interest in the PG&E options were disposed the same day Ms. McFadden learned of their existence.



**SCHEDULE C**  
**Income, Loans, & Business**  
**Positions**  
(Other than Gifts and Travel Payments)

<b>CALIFORNIA FORM 700</b> <small>FAIR POLITICAL PRACTICES COMMISSION</small>
Name Nancy E. McFadden

1. INCOME RECEIVED	1. INCOME RECEIVED
NAME OF SOURCE OF INCOME <u>California Democratic Party</u>	NAME OF SOURCE OF INCOME
ADDRESS (Business Address Acceptable) <u>1830 9th Street, Sacramento CA 95811</u>	ADDRESS (Business Address Acceptable)
BUSINESS ACTIVITY, IF ANY, OF SOURCE <u>Political Party</u>	BUSINESS ACTIVITY, IF ANY, OF SOURCE
YOUR BUSINESS POSITION <u>Consultant</u>	YOUR BUSINESS POSITION
GROSS INCOME RECEIVED <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000	GROSS INCOME RECEIVED <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000
CONSIDERATION FOR WHICH INCOME WAS RECEIVED <input checked="" type="checkbox"/> Salary <input type="checkbox"/> Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.)	CONSIDERATION FOR WHICH INCOME WAS RECEIVED <input type="checkbox"/> Salary <input type="checkbox"/> Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.)
<input type="checkbox"/> Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)	<input type="checkbox"/> Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.)
<input type="checkbox"/> Sale of _____ (Real property, car, boat, etc.)	<input type="checkbox"/> Sale of _____ (Real property, car, boat, etc.)
<input type="checkbox"/> Loan repayment	<input type="checkbox"/> Loan repayment
<input type="checkbox"/> Commission or <input type="checkbox"/> Rental Income, list each source of \$10,000 or more _____ (Describe)	<input type="checkbox"/> Commission or <input type="checkbox"/> Rental Income, list each source of \$10,000 or more _____ (Describe)
<input type="checkbox"/> Other _____ (Describe)	<input type="checkbox"/> Other _____ (Describe)

**2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD**

\* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*	INTEREST RATE	TERM (Months/Years)
_____	_____ % <input type="checkbox"/> None	_____
ADDRESS (Business Address Acceptable)	SECURITY FOR LOAN	
_____	<input type="checkbox"/> None <input type="checkbox"/> Personal residence	
BUSINESS ACTIVITY, IF ANY, OF LENDER	<input type="checkbox"/> Real Property _____	Street address
_____		City
HIGHEST BALANCE DURING REPORTING PERIOD	<input type="checkbox"/> Guarantor _____	
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> Other _____	(Describe)
<input type="checkbox"/> \$1,001 - \$10,000		
<input type="checkbox"/> \$10,001 - \$100,000		
<input type="checkbox"/> OVER \$100,000		

Comments: \_\_\_\_\_

**SCHEDULE D**  
**Income – Gifts**

Name  
**Nancy E. McFadden**

▶ NAME OF SOURCE (Not an Acronym)  
 Governor's 2015 Inaugural Committee

ADDRESS (Business Address Acceptable)  
 155 Grand Ave., Ste. 1025, Oakland CA 94612

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
01 / 05 / 15	\$ 39.51	Breakfast/Reception
01 / 05 / 15	\$ 41.14	Dinner/Reception
/ /	\$	

▶ NAME OF SOURCE (Not an Acronym)  
 California State Protocol Foundation

ADDRESS (Business Address Acceptable)  
 201 Dolores Ave., San Leandro CA 94577

BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 Non-Profit

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
01 / 07 / 15	\$ 18.39	Dinner
01 / 27 / 15	\$ 19.12	Dinner
09 / 27 / 15	\$ 49.51	Dinner
/ /	\$	

▶ NAME OF SOURCE (Not an Acronym)  
 California Democratic Party

ADDRESS (Business Address Acceptable)  
 1830 9th Street, Sacramento CA 95811

BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 Political Party

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
01 / 28 / 15	\$ 35.19	Lunch
02 / 03 / 15	\$ 144.39	Dinner
/ /	\$	

▶ NAME OF SOURCE (Not an Acronym)  
 U.S. Ambassador to Italy

ADDRESS (Business Address Acceptable)  
 via Vittorio Veneto 121-00187 Roma

BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 Government

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
07 / 20 / 15	\$ 50.00	Working Lunch
/ /	\$	

▶ NAME OF SOURCE (Not an Acronym)  
 Hawthorn Club for Professional Women in Energy

ADDRESS (Business Address Acceptable)  
 London, UK (No physical address listed.)

