

October 21, 2008

Fellow Member, Republican Central Committee of San Diego County,

I admonish you to read through this attached complaint with an open mind. I caution you to understand that this complaint has been put together via great effort and was sent to you, not as a character assassination of our Chair, but as an alert to the erosion of the basic principal of fairness. If allowed to run unchecked this erosion will destroy the very essence of our organization. The Fifth and Fourteenth Amendments of our U.S. Constitution found reason to guarantee due process as a safeguard for private and public rights against unfairness.

Decisions that have been made during the tenure of our Chair have leaned , as you will find in our complaint, toward expediency at the cost of procedural and substantive rights of the body. Unilateral action beyond specific Constitutional rights, with permission to follow, comes from the notion "it is easier to apologize than ask permission", may work in one's home, but has disastrous effects in any kind of organization. In the organization of our Central Committee we have a Constitution/Bylaws that we are obliged to follow. The Chair swears, in his oath of office, as do we, to abide by our Constitution, as a means to safeguard private and public rights. Due process is its name!

Respectfully submitted,

Cliff and Laura Sumrall

## MEMORANDUM OF COMPLAINT

October 21, 2008

TO: TONY KRVARIC, CHAIRMAN  
REPUBLICAN CENTRAL COMMITTEE, SAN DIEGO COUNTY

FROM: LAURA AND CLIFF SUMRALL

RE: VIOLATION OF DUE PROCESS

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UPON A REVIEW OF BYLAWS, CALIFORNIA ELECTION CODE, AND ATTACHED DOCUMENTATION, OUR ANALYSIS IS FOUND BELOW.

### CONCLUSION

PERSUANT TO SECTION 2.01.05 (B) OF STANDING BYLAWS FOR THE SAN DIEGO COUNTY REPUBLICAN PARTY CENTRAL COMMITTEE, ADOPTED DECEMBER 11, 2006, WE SHOW EVIDENCE OF CHAIRMAN KRVARIC'S FAILURE TO FOLLOW DUE PROCESS, & VIOLATE BYLAWS & CA ELECTION CODES. WE ADD IN THIS COMPLAINT THAT A DEGREE OF CULPABILITY DOES, IN FACT, EXIST ON THE PART OF THE ENTIRE EXECUTIVE COMMITTEE IN THAT NO CENSURE OR CORRECTIVE ACTION OF SAID VIOLATIONS HAS TAKEN PLACE.

### FACTUAL BACKGROUND

#### ITEM ONE

PURSUANT TO CA ELECTION CODE 7466, THE 74<sup>th</sup> DISTRICT CAUCUS, UNDER THE CHAIRMANSHIP OF DR. MARYROSE CONSIGLIO, FILLED THREE EXISTING VACANCIES. DISTRICT CHAIR, DR. CONSIGLIO, INFORMED CENTRAL COMMITTEE CHAIR KRVARIC AND EXECUTIVE BOARD OF THESE APPOINTMENTS AND REFERENCED CALIFORNIA ELECTION CODE 7470.(att:1)

AUGUST 4, 2008, CHAIRMAN KRVARIC RULED THIS OUT OF ORDER AND ADVOCATED FOR HIS NOMINATIONS TO FILL THE VACANCIES INSTEAD. CHAIRMAN KRVARIC UNILATERALLY REQUESTED A DECISION IN WHAT HE THOUGHT WAS A CONFLICT OF POSITION BETWEEN BYLAWS AND ELECTION CODE. HE CONTACTED BELL, MCANDREWS & HILTACHK, and LLP.  
Note: Unilateral decisions in excess of authorization are violations of Due Process

ATTORNEYS AT LAW - ADVISORS FOR THE CALIFORNIA REPUBLICAN PARTY - FOR A DECISION. See memorandum of August 11, 2008 attached. I call your attention to footnote 1. "THE ANALYSIS (between bylaws and state) AGAIN ASSUMES THAT SECTION 3.05 WAS ENACTED PRIOR TO 1989. IF IN FACT SECTION 3.05 WAS ENACTED AFTER 1989 IT WOULD SHOW AN INTENT TO ADOPT THE STATE STATUTES DESPITE THE UNITED STATES SUPREME COURT DECISION IN EU, IN WHICH CASE THE ELECTIONS CODE MANNER OF FILLING VACANCIES WOULD STILL PREVAIL UNDER THE BYLAWS". (att:2)(att:3)  
Note section 3.05 enacted Dec 2006 – well after 1989. Additionally 2004 Bylaws, section 3.05, state "The California Election Code shall prevail in all cases where conflict exists with these bylaws or other rules of the Committee". (att:4)

THE CHAIR UNILATERALLY CIRCUMVENTED THE ELECTION PROCESS CONDUCTED BY THE 74<sup>TH</sup> CAUCUS, BY IGNORING THE CONCLUSION PRESENTED BY BELL IN FOOT NOTE 1 OF THE AUGUST 11 MEMORANDUM: "election code manner of filling vacancies would still prevail under bylaws" To wit, Dr Mary Rose Consiglio did, in fact, act in compliance with election code and current bylaws.

THE CHAIR VIOLATED DUE PROCESS BY SOLICITING MEMBERS OF THE 74<sup>TH</sup> CAUCUS, MARY HUMPHREY AND BRIAN BILBRAY , WITHOUT KNOWLEDGE OF ITS CHAIR, DR. MARY ROSE CONSIGLIO, TO CHANGE THEIR VOTE. MARTIN GARRICK AND MARK WYLAND WERE GIVEN FORM LETTERS TO SIGN TO VOTE FOR CHAIRMAN KRVARIC'S SELECTION , WHEN PREVIOUSLY THEY HAD ABSTAINED. See (att:5) original position of Congressman Bilbray and solicited position of Aug. 11 meeting 2008. See also form letter (att:6)used in solicitations.

AUGUST 11, 2008, FULL COMMITTEE MEETING, THE CHAIR CONTINUED TO VIOLATE DUE PROCESS BY WAVING THE SOLICITATED LETTERS AS PART OF HIS SUPPORT FOR HIS NOMINATIONS. THE VIOLATION OF DUE PROCESS ENDED WITH THE CHAIR'S PERSONAL ABUSE OF THE 74<sup>TH</sup> CAUCUS CHAIR, DR. MARY ROSE CONSIGLIO, BEFORE THE ENTIRE COMMITTEE. See letter (att:7) from Ralph Denney.

BY HOLDING FULL COMMITTEE ELECTIONS FOR THE 74<sup>TH</sup> CAUCUS VACANCIES, CHAIRMAN KRVARIC REMOVED 2 OF THE 3 LEGAL APPOINTEES MADE BY THE 74<sup>TH</sup> CAUCUS ON AUGUST 4<sup>TH</sup>.