BUSINESS ACTIVITY, IF ANY, OF SOURCE  
<http://thehawthornclub.com/>

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
11 / 03 / 20	\$ 150.00	Dinner
/ /	\$	

▶ NAME OF SOURCE (Not an Acronym)  
 Bank of America

ADDRESS (Business Address Acceptable)  
 100 North Tryon Street, Charlotte, NC 28255

BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 Bank

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
12 / 06 / 20	\$ 200.00	Dinner (The value is estimated.)
/ /	\$	

Comments: The dinner from Bank of America was co-sponsored by The White House, and was held during the United Nations Framework Convention on Climate Change's 21st Conference of Parties.

**SCHEDULE D  
Income – Gifts**

Name \_\_\_\_\_

▶ NAME OF SOURCE (Not an Acronym)  
United Nations Foundaiton

ADDRESS (Business Address Acceptable)  
1750 Pennsylvania Ave., NW, Washington, D.C.

BUSINESS ACTIVITY, IF ANY, OF SOURCE  
Non-profit

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
12 / 08 / 15	\$ 140.00	Dinner
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____

▶ NAME OF SOURCE (Not an Acronym)  
Institute of Governmental Studies

ADDRESS (Business Address Acceptable)  
109 Moses Hall Berkeley, CA 94720-2370

BUSINESS ACTIVITY, IF ANY, OF SOURCE  
University of California, Berkeley

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
10 / 15 / 15	\$ 300.00	Charity Dinner
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____
___ / ___ / ___	\$ _____	_____

Comments: A portion of the ticket price to the Institute of Governmental Studies Gala was a charitable contribution.

**SCHEDULE E**  
**Income – Gifts**  
**Travel Payments, Advances,**  
**and Reimbursements**

Name  
 Nancy E. McFadden

- Mark either the gift or income box.
- Mark the "501(c)(3)" box for a travel payment received from a nonprofit 501(c)(3) organization or the "Speech" box if you made a speech or participated in a panel. These payments are not subject to the \$460 gift limit, but may result in a disqualifying conflict of interest.
- For gifts of travel that occurred on or after January 1, 2016, provide the travel destination.

▶ NAME OF SOURCE (Not an Acronym)  
California State Protocol Foundation  
 ADDRESS (Business Address Acceptable)  
201 Dolores Ave.  
 CITY AND STATE  
San Leandro, CA 94577  
 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_  
 DATE(S): 07/15/15 -        /        /        AMT: \$ 4,921.00  
 (if gift)  
 ▶ MUST CHECK ONE:  Gift -or-  Income  
 Made a Speech/Participated in a Panel  
 Other - Provide Description Staffed Governor on multiple meetings  
 ▶ If Gift, Provide Travel Destination Rome, Italy

▶ NAME OF SOURCE (Not an Acronym)  
Climate Action Reserve  
 ADDRESS (Business Address Acceptable)  
601 West 5th St., Ste. 650  
 CITY AND STATE  
Los Angeles, CA  
 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_  
 DATE(S): 12/04/15 - 12/10/15 AMT: \$ 2,586.73  
 (if gift)  
 ▶ MUST CHECK ONE:  Gift -or-  Income  
 Made a Speech/Participated in a Panel  
 Other - Provide Description Participated in UN Climate Change Convention  
 ▶ If Gift, Provide Travel Destination Paris, France

▶ NAME OF SOURCE (Not an Acronym)  
California State Protocol Foundation  
 ADDRESS (Business Address Acceptable)  
201 Dolores Ave., San Leandro CA 94577  
 CITY AND STATE  
San Leandro, CA 94577  
 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_  
 DATE(S): 12/04/15 - 12/10/15 AMT: \$ 9,994.70  
 (if gift)  
 ▶ MUST CHECK ONE:  Gift -or-  Income  
 Made a Speech/Participated In a Panel  
 Other - Provide Description Participated in UN Climate Change Convention  
 ▶ If Gift, Provide Travel Destination Paris, France

▶ NAME OF SOURCE (Not an Acronym)  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 CITY AND STATE  
 \_\_\_\_\_  
 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_  
 DATE(S):        /        /        -        /        /        AMT: \$         
 (if gift)  
 ▶ MUST CHECK ONE:  Gift -or-  Income  
 Made a Speech/Participated in a Panel  
 Other - Provide Description \_\_\_\_\_  
 ▶ If Gift, Provide Travel Destination \_\_\_\_\_

Comments: The Protocol Foundation paid these expenses in order to eliminate these costs for taxpayers.

# **EXHIBIT F**

From: Cherry, Brian K  
Sent: 1/27/2011 12:46:34 PM  
To: 'mpl@cpuc.ca.gov' (mpl@cpuc.ca.gov)  
Cc:  
Bcc:  
Subject:

Nancy asks if you have any names you would recommend. You can call her directly if you'd like.

SB\_GT&S\_0011651

From: Cherry, Brian K  
Sent: 1/18/2011 3:01:04 PM  
To: 'Khosrowjah, Sepideh' (sepideh.khosrowjah@cpuc.ca.gov)  
Cc:  
Bcc:  
Subject: RE: DRA Director

Typically, support letters from the utilities are the kiss of death for appointments. We never do it for Commissioner appointments. Instead, we go the back door route. I'd be happy to do that with Nancy, but I'm not sure a letter would be advantageous to you given the mess around San Bruno, et al. Your choice.

-----Original Message-----

From: Khosrowjah, Sepideh [<mailto:sepideh.khosrowjah@cpuc.ca.gov>]  
Sent: Tuesday, January 18, 2011 2:46 PM  
To: Cherry, Brian K  
Subject: DRA Director

Hi Brian,

Based on our last week's conversation, can I consider you as a person who would support my appointment? In case, the answer is yes, can I ask you for a support letter? If you would like to talk more please let me know.  
Sepideh

# EXHIBIT G



Begin forwarded message:

**From:** Galena West <[GWest@fppc.ca.gov](mailto:GWest@fppc.ca.gov)>

**Subject: RE: More Evidence Re Brown's Dirty Hands Complaint**

**Date:** October 4, 2016 at 12:16:21 PM PDT

**To:** "Jamie Court, Consumer Watchdog" <[jamie@consumerwatchdog.org](mailto:jamie@consumerwatchdog.org)>

**Cc:** Teri Rindahl <[TRindahl@fppc.ca.gov](mailto:TRindahl@fppc.ca.gov)>

Jamie,

I received the information. We will be in touch if we need clarification or contact information.

Thank you,  
Galena



**Galena West**

**Chief, Enforcement Division**

**FAIR POLITICAL PRACTICES COMMISSION**

**428 J Street, Suite 620, Sacramento, CA 95814**

**Office - 916.322.5796 [gwest@fppc.ca.gov](mailto:gwest@fppc.ca.gov)**

**Confidentiality Notice:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** Jamie Court, Consumer Watchdog

[mailto:[jamie@consumerwatchdog.org](mailto:jamie@consumerwatchdog.org)]

**Sent:** Monday, October 03, 2016 4:44 PM

**To:** Galena West <[GWest@fppc.ca.gov](mailto:GWest@fppc.ca.gov)>

**Cc:** Teri Rindahl <[TRindahl@fppc.ca.gov](mailto:TRindahl@fppc.ca.gov)>

**Subject:** Fwd: More Evidence Re Brown's Dirty Hands Complaint

Galena,

I have some potential witnesses from CDP, would like to talk about whether you would be willing to talk anonymously with them. Also, please confirm receipt of below.

Thanks,

Jamie

Begin forwarded message:

**From:** "Jamie Court, Consumer Watchdog"

<[jamie@consumerwatchdog.org](mailto:jamie@consumerwatchdog.org)>

**Subject:** More Evidence Re Brown's Dirty Hands Complaint

**Date:** October 3, 2016 at 3:30:56 PM PDT

**To:** Galena West <[gwest@fppc.ca.gov](mailto:gwest@fppc.ca.gov)>

Galena,

In response to the FPPC's investigation into allegations in our report Brown's Dirty Hands, I am writing to supply new evidence that we have obtained.

Internal documents from the California Democratic Party have surfaced that provide additional grounds for investigation.

Exhibit A is a document obtained from an insider in the California Democratic Party that shows that the 2014 fundraising campaign by the Governor took Governor Brown's wife, Ann Gust Brown, or "AGB" as she is referred to here, to

all the top lobbying firms in Sacramento to ask for funds. She was accompanied by California Democratic Party CFO Angie Tate.

Obviously, many of these firms' clients contributed to the Governor's re-election campaign and the Party. The list provides you with witnesses who heard the fundraising pitch from Ms. Gust Brown and Tate.

Rex Frazier, who is on the list, told the Los Angeles Times at the time about a visit. "They outlined the governor's upcoming reelection campaign and the need for resources," said Frazier, who oversees three lobbyists.

( <http://www.latimes.com/local/politics/la-me-pol-brown-money-20141031-story.html> )

Given the rivalries among firms, and experiences since then with the Administration, it is very likely that some of these lobbyists will be very candid in what was discussed and whether the pitch for Party funds, as Frazier suggests in the Times article, was implicitly or explicitly earmarked for the Governor's race. The evidence of who attended these meetings provides a long list of potential witnesses in a case.

The theory we have heard about this Democratic Party operation run by Ms. Tate is that Governor Brown was too stingy to create his own fundraising operation so he took over the Democratic Party's for his own purposes.

The presence of the First Lady of California at lobbying firms is certainly a message that the Governor's interests were preeminent in these meetings. Her presence, of course, speaks an implicit threat, as well, that the fate of the firm's clients was at stake.

Remember Governor Brown faced no real opposition in the 2014 election.

Why would the Democratic Party then transfer massive funds to the Governor's race, given the far more urgent need for funds in highly contested races, if there was no prior agreement that the funds were to be earmarked? It defies rational logic.