CHAIRMAN KRVARIC DID NOT DISCLOSE THE FULL CONTENTS OF THE BELL MEMORANDUM AT THE AUGUST 11<sup>TH</sup> GENERAL MEETING, THEREBY MISLEADING THE COMMITTEE AS TO THE RULING AS IT APPLIED.

## ITEM TWO

JUNE 4, 2007 CHAIRMAN KRVARIC VIOLATED DUE PROCESS BY SUGGESTING THAT SINCE ONLY ONE REPUBLICAN CANDIDATE WAS RUNNING FOR MAYOR, AN EARLY ENDORSEMENT COULD TAKE PLACE AT THE NEXT GENERAL MEETING. LAURA SUMRALL ASKED, "WHAT ABOUT STEVE FRANCIS?" (Our previous endorsed candidate) CHAIRMAN KRVARIC REPLIED, "He is not going to run. The only candidate running for Mayor of San Diego City is Mayor Jerry Sanders" See Steve Francis E mail Aug. 15, 2008 (att:8) and section 3.01.03 current bylaws attached.

"Section 301.03 "may face at least one Republican opponent shall require 2/3 vote".

"Section 2.02.03 (C) (3) "...by secret ballot..."

CHAIRMAN KRVARIC AT JUNE 11, 2007 GENERAL MEETING CALLED FOR A VOICE VOTE TO SUSPEND THE RULES SO HE COULD MOVE FORWARD WITH AN EARLY ENDORSEMENT (one year early) OF MAYOR JERRY SANDERS. See section 2.02.04 Bylaws. Section 351 Mason's Legislative Manual –"There has been established, as a compromise between the right of the individual and the rights of the body, the principle of two thirds vote." A voice vote ignores the rights of the individual with respect to power of the gavel. Pp.440 – 1 through 15, Roberts Rules of Order Newly Revised.

In plain English and the bylaws, when there is peer pressure by the chair and fellow members, a secret ballot is required.

CHAIRMAN KRVARIC AT THE SAME JUNE 11th MEETING CONTINUED TO VIOLATE DUE PROCESS BY CALLING FOR A VOICE VOTE TO ENDORSE MAYOR JERRY SANDERS. See Section 3.01.03 Bylaws "Endorsement of a Republican candidate for public office in San Diego who does or may face at least one Republican opponent shall require a two-thirds vote.

## ITEM THREE

CHAIRMAN KRVARIC AUTHORIZED SLATE MAILERS FOR CENTRAL COMMITTEE CANDIDATES, HAND PICKED BY SELECT EXECUTIVE COMMITTEE MEMBERS IN AN UN AUTHORIZED SECRET MEETING. SAID MAILERS WERE SENT OUT VIA HIRED AGENCIES, FOR VARIOUS CAUCUSES WITHIN THE JURISDICTION OF THE CENTRAL COMMITTEE. HOWEVER, THEIR INTENDED PURPOSE, TO ASSIST CANDIDATES, BECAME DISTORTED AND USED TO REMOVE CANDIDATES FROM CENTRAL COMMITTEE. TO WIT, DR. MARY ROSE CONSIGLIO'S 74<sup>TH</sup> CAUCUS DISTRICT HAD 7 MAILERS. HER NAMED WAS LEFT OFF BY DESIGN. FURTHER, SAID MAILERS WERE IDENTIFIED AS HAVING BEEN PAID FOR AND AUTHORIZED BY THE CANDIDATE. See Reader article attached of June 8, 2008.(att:9 & 10)

When a Chairman handpicks his membership, checks and balances fall by the wayside.

## ITEM FOUR

CHAIRMAN KRVARIC UNILATERALLY ACTED WHEN HE SOLICITED ATTORNEY THERESA MCATEER TO FILE AGAINST CITY ATTORNEY MIKE AGUIRRE. HIS UNALITERAL ACTION COMMITTED THE EXECUTIVE COMMITTEE TO A FINANCIAL EXPENDITURE WITHOUT AUTHORIZATION. KRVARIC SUGGESTED TO THE EXECUTIVE COMMITTEE, AFTER THE FACT, THAT THE ATTORNEY, THERESA MCATEER, WOULD PROBABLY WORK THE CASE PRO BONO. CA secretary of State records show \$4,100.00 paid to date.(att:11 & 12) This unilateral action constitutes clear violation of Due Process – Chairs \$1,000.00 limit - and approval by the board for expenditures in excess of the limit. See bylaws section 3.02 Fiscal Affairs item C attached.

AT THE EXECUTIVE MEETING AUGUST 4, 2008 LAURA SUMRALL INQUIRED AS TO WHERE WE WERE ON THE AGUIRRE ISSUE. THE BALANCE OF WHAT SHE UNDERSTOOD TO BE, WAS IN THE \$6,000.00 RANGE. SHE WAS TOLD THAT, “THE BALANCE WAS BEING NEGOTIATED”. See article and Section 3.02 Fiscal Affairs item (C) “The chairman may authorize any unbudgeted expense up to \$1,000.00. Unbudgeted expenses in excess of this amount... shall require the authorization of the Executive committee”.

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## ADDENDUM

### INAPPROPRIATE CONDUCT OF CHAIRMAN KRVARIC BYLAWS, section 2.01.05 (B)

“Any member who... commits the Committee to a course of action and/or financial expenditure without authorization to do so, or engages in inappropriate conduct, may be censured or removed”.

Inadequate notice of agendas for upcoming meetings

Inadequate notice of minutes of previous meeting, before upcoming meeting

Inadequate notice of candidates asking for endorsement (time to research before voting)  
(att: 13)

Event held for candidate De Maio prior to endorsement in SD City Council Dist 1 (att:14)

Purchase of \$4,000.computer before authorization from executive committee (att:11)

Chairman holds both Chairmanship and Finance Chair – with no Finance subcommittee. Clear conflict of interest in that decisions are made unilaterally without oversight, consultation or authorization

Has not regularly contacted members who exceed the allowed absences, following due process of time for clarification, and removal of those absences that are excused. Has not removed members who meet criteria of unexcused absences.

Changed candidate questionnaire, adding bankruptcy question, without knowledge or approval of Executive Committee. This question was then used to publicly slander one couple, both candidates (Urdahl's), yet not questioning other candidates who said yes to this question (att:15)

Delayed returning contributions made to Central Committee for a specific purpose (Booth display & backdrop). It took roughly 6 months to admit the backdrop would not be purchased, and another 3 months, to return said money.(att:16)

BE IT UNDERSTOOD, FOR THE AFOREMENTIONED REASONS, THAT THE CREATORS AND REVIEWERS OF THIS DOCUMENT ADMONISH THE EXECUTIVE COMMITTEE, AT ITS NEXT REGULARLY SCHEDULED GENERAL MEETING, TO INSTRUCT THAT BODY TO REMOVE SAN DIEGO COUNTY REPUBLICAN CENTRAL COMMITTEE CHAIRMAN, TONY KRVARIC, FROM OFFICE. SAID TERMINATION TO BE EFFECTIVE IMMEDIATELY!