The mixing of Administration and Party officials in this Democratic fundraising effort also raises troubling questions about whether Gubernatorial actions were being leveraged in exchange for contributions.

The document is a printout of an email exchange between Tate and the private email of Brown's Assistant Appointments Secretary Sonia Huestis. Huestis emails a list of open gubernatorial appointments to her private email, then emails the list

Exhibit B, another internal Democratic Party document, confirms this impression.

The document is a printout of an email exchange between Tate and the private email of Brown's Assistant Appointments Secretary Sonia Huestis. Huestis emails a list of open Gubernatorial Appointments to her private email, then emails the list from her private email to Tate at the Democratic Party.

The email exchange, clearly meant to keep the email to Tate from being produced as part of a Public Records Act request, is evidence that Tate may have been putting a "for sale" sign on Gubernatorial Appointments and using them in her fundraising pitches.

The unseemly mixing of official gubernatorial business with Party fundraising machinery meant that Brown's Cabinet Secretary Dana Williamson (and former PG&E staffer) was on the payroll for the Democratic Party during 2013 and 2014. Nancy Fadden didn't join the Party payroll until June 2015, but subsequently made \$104,000. McFadden was pictured at Democratic Party headquarters during the reelection campaign. With these interests so intertwined the type of influence peddling the email exchange suggests becomes a very likely reality.

This is particularly true in the context of the 'Dirty Hands' report's revelation about the synchronicity of key contributions to the party from companies who won significant benefits from the Administration.

Exhibit C is further evidence of the leveraging of Brown Administration officials' positions in their fundraising roles and of Brown's actions for contributions.

The Exhibit is an invitation to a post-election Brown For Reelection fundraiser in the Capitol hosted by a lobbying firm, but obtained through the Democratic Party.

The Governor had a massive surplus of funds given his lack of opposition in the election, yet it was continuing its fundraising weeks after the election for his reelection account. This appears to violate the prohibition that reelection committees can only fundraise to retire debt post-election (Gov. Code Sec. 85316)

§85316. Post-Election Fundraising Restrictions; State Officeholder Accounts.

(a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable

contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

The invitation states the funds are for Brown's Re-election committee and does not mention the Democratic party. It seeks \$5,000 contributions. However, Brown's re-election committee does not report any contributions after the day of the election, in accordance with Gov. Code Se. 85316.

What's interesting is that the Democratic Party does report many contributions in the amount of \$5,000 multiples following the election (Exhibit D). It would appear, if the event occurred, that contributions were funneled to the Democratic Party, which would show the mixing of Party and reelection funds that appears to have occurred throughout the period.

AEG, for example, donated two \$10,000 contributions on 11/5 (election 11/4). It's mentioned in the Dirty Hands report. Cooperative of American Physicians gave \$50,000, right after Brown stayed out of the Prop 46 campaign that threatened the malpractice insurance companies' interests with a patient safety campaign. California State Law Enforcement Association gave \$75,000 on the day after the event.

There are also many Brown re-elect contributors who have given contributions to the party in the final days before the election, in multiples of \$5,000, possibly for the event, and who had already maxed out their contributions to Brown. (Exhibit E). These entities could obviously explain whether they attended the event or gave in connection with it, showing once again the fungible money associated with these efforts. There are also contributors to Brown's re-election campaign on election day in multiples of \$5,000, possibly for this event, who had not maxed out until that time. (Exhibit F)

In addition, the post-election re-election event proves the principal purpose of the fundraising by the Governor was not his election, as he would face no more reelections, but the wielding of his influence to raise money for his political purposes, ballot measures, through his re-election committee, and to build a war chest at his disposal rather than the party's (for ballot measures etc).

Internal evidence from the Party suggests the fact that the LA Times reporters who wrote the October 31, 2014 story, "Once A Crusader Against Big Money, Brown Is Raising Millions," called about the November 17<sup>th</sup> post-election reelection event was deeply troubling to Ms. Tate. (We can discuss this further if helpful.)

Tate, as you may know, while CFO of the Party, received payments from Brown's Re-election Committee.

Tate was paid \$97,500 since 2013 by Brown for Governor.

Tate was paid \$50,000 on December 18, 2015 from "Brown For Governor 2014". It says it is for "2015 consulting"

Tate was paid \$22,500 on December 17, 2014 from Brown for Governor 2014". For "Campaign consultants"

Tate was paid \$25,000 on December 22, 2013 from "Brown for Governor 2014". This one says just "Bonus."

Lawyers for the Party may suggest that the Governor appropriately accounted for this share of fundraising costs through the hiring of Tate. Likewise, they might state that the hiring of Williamson by the party accounted for its costs.