August 4, 2008

Dear Mr. Chairman:

Pursuant to CA Election Code 7466:

The 74th Caucus ("district committee") has filled the 3 existing vacancies in our Caucus with the following persons:

1. Kristine Anderson - 12868 Via Latina, Del Mar, CA. 92014 – replacing Jacob Garrett.
2. Lou Aspell - 240 Cereus St, Encinitas, CA. 92024 – replacing Linda Dealy.
3. Sherry Hodges – 1040 Via Di Felicita, Encinitas, CA. 92024 – replacing herself.

Please consider this our "district committee's" notice of appointments to you in compliance with CA. Code 7470.

Per Code 7470: it is now your duty "to file notice of these appointments with the elections officials within the next 30 days".

<http://info.sen.ca.gov/cgi-bin/displaycode?section=elec&group=07001-08000&file=7460-7470>

As a side issue; we do not believe the County Committee's bylaws should ever be changed to violate State law. Currently, our by-laws correctly state that where there is a discrepancy, CA Election Code prevails. We believe any effort to change that aspect of our by-laws in the future would be unwise and probably illegal.

By the way, the election this past June for the new Central Committee, has nothing to do with filling vacancies in the current Committee. There is no such rule that people in the June election with the highest number of votes should be filling the current vacancies. Somebody made this up. It is entirely up to the current Caucus Members (where the vacancies exist) to make these appointments – by statute.

Thank you.

Sincerely,

MaryRose

Dr. MaryRose Consiglio  
Current Chairman, 74th Caucus  
Past Chairman, Precinct Operation  
Republican Party of San Diego County

cc. JBuettner, COO



## ELECTIONS CODE

### SECTION 7460-7470

7460. This article applies only to committees established by Assembly districts or supervisorial districts within a county pursuant to the bylaws of the county central committee of that county.

7461. The committees shall be called county Assembly district committees or county supervisorial district committees.

7462. Each committee shall consist of the persons elected to the county central committee of a single Assembly or supervisorial district.

7463. The district committees of a county and the ex officio members of the county central committee constitute the county central committee of that county.

7464. The district committees may elect any officers and undertake any action as the bylaws of the county central committee of which they are a part provide.

7465. In the event that the candidates elected to a district committee do not equal the number of party committeemembers by which the district is entitled to be represented under Article 1 (commencing with Section 7400), a vacancy or vacancies exist to the extent of the difference between the number of elected committeemembers and the number of committeemembers by which the district is entitled to be represented. When a vacancy or vacancies exist, they shall be filled by the district committee to which insufficient members were elected.

7466. In the event of the appointment or election to a district committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, is removed from office, or removes from the jurisdiction of the district committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the district committee in which the ineligibility or vacancy occurs.

7467. Any member of a district committee who misses more than three consecutive regularly called meetings of the county central committee may be removed by a vote of that district committee concerned, unless his or her absence is caused by illness or



temporary absence from the county on the date of the meeting.

7468. The removal of residence by an elected or appointed member of a district committee from the Assembly district or supervisorial district from which he or she has been elected or appointed a member of that committee shall constitute his or her automatic resignation from that committee.

7469. A district committee shall remove any member of that committee who is required to be removed under Section 7413.

7470. Whenever any person is appointed to fill a vacancy on a district committee, the district committee shall notify within 10 days the chairperson of the county central committee who shall file a notice of the appointment with the elections official within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

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BELL, McANDREWS & HILTACHK, LLP

ATTORNEYS AND COUNSELORS AT LAW

455 CAPITOL MALL, SUITE 801

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MEMORANDUM

August 11, 2008

To: Tony Krvaric, Chairman  
Republican Party of San Diego County

From: Charles H. Bell, Jr.  
Jimmie E. Johnson

RE: Applicability of Central Committee Bylaw Section 3.05 to Elections Code § 7466  
and Other State Laws Regarding the Filling of Vacancies on the San Diego  
County Republican Central Committee

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You have asked us to interpret Section 3.05 of the San Diego County Republican Central Committee Bylaws concerning its application to filling vacancies on the committee. Our analysis follows below.

CONCLUSION

After the United States Supreme Court Decision in *Eu v. San Francisco County Democratic Cent. Committee* (1989) 489 U.S. 214, Section 3.05 no longer applies to state laws concerning the structure, membership, or endorsement activity (including the filling of vacancies) of the committee as those state laws are now unconstitutional.

FACTUAL BACKGROUND

Section 2.01.04(D) of the San Diego County Republican Central Committee Bylaws ("the Bylaws") provides the following method of filing vacancies:

(D) A vacancy in a regular elected membership shall be filled in the following manner:

(1) The Chairman shall announce the vacancy at the next regularly scheduled meeting of the Committee following the receipt of a vacancy notice from the Secretary. An election to fill the vacancy shall be held at the next meeting of the committee following the meeting at which the vacancy is announced.

(2) The Assembly District caucus in which the vacancy exists shall meet, and with the concurrence of two-thirds of the caucus members, nominate a candidate to fill the vacancy. Other nominations from the floor shall also be in order.

In contrast, the California Elections Code § 7466 provides an arguably different method of filling vacancies in Republican Party county central committees:

In the event of the appointment or election to a district committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, is removed from office, or removes from the jurisdiction of the district committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the district committee in which the ineligibility or vacancy occurs.

In anticipation that the Bylaws may conflict with applicable state laws, the second provision of Section 3.05 in the Bylaws reads:

The California Elections Code shall prevail in all cases where a conflict exists with these bylaws or other rules of the Committee.

#### ANALYSIS

The purpose of Section 3.05 is to ensure that the Bylaws do not violate state law by including conflicting requirements. You have advised us that Section 3.05 the provision was enacted long prior to 1989, when state laws directing how political parties must organize their committees were still valid. Section 3.05 was, in effect, an affirmation by the San Diego County Republican Party that if the then-valid laws of the Elections Code contradicted any of the political party's bylaws, the Elections Code sections should prevail.

However, such state laws in the Elections Code directing how political parties must organize their committees were held unconstitutional as of 1989 by the United States Supreme Court in *Eu v. San Francisco County Democratic Cent. Committee* (1989) 489 U.S. 214. After *Eu*, those state law requirements regarding a political party's structure, membership or endorsement activity (including the filling of vacancies) are unconstitutional and can no longer be applied to the committee. In essence, those laws no longer exist. Likewise, Section 3.05 which was predicated upon the validity of such state laws no longer serves any purpose in respect to state laws applicable to the organization of the committee.

Therefore, Section 3.05 does not apply to Elections Code § 7466 for two reasons. First, as a state law that attempts to dictate to a political party how to organize its membership, the law is unconstitutional and is no longer applicable. Accordingly, if one were to take a hyper-technical interpretation of Section 3.05, since the state law and the Bylaws contradict the state law would trump, but since the state law does not apply, then there is no method for filing

Memorandum to Tony Krvaric, Chairman  
Republican Party of San Diego County  
August 11, 2008  
Page 3

vacancies that Section 3.05 would make applicable by its reference. Second, looking at the intent of Section 3.05, since state laws can no longer constitutionally conflict with the Bylaws in terms of filing vacancies, there is no purpose for Section 3.05 to apply to such laws.

For the foregoing reasons, it is our opinion that Section 3.05 of the Bylaws does not apply to any state law, including Elections Code § 7466, regarding the filling of vacancies on the committee. We hope this memorandum has answered your questions on this matter. If you have any further questions or concerns, feel free to contact us anytime.<sup>1</sup>

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<sup>1</sup> Note: The analysis again assumes that Section 3.05 was enacted prior to 1989. If in fact Section 3.05 was enacted after 1989 it would show an intent to adopt the state statutes despite the United States Supreme Court decision in *Eu*, in which case the Elections Code manner of filling vacancies would still prevail under the Bylaws.



The Committee shall adopt a Strategic Plan broadly outlining the programs and operation of the Committee and will include those areas covered by the standing committees established in these bylaws. The Plan may cover either a one or two year period, and shall be adopted either at the organizational meeting, or at a subsequent meeting of the committee not later than March. If a one-year plan is adopted following the organizational meeting, a plan covering the second year shall be adopted no later than the following March.

3.04            **LIABILITY OF OFFICERS, EXECUTIVE COMMITTEE AND FULL COMMITTEE MEMBERS**

The Committee shall indemnify and hold harmless its officers, the Chief Operating Officer or Executive Director, Executive Committee and full Committee members from any monetary judgment, fine or penalty, including costs of suit and reasonable attorneys' fees resulting from any official acts or omissions of the officer, Executive Committee or full Committee member, except when involving intentional, grossly reckless or grossly negligent acts or omissions arising from activity of the officer or committee member on behalf of the Committee.

3.05            **PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of *Robert's Rules of Order, Newly Revised* shall govern the Committee in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Committee may adopt.

The California Elections Code shall prevail in all cases where a conflict exists with these bylaws or other rules of the Committee.

3.06            **EXPIRATION AND AMENDMENT OF THESE BYLAWS**

- (A) These bylaws shall expire upon the commencement of the biennial organizational meeting of the Committee, and may be re-adopted by a simple majority vote.
- (B) These bylaws may be amended by a two-thirds vote of the members of the Committee attending and voting in a regularly scheduled committee meeting, provided that the text of the proposed amendment was circulated at the previous regularly scheduled meeting of the Committee.

Note:

*The bylaws herein are presented for adoption by the Committee. They are identical to those adopted in December 2004 with the following minor revisions:*

- 1. *It is clarified that any vote tally shall exclude abstentions for the purpose of determining the outcome. This is a clarification to avoid confusion on the matter and consistent with Roberts Rules.*
- 2. *In conformity with CRP bylaws the duties of the Immediate Past Chairman are further defined and the IPC is established as a voting member of the Executive Committee.*
- 3. *It is clarified that the Executive Committee may discuss any item in executive session provided the decision to do so is made by a majority of the Executive Committee. The same is also clarified for the full committee.*

referenda.

(J) Member Communications. The Committee may conduct Member Communications programs in coordination with any endorsed candidate as permitted by, and subject to the limitations of, federal, state and local law.

### 3.03 STRATEGIC PLANNING

The Committee shall adopt a Strategic Plan broadly outlining the programs and operation of the Committee and will include those areas covered by the standing committees established in these bylaws. The Plan may cover either a one or two year period, and shall be adopted either at the organizational meeting, or at a subsequent meeting of the committee not later than March. If a one-year plan is adopted following the organizational meeting, a plan covering the second year shall be adopted no later than the following March.

### 3.04 LIABILITY OF OFFICERS, EXECUTIVE COMMITTEE AND FULL COMMITTEE MEMBERS

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The California Elections Code shall prevail in all cases where a conflict exists with these bylaws or other rules of the Committee.

### 3.06 EXPIRATION AND AMENDMENT OF THESE BYLAWS



Print - Close Window

**Date:** Sun, 24 Aug 2008 13:17:37 -0700  
**Subject:** Bilbray email #1  
**From:** "Tom & MaryRose" <mrctjs@dgroun.com>  
**To:** "Laura & Cliff Sumrall" <laurasumrall@sbcglobal.net>

----- Forwarded Message

**From:** <bbilbray@aol.com>  
**Date:** Wed, 30 Jul 2008 16:33:08 -0400  
**To:** <mrctjs@dgroun.com>  
**Subject:** Re: Request

Tom, MaryRose If you think so , I'm for it!!! B2



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

**From:** Tom & MaryRose <mrctjs@dgroun.com>  
**To:** Brian Bilbray <bbilbray@aol.com>  
**Sent:** Tue, 29 Jul 2008 7:54 pm  
**Subject:** Request

Dear Brian,

Hope you are enjoying the summer. Thanks for representing us in Washington during these very interesting times!

Our 74th Caucus presently has 3 vacancies due to unexcused absences. Whoever fills these vacancies will only be completing the term until the new Committee is seated in December.

These folks have agreed to run when we have the election at the next (August) Central Committee meeting:

1. Kris Anderson - Past President of Del Mar/SeaCoast RWF, Vice-Chair of Precinct Ops and Chair of Del Mar Fair Booth 2001-2004 as well as Chairman's Circle Member.
2. Lou Aspell- Former Mayor of Encinitas, Regional Chair of Romney for President and volunteer for Protection of Marriage Act.
3. Joe Sheffo- Former Chief of Staff for Supervisor Pam Slater, Editor of North County Times and Community Leader of Precinct Op in the 74th AD for as long as I Chaired the Operation. Joe will be a candidate for Encinitas City Council in November.

Tom and I highly recommend these people because they have been very active and committed members of the Party and I am sure you are familiar with them.

We would be pleased if you would agree to support their candidacy to fill

5



these vacancies as a recommendation of our Caucus to the Committee.

Please let me know as soon as possible. As always, please feel free to call if you have any concerns or questions.

Thanks and best regards,

MaryRose  
858-755-7344

Dr. MaryRose Consiglio  
Current Chairman, 74th Caucus  
Past Chairman, Precinct Operation  
Republican Party of San Diego County

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The Famous, the Infamous, the Lame - in your browser. Get the TMZ Toolbar Now  
<<http://toolbar.aol.com/tmz/download.html?NCID=aolcmp00050000000014>> !

----- End of Forwarded Message

6

Attn: 74<sup>th</sup> AD Caucus Chair  
CC: Tony Krvaric  
Re: *Filling of vacancies in the 74<sup>th</sup> AD caucus*

This is to inform you that I support the top three vote getters, from the June election, to be our caucus' nominees to fill the three vacancies which currently exist in our caucus, and are expected to be filled at the August meeting of the entire committee.