However, the mixing of official business and government officials with this fundraising effort, the timing of official acts with the receipt of contributions to the Party, the post-election re-election event, and the inexplicable transfer of Party funds to a Governor who didn't need the money suggest foul play. This is true with regard to both the earmarking of funds that were undisclosed and violated campaign committee limits, as well as the potentially illegal trading of official positions for campaign funds.

We wish you well with your investigation and stand ready to assist you.

Thanks,

Jamie Court

**SAVE THE DATE**  
**for a Private Reception and Sit Down**  
**Conversation with**

**Governor Jerry Brown**

**Monday, November 17th**  
**6:00pm - 7:30pm**



**Mulvaney's B&L**  
**1215 19<sup>th</sup> Street**  
**Sacramento, CA 95811**

**Suggested Contribution:**  
**\$5,000**

*Please make checks payable to:*  
**Brown for Governor 2014**  
**ID# 1333789**  
**2355 Broadway #407**  
**Oakland, CA 94612**

Under California law, Brown for Governor 2014 may accept contributions up to \$11,000 for the primary election and \$17,000 for the general election (for a total of \$28,000) from individuals, businesses, organizations, unions, PACs or other legal entities.



# **EXHIBIT H**

**Subject:** Fwd: FW: Vacancy List 11-14-14.pdf  
**Date:** Friday, November 14, 2014 10:55:17 AM PT  
**From:** Sonia Huestis  
**To:** Angie Tate

----- Forwarded message -----

From: "Sonia Huestis" <[Sonia.Huestis@gov.ca.gov](mailto:Sonia.Huestis@gov.ca.gov)>  
Date: Nov 14, 2014 10:54 AM  
Subject: FW: Vacancy List 11-14-14.pdf  
To: "[soniahuestis@gmail.com](mailto:soniahuestis@gmail.com)" <[soniahuestis@gmail.com](mailto:soniahuestis@gmail.com)>  
Cc:

Sonia Huestis  
Deputy Appointments Secretary

Office of Governor Edmund G. Brown Jr.  
State Capitol, First Floor  
Sacramento, California 95814  
Main Line [\(916\) 445-4541](tel:(916)445-4541)  
Facsimile [\(916\) 558-3190](tel:(916)558-3190)  
[Sonia.Huestis@gov.ca.gov](mailto:Sonia.Huestis@gov.ca.gov)  
[www.gov.ca.gov](http://www.gov.ca.gov)

-----Original Message-----

From: Lisa McVay  
Sent: Friday, November 14, 2014 10:49 AM  
To: Sonia Huestis  
Subject: Vacancy List 11-14-14.pdf

Here is the current vacancy list. Thanks.

## Current Board Vacancies Through 11/14/2014

Accountancy, California Board of  
Vacancy (Public)

Acupuncture Board (Requires Senate Confirmation)  
Vacancy (Licensee)

African-American Museum, Board of Directors  
Vacancy (Outside DAA 06)

Aging, California Commission on  
Vacancy (Public)  
Vacancy (Nominated)

Agricultural Assn., Dist. 02, San Joaquin Co Fair  
Vacancy (Public)

Agricultural Assn., Dist. 03, Silver Dollar Fair  
Vacancy (Public)

Agricultural Assn., Dist. 09, Redwood Acres Fair  
Vacancy (Public)

Agricultural Assn., Dist. 10, Siskiyou Golden Fair  
Vacancy (Public)

Agricultural Assn., Dist. 10a, Tulelake-Butte Valley Fair  
Vacancy (Public)

Agricultural Assn., Dist. 12, Redwood Empire Fair  
Vacancy (Public)

Agricultural Assn., Dist. 18, Eastern Sierra Tri-County Fair  
Vacancy (Public)

Agricultural Assn., Dist. 20, Gold Country Fair  
Vacancy (Public)

Agricultural Assn., Dist. 23, Contra Costa Co Fair  
Vacancy (Public)

Agricultural Assn., Dist. 24, Tulare County Fair  
Vacancy (Public)

Agricultural Assn., Dist. 24a, Kings Fair  
Vacancy (Public)

Agricultural Assn., Dist. 29, Mother Lode Fair  
Vacancy (Public)

Agricultural Assn., Dist. 32a, Orange County Fairgrounds  
Vacancy (Public)

Agricultural Assn., Dist. 37, Santa Maria Fair Park  
Vacancy (Public)

Agricultural Assn., Dist. 39, Calaveras Co. Fr&Jump Frog Jub  
Vacancy (Public)

Agricultural Assn., Dist. 41, Del Norte Co Fair  
Vacancy (Public)

Agricultural Assn., Dist. 44, Colusa County Fair  
Vacancy (Public)

Agricultural Assn., Dist. 46, Southern California Fair  
Vacancy (Public)

Agricultural Assn., Dist. 48, Schools Ag and Nutrition Fair  
Vacancy (Public)

Agricultural Assn., Dist. 49, Lake County Fair  
Vacancy (Public)