According to the Registrar of Voters website, these three are:

- Sherry Hodges
- Mark Kersey \_\_\_\_\_
- Don Burgett

Assuming that a two thirds majority of the caucus supports these nominees, I will expect you to bring them forward as the official nominees of the caucus – for consideration by the entire committee – and to vigorously advocate for them on the floor, if need be.

Sincerely Yours,



Date:

*Aug 11 2008*

\_\_\_\_\_  
\_\_\_\_\_

Attn: 74<sup>th</sup> AD Caucus Chair  
CC: Tony Krvaric  
Re: *Filling of vacancies in the 74<sup>th</sup> AD caucus*

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Sincerely Yours,

Date:

Mary Humphreys

8/9/08

Attn: 74<sup>th</sup> AD Caucus Chair

CC: Tony Krvaric

Re: *Filling of vacancies in the 74<sup>th</sup> AD caucus*

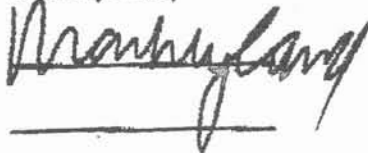
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Sincerely Yours,

  
\_\_\_\_\_  
\_\_\_\_\_

Date:

8-11-08

Attn: 74<sup>th</sup> AD Caucus Chair  
CC: Tony Krvaric  
Re: *Filling of vacancies in the 74<sup>th</sup> AD caucus*

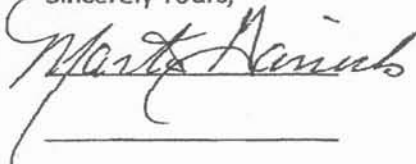
This is to inform you that I support the top three vote getters, from the June election, to be our caucus' nominees to fill the three vacancies which currently exist in our caucus, and are expected to be filled at the August meeting of the entire committee.

According to the Registrar of Voters website, these three are:


- Sherry Hodges
- Mark Kersey
- Don Burgett

Assuming that a two thirds majority of the caucus supports these nominees, I will expect you to bring them forward as the official nominees of the caucus – for consideration by the entire committee – and to vigorously advocate for them on the floor, if need be.

Sincerely Yours,

  
\_\_\_\_\_  
\_\_\_\_\_

Date:

  
\_\_\_\_\_



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**RALPH ELLSWORTH DENNEY, EA.**

Senior Advocate and General Manager

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(619) 459-1037 fax (928) 441-9357

email: [Ralph@TaxInsider.US](mailto:Ralph@TaxInsider.US)

23 August 2008

RE: REQUESTED STATEMENT CONCERNING  
CENTRAL COMMITTEE MEETING 11 AUGUST 2008

**To Whom It May Concern;**

I have been asked to make a statement concerning my impressions, opinions, and concerns regarding what transpired at the August Central Committee Meeting of the San Diego County Republican Party. The following is in response to that specific request, and no other assumptions about my position should be made beyond this letter.

It should be noted there did seem to exist a certain amount of tension between the Chair, Mr. Tony Krvaric, and Dr. Mary Rose Consiglio prior to the occurrences to which I am about to speak of.

From shortly after the Central Committee (CenCom) went into executive session, it did appear to myself and others the Chairman was attempting to manipulate the session to his own means, having the appearance of discouraging debate. This became even more apparent when Dr. Consiglio rose to address a point of order and to present those individuals who wished to be considered to fill three vacancies within her caucus, and who had received the support and confidence of the remaining members. In my opinion, and the opinion of others present, much of what occurred after this could have been avoided if the Chair had refrained from becoming unnecessarily dismissive of Mary Rose. Further, I believe the Chair violated Roberts Rules of Order when he proceeded to make what amounted to a number of 'campaign' statements in favor of his position, and in favor of his preferred candidates. Although discussion at this point had become quite heated between Mr. Krvaric and other members in the audience, the actions of the Chair were such I felt compelled to offer into the record my apologies to Mary Rose for her treatment this evening, and my call for unity among all parties.

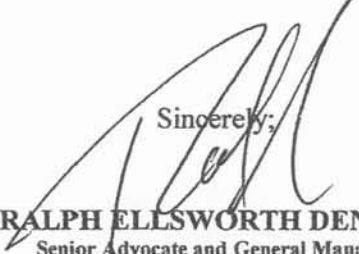
Roberts Rules of Order (RRO) is very clear as to the exorbitant prestige and influence held by the Chair position, which is why RRO requires the Chairman to relinquish the Chair to the next highest official present should he or she wish to make statements in defense of a position or of candidates. Under no circumstances I am aware of, should the Chair engage in hostile and rude behavior toward a speaker, nor should he or she offer up or refer to documents from third parties in support of a slate of candidates unless he or she has made arrangements for copies to be provided to the membership prior to discussion. When I tried to raise these issues with Tony shortly after the meeting was adjourned, I too was 'dismissed'. This situation – in hindsight – could have been handled better...

A final note, because it's always been done this way does not mean it is the best way to do something.

Having made the above requested statement, I would again, as I did on the evening of the 11<sup>th</sup>, remind all parties we as Republicans are facing a very difficult election in just 71 days. That should be our focus, to elect as many Republicans as we can and deny the Democrats the 'super majority' they are currently expecting to achieve in the California Legislature. We as a party do not need this distraction – it will only help the Democrats. I call upon all parties to put this issue to rest in an equitable fashion so that **TOGETHER** we can move forward toward our mutual goals...

Best to all...

Sincerely,

  
**RALPH ELLSWORTH DENNEY**  
Senior Advocate and General Manager  
DMC FINANCIAL SERVICES COMPANY

**DMC**... growing, to serve you better...

7

**From:** "Steven Francis" <stevenfrancis@thefrancisgroup.com>  
**To:** "Laura Sumrall" <laurasumrall@sbcglobal.net>  
**Date:** Fri, 15 Aug 2008 13:37:07 -0700  
**Subject:** RE: Information

Yes ... he knew that I was seriously considering it ... in fact before I accepted the State Finance job ... both Ron and Tony knew I was considering running and before I accepted the position ... it was understood that I would quit if I ran. Did I say 100% I was going to run ... no .... But he knew I was very very serious and did not discuss with me before the Sanders quickie endorsement.



2.06.02      Caucus Chairs and Officers

Each Assembly District Caucus shall elect a Caucus Chair and other officers as it deems necessary. The Caucus Chair shall be a member of the Executive Committee, subject to these bylaws.

2.06.03      Meetings, Quorum and Voting

A quorum shall consist of a majority of the members of the Caucus and their alternates. Alternate members may vote only in the absence of their appointer. In all cases the calculation of votes on any matter shall exclude abstentions, with the outcome determined solely by those members present and voting.

2.06.04      Duties

The Assembly District Caucus is responsible for ensuring the implementation of all committee programs and the work of the standing committees, within the Assembly District.

2.06.05      Funds

Funds raised by the caucus shall be deposited in the Committee account and allocated by the budget and/or action of the Executive Committee. Disbursement of funds allocated to caucus use shall be upon written request of the caucus chair, after a majority vote of voting caucus members.

No expenditure that is inconsistent with the fulfillment of the Committee's role or programs shall be authorized by the Chairman or Treasurer.

ARTICLE III  
Miscellaneous

3.01      ENDORSEMENTS BY THE CHAIRMAN, EXECUTIVE COMMITTEE, AND FULL COMMITTEE

3.01.01      Chairman's Endorsements

The Chairman may, on behalf of the Committee, endorse a Republican candidate for office in San Diego County when the candidate is the only Republican who will appear on the ballot, or when the number of endorsed Republican candidates does not exceed the number of positions on a given board in a single election. A Chairman's endorsement made on behalf of the committee shall have the same force and effect as an endorsement voted on and approved by the full committee. A Chairman's endorsement on behalf of the committee may be revoked by a simple majority vote of the full committee at the next regularly scheduled meeting following the issuance of the endorsement.

3.01.02      Executive Committee Endorsements

The Executive Committee shall not endorse, support or oppose any candidate for nomination in a primary election, or a candidate for election to a "non-partisan" office or any state or local ballot measure; provided, however, the Executive Committee may endorse, support or oppose the recall of a state elected officeholder.

3.01.03      Full Committee Endorsements

The endorsement of a Republican candidate for public office in San Diego who does or may face at least one Republican opponent shall require a two-thirds affirmative vote of the full Committee. The Committee may adopt rules and procedures for the consideration of endorsements in any primary,

(B) Proxies. Proxies shall not be permitted for any purpose, including establishment of attendance or voting.

(C) Voting.

(1) Voting shall be by the elected, appointed, alternate and ex-officio members of the Committee. Alternate members may not vote in the presence of their appointer.

(2) The election of officers shall be conducted by secret ballot, except than in each case where there is no contest for the office, the officer may be elected by acclamation.

(3) Voting on matters of endorsing a Republican candidate for an office where more than one Republican candidate will be on the ballot shall be conducted by secret ballot, with two-thirds of the members. In any case where there is only one Republican candidate on the ballot, the Chairman shall have discretion to endorse that candidate on the Committee's behalf.

(4) In cases other than those in sections (A) (C) (2) and (A) (C) (3) above, voting shall be by voice vote, or the Chairman may request a standing vote. A roll call may be demanded by 2 or more members, in which case the roll shall be called of the regular, appointed, ex-officio and alternate members. Alternate members will vote when the name of their appointer is called.

(5) In all cases the calculation of votes on any matter shall exclude abstentions, with the outcome determined solely by those members present and voting.

#### Section 2.02.04      Suspension of Rules

Any standing rule or bylaw of the Committee other than a provision for supermajority voting may be suspended temporarily by a two-thirds (2/3) majority vote of the voting members present; provided, however, that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

#### Section 2.02.05      Special Meetings

(A) The Chairman may call a special meeting at any time, provided that written notice is transmitted to all members at least six days in advance. The purpose of the meeting shall be stated in the notice.

(B) A special meeting may be called by written petition of 15 regular and/or ex-officio members. Upon receipt of such a petition, the Chairman must set a time and location for a special meeting to take place within eight days. The Chairman must notify the Secretary of the special meeting, and the Secretary shall transmit written notice of the meeting to all members.

#### Section 2.03      OFFICERS

##### Section 2.03.01      List of Officers

(A) Officers. The following shall be the regular elected officers of the Committee to serve for the two year term following the organizational meeting or until their successors have been elected: Chairman, First Vice Chairman, Second Vice Chairman, Treasurer and Secretary.

The Chairman shall appoint a General Counsel, a Parliamentarian, a Chaplain, a Sergeant at Arms, an Executive Director or Chief Operating Officer, and other subordinates.

## City Lights

### Troublemakers Unlisted

By Joe Deegan | Published Wednesday, July 9, 2008

Two days before the June 3 election, MaryRose Consiglio and Tom Sherman emailed a group of candidates running for membership on the San Diego County Republican Party's Central Committee. "We are sure you have noticed," wrote the married couple, "the many and various slate mailers that... [list] candidates — and you were not included." Consiglio's and Sherman's names were not on the slate mailers either, despite their being incumbents on the Central Committee. On Election Day, the pair lost their seats, although they will finish their current terms, which end in December.

In the latest election cycle, five incumbent Republican Central Committee members were defeated after not being listed on the slate mailers sent out in their state assembly districts. "The people who got thrown off were not the deadwood," says Laura Sumrall, who was reelected to the committee from the 66th District. "They were the activists who were doing things, the people with clout, and I'm guessing that the committee chairman was threatened by that." Sumrall says her name appeared on some of the slate mailers in her district, but not all.

Many Republicans and Democrats don't know that they can vote for some of their party's Central Committee members, or even that Central Committees run the Republican and Democratic parties locally. The committees perform a variety of functions, which include recruiting candidates, raising money, helping shape the party platform, registering voters, and supporting rallies for the party's candidates.

Membership on the San Diego County Republican Central Committee is divided into two groups. Ex officio members are appointed by Republican congressional, state assembly, and state senate officeholders or past candidates for the offices. The committee has 17 ex officio members. A second group of members is elected in the general election by registered party members. There are six of them from each of San Diego County's eight state assembly districts. At the start of every two-year term, the committee reconsiders its bylaws and selects an executive board, including the party chairman.

Tony Krvaric is the current chairman of the San Diego County Republican Party. In spring 2007, he succeeded Ron Nehring, who became the California Republican Party chairman. The party's San Diego website says the following: "Born and raised in Sweden, Tony Krvaric was inspired by President Ronald Reagan to come to America....

"After becoming a naturalized citizen in June of 2003, he decided to become politically involved. Having seen, first hand, the devastating effects of socialism in Sweden and the rest of Europe, he was determined to stand up for the traditional, conservative values that helped make America great."

In April, however, the online newspaper *Raw Story* claimed that Krvaric cofounded Fairlight, "a band of software crackers which later evolved into an international video and software piracy group." After that

story appeared, Krvaric circulated an email explanation among Republican leaders. According to *Raw Story*, the explanation stated, "Apparently there is a hit piece floating around on me, 'exposing' my wild high school teenage years."

Sources I spoke with on the San Diego County Republican Party's Central Committee said they like Krvaric but that he has difficulty tolerating dissent. They suspect the chairman is responsible for placing the lists of Central Committee candidates onto the slate mailers that went out before last month's election. For each of the eight state assembly districts, there were nine or more candidates. But the mailers printed six names, or complete district slates. It's easy to see how the three or more left off the list in each case feel targeted.