Agricultural Assn., Dist. 50, Antelope Valley Fair  
Vacancy (Public)

Agricultural Assn., Dist. 51, San Fernando Vly Fair  
Vacancy (Public)

Agricultural Assn., Dist. 52, Sacramento County Fair  
Vacancy (Public)

Agricultural Assn., Dist. 53, Desert Empire Fair  
Vacancy (Public)

Agricultural Cooperative Bargaining Assn, Adv Comm  
Vacancy (Bargaining Assoc.)  
Vacancy (Processor)

Agricultural Labor Relations Board (Requires Senate Confirmation)  
Vacancy (Public)

Athletic Commission State (Requires Senate Confirmation)  
Vacancy (Public)

Baldwin Hills Conservancy Govn Bd  
Vacancy (Resident of spec comm/Baldwin Hills)  
Vacancy (Los Angeles Resident/Culver City)

Barbering and Cosmetology, State Bd of (Requires Senate Confirmation)  
Vacancy (Public)

Before and After School Prog, Adv Comm, Member  
Vacancy (Urban program)

Boating and Waterways Commission (Requires Senate Confirmation)  
Vacancy (Public)

Building Standards Commission, State (Requires Senate Confirmation)  
Vacancy (Bldg Official)

CA Partnership for the San Joaquin Valley  
Vacancy (Class B - Elected - Kings Co.)  
Vacancy (Class B - Elected - Tulare Co.)  
Vacancy (Class F - GO-Biz)  
Vacancy (Class D - Unspecified)  
Vacancy (Class F - Unspecified)  
Vacancy (Class E - Banking)

CA Volunteers Comm  
Vacancy (Business)  
Vacancy (Public)

Carcinogen Identification Comm  
Vacancy (Public)

Citizens Compensation Commission, California  
Vacancy (Labor)

Colorado River Board of California  
Vacancy (Public)  
Vacancy (Metro Water Dist. So CA)

Colorado River Board of California, Alternate Member  
Vacancy (So CA Metro)

Community Colleges, Board of Governors of California (Requires Senate Confirmation)

Vacancy (Public)

Vacancy (Student/Non-Voting) (NO Senate C)

Contractors' State License Board (Requires Senate Confirmation)

Vacancy (Public)

Dental Hygiene Committee of CA

Vacancy (Public)

Devel & Repro Toxicant Iden Comm

Vacancy (Public)

Developmental Disabilities, State Council on

Vacancy (Nom/Area Bd X)

Vacancy (Par/DD/Asm)

Vacancy (Nom/Area Bd II)

Vacancy (Nom/Area Bd IX)

Vacancy (Consumer/DD Center)

Vacancy (Nom/Area Bd XI)

Developmental Disabled Bd Area 01/Del Norte,Humboldt,Mendo

Vacancy (Consumer)

Developmental Disabled Bd Area 04/Sonoma,Napa,Solano

Vacancy (Consumer)

Developmental Disabled Bd Area 05/Marin,C Costa,SF,Alameda

Vacancy (Consumer)

Developmental Disabled Bd Area 13/San Diego,Imperial

Vacancy (Parent)

Disability Access, CA Comm on (Requires Senate Confirmation)

Vacancy (Public)

Domestic Violence Program Adv Council (OES)

Vacancy (Public)

Education, State Board of (Requires Senate Confirmation)

Vacancy (Public)

Exposition & State Fair, Bd. of Directors, California (Requires Senate Confirmation)

Vacancy (Agriculture)

Vacancy (Other)

Fair Employment and Housing Council (Requires Senate Confirmation)

Vacancy (Public)

Fairview Dev Center Advisory Bd

Vacancy (Public)

Film Commission, California

Vacancy (City Council or Co Sup/-2 Mil)

Vacancy (Motion Pic Studio)

Vacancy (City Council or Co Sup/2 Mil)

Fire Services, State Board of

Vacancy (Cnty Gov't)

Vacancy (City Govt)

Gambling Control Commission (Requires Senate Confirmation)

Vacancy (Public)

Genocide Memorial Comm, International

Vacancy (Gov's Staff)

Vacancy (Surv/Desc of Surv)

Guide Dogs for the Blind, State Board of  
Vacancy (Public)

Health Professions Education Foundation, Bd of Trus.  
Vacancy (Public)

Housing Finance Agency, C A, Board of Directors (Requires Senate Confirmation)  
Vacancy (public)

Humanities, California Council for the  
Vacancy (Public)

In-Home Supportive Services Authority  
Vacancy (county official)

Industrial Welfare Commission (Requires Senate Confirmation)  
Vacancy (Public)  
Vacancy (Labor)  
Vacancy (Employer)

Interagency Coordinating Council, State  
Vacancy (Public)  
Vacancy (Provider)