Krvaric did not reply to my phone message asking if he were behind the Central Committee lists on the slate mailers. Members of the committee's executive board haven't confessed to anything either, according to Laura Sumrall, who thinks her close association with Steve Francis made them "a little cautious" of targeting her completely. (She opposed the committee on its endorsement of Jerry Sanders over Francis for mayor of San Diego.) "But the discussion of the Central Committee lists happened in a silent meeting the executive board members will all deny," Sumrall tells me. "We have a mole who was sitting in the meeting outraged but kept his mouth shut and told us about it later. And a couple of them have slipped and said, 'But, you know, you can't have people on the committee who cause trouble and aren't willing to work together.'"

Sumrall does not blame the targeting on ideological factions. "But I believe in free dialogue," she says. "And Central Committee members should not be selecting each other."

Camille Cowlshaw agrees, saying the targeting has resulted from a pure power play rather than factional purging. Cowlshaw is another incumbent Central Committee member who was not on the slate in her district. The slate prevailed on June 3.

"There are a few people," according to Cowlshaw, "who would like to control everything, including Tony Krvaric. They want to have no dissent, no confusion about what they want done. They want everybody to get along and have the same idea and be on the same page. I can understand that to a certain degree, but there has to be some discussion. I am vocal in my opinions, though mostly outside of meetings. But I don't think my views were anti anything."

When I asked Cowlshaw how long she's been a committee member, she was unsure. She volunteered at Republican headquarters before being elected for the first time. "I went there for many years without belonging to the committee," she says. "I guess I've been on it now at least six years."

"I was terribly disappointed when my name was not on the list this time, because I felt I have worked really hard for the party," says Cowlshaw. "I've been involved in politics long enough to know that this kind of thing happens, but my biggest disappointment was when I kept getting different mailers [she received six] and they were all the same. And I thought the senders must have talked to somebody in the office who planted those names. It's not good if committee members are not elected by the people but are selected by their representatives instead. Since many people don't know what the Central Committee is but know they have to vote, they use the slates. They're not going to look everybody up; they're just going to take the easy road."

One of the candidates who was on the slate and beat Cowlshaw was a local congressman's 21-year-old daughter. "I'm not as well known as Briana Bilbray," Cowlshaw says with a laugh.

I ask Laura Sumrall how the slate mailers originate. Industrious individuals get together and make big money from them, she tells me. "They will make up a name, file with the state, and get a code so they

can do a mailer according to the rules. It's kind of like having a time-share. People can buy in. You get a bunch of people to pay; then you do the mailer and make all the money. When a slate mailer goes out, the candidates and proposition proponents usually have all paid to be on it. Nobody is really endorsed by the party. That's really the scam of it all. It's all legal, but voters will get these slate mailers with the elephant on it and think, 'Oh, this is the Republican Party endorsing these people.' No, it's somebody who put it together and charged people money and mailed it out. Suppose you're a congressional candidate. They might charge you \$1000 to be on the mailer; if you want to be an assemblyman, maybe \$400 or \$500, and, say, \$100 for the lowly people."

But things happened a bit differently with the recent mailers. Printed at their bottom, a note stated that an asterisk next to the names of the candidates meant the candidate had paid to be on the slate. All the candidates for the Republican Central Committee had the asterisks. But Sumrall says she didn't pay a dime to appear on any slate. "So I called the number on the mailer that had my name, and I got a recording," she says. "It did not identify a business. It just said to leave my name and number, which I did. I also asked why I was on the slate and who paid for it. Nobody ever returned my call, though I called twice."

Records at the office of the San Diego County Registrar of Voters suggest what happened. Between January 1 and May 17, an organization called Citizens for a Better San Diego County took \$18,300 in contributions, including \$8300 from Atlas Hotels and \$5000 from Thomas Sudberry. (Sudberry is currently petitioning the City of San Diego to build Quarry Falls, a massive condominium development in Mission Valley.) Citizens for a Better San Diego County, whose treasurer is Seventh District candidate for San Diego City Council April Boling, then made payments to five groups for "slate mailers to support SD Co Republican Central Committee candidates." Family, Faith and Freedom Association and California Taxpayer Protection Voter Guide each received \$2500. Citizens for Good Government received \$2100, California Voter Guide, \$2875, and Official Non-Partisan Voter Guide, \$3000.



**SCHEDULE D - DETAIL****Dist # Central Committee Candidate****SLATE**

	<u>CA Taxpayer</u>	<u>CA Voter Guide</u>	<u>Citizens/Good Govt</u>	<u>Family.Faith</u>	<u>Official Non-Partis</u>	<u>Total per candidate</u>
66 John M. Puetz	59.52	68.45	50.00	59.52	71.43	308.93
66 Claire Plotner	59.52	68.45	50.00	59.52	71.43	308.93
66 Keith Battle	59.52	68.45	50.00	59.52	71.43	308.93
66 Jonathan E. Buettner	59.52	68.45	50.00	59.52	71.43	308.93
66 Judith L. Domercq	29.76	34.23	25.00	29.76	35.71	154.46
66 Laura Sumrall	29.76	34.23	25.00	29.76	35.71	154.46
66 Stella V. Young	59.52	68.45	50.00	59.52	71.43	308.93
74 Sherry M. Hodges	59.52	68.45	50.00	59.52	71.43	308.93
74 Mark Olson	59.52	68.45	50.00	59.52	71.43	308.93
74 Stephen J. Puetz	59.52	68.45	50.00	59.52	71.43	308.93
74 Donald Burgett	59.52	68.45	50.00	59.52	71.43	308.93
74 Mark Kersey	59.52	68.45	50.00	59.52	71.43	308.93
74 Matthew Dobler	59.52	68.45	50.00	59.52	71.43	308.93
75 Chris Hansen	59.52	68.45	50.00	59.52	71.43	308.93
75 Jeff Lake	59.52	68.45	50.00	59.52	71.43	308.93
75 Dieter H. Kuster	59.52	68.45	50.00	59.52	71.43	308.93
75 Tony P. Krvaric	59.52	68.45	50.00	59.52	71.43	308.93
75 Michael M. Rosen	59.52	68.45	50.00	59.52	71.43	308.93
75 T.J. Zane	59.52	68.45	50.00	59.52	71.43	308.93
76 Katie Hansen	59.52	68.45	50.00	59.52	71.43	308.93
76 Brian Anders	59.52	68.45	50.00	59.52	71.43	308.93
76 Jeff Perwin	59.52	68.45	50.00	59.52	71.43	308.93
76 Erica Mendelson	59.52	68.45	50.00	59.52	71.43	308.93
76 Janelle A. Riella	59.52	68.45	50.00	59.52	71.43	308.93
76 Ralph Denney	59.52	68.45	50.00	59.52	71.43	308.93
77 Ron Nehring	59.52	68.45	50.00	59.52	71.43	308.93
77 Arkan Somo	59.52	68.45	50.00	59.52	71.43	308.93
77 Matt Schumsky	59.52	68.45	50.00	59.52	71.43	308.93
77 Bill Baber	59.52	68.45	50.00	59.52	71.43	308.93
77 Keith Barnett	59.52	68.45	50.00	59.52	71.43	308.93
77 Jim Kelly	59.52	68.45	50.00	59.52	71.43	308.93
78 Michael J. McSweeney	59.52	68.45	50.00	59.52	71.43	308.93
78 Myssle McCann	59.52	68.45	50.00	59.52	71.43	308.93
78 Mark Rawlins	59.52	68.45	50.00	59.52	71.43	308.93
78 Autumn Frank	59.52	68.45	50.00	59.52	71.43	308.93
78 Warene Wall	59.52	68.45	50.00	59.52	71.43	308.93
78 G. Michael German	59.52	68.45	50.00	59.52	71.43	308.93
79 Russ Hall	59.52	68.45	50.00	59.52	71.43	308.93
79 Reuben James Lowing	59.52	68.45	50.00	59.52	71.43	308.93
79 Doug Metz	59.52	68.45	50.00	59.52	71.43	308.93
79 Briana Bilbray	59.52	68.45	50.00	59.52	71.43	308.93
79 Jean Roesch	59.52	68.45	50.00	59.52	71.43	308.93
79 Sheryl J. Rosander	59.52	68.45	50.00	59.52	71.43	308.93
TOTALS	2500.00	2875.00	2100.00	2500.00	3000.00	12975.00