Juvenile Supervision, State Council for Interstate, Member  
Vacancy (Exec Branch)  
Vacancy (Legislative Branch)  
Vacancy (Judicial Branch)  
Vacancy (Victims Rep)  
Vacancy (Public Defender)  
Vacancy (District Attorney)  
Vacancy (Public)  
Vacancy (Researcher)  
Vacancy (Div of Juv Justice Rep)  
Vacancy (Probation)  
Vacancy (Rep of CMIO)  
Vacancy (Education)  
Vacancy (League of CA Cities)

Library Services Board  
Vacancy (Academic Libraries)  
Vacancy (Special Libraries)  
Vacancy (Public Libraries)

Marine Preservation, Bd of Directors, C A Endowment  
Vacancy (Public)

Medical Board of C A (Requires Senate Confirmation)  
Vacancy (Licensee)  
Vacancy (Licensee/Faculty PT)  
Vacancy (Public)

Mental Hlth Serv Oversight & Accountability Comm  
Vacancy (Hlth Serv Plan/Insurer)

Metropolitan State Hospital Advisory Board  
Vacancy (Relative)

Mexican American Veterans' Mem Beau & Enhanc  
Vacancy (Public)

Milton Marks Comm on Government Org and Econ  
Vacancy (Public)

Mining and Geology, State Board of (Requires Senate Confirmation)  
Vacancy (Landscape Architect)

Native American Heritage Commission (Requires Senate Confirmation)  
Vacancy (Elder)

Occupational Safety & Health Stnds Bd  
Vacancy (Management)  
Vacancy (Labor)

Off-Highway Motor Vehicle Recreation Commission (Requires Senate Confirmation)  
Vacancy (Public)

Oil Spill Technical Advisory Committee  
Vacancy (Marine Trans)  
Vacancy (Local Govt)  
Vacancy (Railroad Industry)  
Vacancy (Oil Prod Industry)

Pacific Fishery Management Council  
Vacancy (Nominated)

Park and Recreation Commission, State (Requires Senate Confirmation)  
Vacancy

Parole Hearings, Board of (Requires Senate Confirmation)  
Vacancy (Juvenile matters)

Patton State Hospital Adv Bd  
Vacancy (Public)

Peace Officer Standards and Training, Commission on (Requires Senate Confirmation)  
Vacancy (Rank and File)  
Vacancy (City/Elec or Admin Offer)

Pilot Commissioners, San Francisco, San Pablo, Suisun, Bd of (Requires Senate Confirmation)  
Vacancy (Ind/Dry Cargo)  
Vacancy (Public)

Public Employment Relations Bd (Requires Senate Confirmation)  
Vacancy (Public)

Research Advisory Panel  
Vacancy (Registered Nurse)

San Francisco Bay Area Water Emerg Transp Authority (Requires Senate Confirmation)  
Vacancy (Resident/Vice-Chair)

Science Center, CA, Board of Directors  
Vacancy (Public)

Seismic Safety Commission (Requires Senate Confirmation)  
Vacancy (Insurance)

Small Business Board, California  
Vacancy (Small Bus Comm.)  
Vacancy (Urban Area)

Southwestern Low-Level Radioactive Waste Commission (Requires Senate Confirmation)  
Vacancy (Local Govt)

State Bar of CA, Board of Trustees (Requires Senate Confirmation)  
Vacancy (Public)

State Independent Living Council  
Vacancy (Dir, Devel Serv)

Summer School for the Arts, Board of Trustees  
Vacancy (Public)

Teacher Credentialing, Commission on (Requires Senate Confirmation)  
Vacancy (Teacher)  
Vacancy (Public)

Teachers' Retirement Board, State (Requires Senate Confirmation)  
Vacancy (Govn Bd/School Dist)  
Vacancy (Retired Member)

Travel and Tourism Commission, California  
Vacancy (Deserts Region)  
Vacancy (Central Valley Reg)  
Vacancy (San Diego Region)  
Vacancy (High Sierra Region)  
Vacancy (Los Angeles Region)  
Vacancy (No. Coast Region)  
Vacancy (Shasta Cascade)

Unemployment Insurance Appeals Board (Requires Senate Confirmation)  
Vacancy (Public)

University of CA, the Regents of the (Requires Senate Confirmation)  
Vacancy (Public)

University, Trustees of the California State (Requires Senate Confirmation)  
Vacancy (Public)

Veterans Board, California (Requires Senate Confirmation)  
Vacancy (Veteran/Retired)

Vocational Nursing & Psych Tech Bd  
Vacancy (Public)

Water Council, Western States (Alternate)  
Vacancy (Public)

Water Quality Control Board, Central Valley Region (Requires Senate Confirmation)  
Vacancy (Dem Comp/Interest)

Water Quality Control Board, Colorado River Basin Region (Requires Senate Confirmation)  
Vacancy (Public)

Water Quality Control Board, Lahontan Region (Requires Senate Confirmation)  
Vacancy (Public)

Water Quality Control Board, North Coastal Region (Requires Senate Confirmation)  
Vacancy (Public)

Water Quality Control Board, San Diego Region (Requires Senate Confirmation)  
Vacancy (Public)

Water Quality Control Board, San Francisco Bay Region (Requires Senate Confirmation)  
Vacancy (Public)

Water Quality Control Board, Santa Ana Region (Requires Senate Confirmation)  
Vacancy (Dem Comp/Interest)

Women and Girls, Commission on the Status of (Requires Senate Confirmation)  
Vacancy (Public)

Workers' Compensation Appeals Board (Requires Senate Confirmation)  
Vacancy (Public)

Workforce Investment Board  
Vacancy (business)



# **EXHIBIT I**

Schedule for three days in '13 with Angie Tate shepherding Ann Gust Brown around to just about every lobby shop in Sacramento to raise money. AGB is Ann. AT is Angie Tate.

### **Wed., Feb. 13th**

2:00pm AT to meet AGB at Loft -- Briefing

2:30pm Merrill Jacobs, PhRma, 1215 K Street, Suite 970  
(233-3480)

3:00pm Donne Brownsey & Barry Brokaw, Sacramento  
Advocates, 1215 K Street, Suite 2030 (448.1222)

3:30pm Brooks Ellison, Wilson Advocacy, 1725 Capitol  
Avenue, (448.2187)

4:00pm Jeff Sievers & Mike Carpenter, Carpenter, Hawkins  
& Sievers, 1718 Capitol Avenue, (Jeff's cell 712.4631)

### **Thursday, Feb. 14th**

9:30am AT to meet ABG at Loft -- Briefing

10:00am Tami Miller, Stacey Dwelley and Kristin Beard,  
Political Solutions, 1415 K Street, Suite 400 (492.2766)

10:30am Scott Wetch, Wetch Associates, 1231 I Street, Suite  
206 (446-3413)

11:00am John Latimer, Capitol Advocacy, 1301 I Street  
(273.1209)

11:30am Matt Back, Back Governmental Affairs, 1301 I  
Street (273.1209)

12:15pm Will Gonzalez, David Quintana, Pilar Onate  
Quintana, Gonzalez, Quintana & Hunter, 915 L Street, Suite  
1480 (930.0796)

Assn., 1001 K Street, 2nd Floor (446-7732)

1:30pm Mike Falsaco, Wine Institute, 915 L Street, Suite 612

2:00pm Joe Lang, Bev Hansen, George Miller, 1121 L Street, Suite 100 (441.6222)

3:00pm Kevin Sloat, Sloat, Higgins & Jensen, 1215 K Street, Suite 1150 (446.3007)

3:30pm Dustin Corcoran, CA Medical Assn., 1201 J Street, Suite 200 (551-2022)

4:00pm Louie Brown and Barry Bedwell, 1415 L Street, Suite 440 (448-3826)

4:30pm — Open Slot

12:45pm — Quick sandwich break — sorry I tried to leave more time but the day got full quickly

1:00pm Jon Ross, KP Public Affairs, 1201 K Street, Suite 800 (448.2162)

1:30pm Cliff Berg, Scott Governar & Andrew Governar, Governmental Advocates, 1127 – 11th Street, Suite 400 (448.8240)

2:00pm Shant Apekian & Tom Bannon, California Apartment Assn., 980 – 9th Street, Suite 200 (449.6423)

2:30pm — Open slot to be filled

## **Tuesday, Feb. 19th**

9:00am AT to meet AGB at Loft - Briefing Meeting

9:30am Terri Thomas, Thomas Advocates 925 L Street, Suite 300 (325.1010)

10:00am Lazia Garcia, CA Assn. of Realtors, 1121 L Street, Suite 600 (492.5200)

10:30am Rex Hime, CA Business Property Assn., 1121 L Street, Suite 809 (443.4676)

11:00am Rex Frazier, Personal Insurance Federation, 1201 K Street, Suite 950 (442.6646)

11:30am — John Norwood, Norwood & Associates, 915 L Street, Suite 1110 (447-5053)

Noon – Liz Snow, CA Dental Assn., 1201 K Street, 16<sup>th</sup> Floor (554-4999)

12:30pm — Lunch break

1:00pm Carolyn McIntyre, CA Cable & Telecommunications

**SAVE THE DATE**  
for a Private Reception and Sit Down  
Conversation with

**Governor Jerry Brown**

**Monday, November 17th**  
**6:00pm - 7:30pm**



**Mulvaney's B&L**  
**1215 19<sup>th</sup> Street**  
**Sacramento, CA 95811**

**Suggested Contribution:**  
**\$5,000**

**Please make checks payable to:**  
**Brown for Governor 2014**  
**ID# 1333789**  
**2355 Broadway #407**  
**Oakland, CA 94612**

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