04/09/2008	REPUBLICAN WOMAN'S VOICE	CONTRIBUTION	SUPPORT JAN GOLDSMITH FOR CITY ATTORNEY (ID# 1302750)	\$4,418.50
12/20/2007	MCATEER & MCATEER	PROFESSIONAL SERVICES (LEGAL, ACCOUNTING)		\$4,124.75
04/09/2008	FREELOVE CONSULTING GROUP	CAMPAIGN CONSULTANTS		\$4,093.75
05/27/2008	AARON, THOMAS AND ASSOCIATES, INC.	CONTRIBUTION	MBR - LIT - TO SUPPORT RE-ELECT MAYOR SANDERS (ID# 1297978)	\$4,060.45
05/08/2008	KRVARIC, TONY	OFFICE EXPENSES		\$4,046.59
03/27/2008	COMPETITIVE EDGE RESEARCH & COMMUNICATION, INC.	MEMBER COMMUNICATIONS		\$4,000.00
04/09/2008	MONACO GROUP	CONTRIBUTION	MBR - LIT - TO SUPPORT REFORM CITY HALL WITH CARL DEMAIO (ID# 1297980)	\$3,982.36
05/21/2008	BIEBER COMMUNICATIONS	CONTRIBUTION	MBR - LIT - TO SUPPORT APRIL BOLING FOR CITY COUNCIL (ID# 1298534)	\$3,788.00
05/27/2008	COMPETITIVE EDGE RESEARCH & COMMUNICATION, INC.	CONTRIBUTION	MBR - POL - TO SUPPORT RE-ELECT MAYOR SANDERS (ID# 1297978)	\$3,750.00
06/27/2008	PUETZ, STEPHEN	CONTRIBUTION	MBR - OFC - TO SUPPORT APRIL BOLING FOR CITY COUNCIL (ID# 1298534)	\$3,703.98
06/08/2008	BELL, MCANDREWS & HILTACHK, LLP	PROFESSIONAL SERVICES (LEGAL, ACCOUNTING)		\$3,660.00
05/27/2008	BIEBER COMMUNICATIONS		MBR - LIT	\$3,605.04
05/21/2008	BIEBER COMMUNICATIONS	CONTRIBUTION	MBR - LIT - TO SUPPORT APRIL BOLING FOR CITY COUNCIL (ID# 1298534)	\$3,556.36
03/17/2008	RAWLINS, MARK	CONTRIBUTION	MBR - PRO - TO SUPPORT JAN GOLDSMITH FOR CITY ATTORNEY (ID# 1302750)	\$3,500.00
04/10/2008	CORONADO COMMUNICATIONS	CONTRIBUTION	MBR - CNS - TO SUPPORT REFORM CITY HALL WITH CARL DEMAIO (ID# 1297980)	\$3,500.00
04/10/2008	CORONADO COMMUNICATIONS	CONTRIBUTION	MBR - CNS - TO SUPPORT APRIL BOLING FOR CITY COUNCIL (ID# 1298534)	\$3,500.00
05/21/2008	BIEBER COMMUNICATIONS	MEMBER COMMUNICATIONS		\$3,375.76



special, recall, or general election. Such rules shall expire no later than the commencement of the next organizational meeting of the Committee.

3.01.04 Other endorsements prohibited

No Standing Committee, ad hoc committee, Assembly District caucus or other subdivision within the Committee may endorse any candidate for public office.

3.02 FISCAL AFFAIRS

- (A) The Committee's fiscal year shall commence on the first day of January.
- (B) The full Committee shall at its February meeting adopt and amend, as necessary, a budget covering the period from March 1 up to February 28 of the succeeding year. If no budget is adopted or in effect, the Executive Committee may approve an interim budget until a budget is formally adopted by the full Committee.
- (C) The Chairman may authorize any unbudgeted expense up to \$1,000. Unbudgeted expenses in excess of this amount, or expenditures in excess of amounts set forth in the budget, shall require the authorization of the Executive Committee.
- (D) No budget in an even-numbered year may be approved that fails to account for the repayment of all Committee debts before the commencement of the next organizational meeting of the Committee, unless endorsed by a two-thirds vote of the Committee. Leases and installment-based payments shall be excluded from this provision.
- (E) Any member of the Committee shall have full access to the financial records of the Committee upon written request from a member. The Treasurer shall arrange for viewing of such records in a reasonable period of time and manner.
- (F) The Treasurer shall, with the consent of the Executive Committee, use an accountant who shall assume the duties and functions of a Controller, and shall have the official title of Assistant Treasurer. The Assistant Treasurer shall assist the Treasurer in preparing all budgets and financial reports and maintaining all accounts of the Committee. The Assistant Treasurer shall assist the Treasurer in preparing all tax, campaign disclosure, and other reports required by law. The Treasurer is responsible for the actions of the Assistant Treasurer.
- (G) The Treasurer shall demand a written and signed order from the Chairman for directing an expenditure of funds. No payment may be authorized without appropriate documentation consistent with generally accepted accounting practices. No payment may be ordered unless it is signed by the Chairman.
- (H) Committee resources may be used to support candidates endorsed by the Republican Party of San Diego County or the California Republican Party.
- (I) Committee resources may be used to advance the Committee's position, or the California Republican Party's position, on initiatives and referenda.
- (J) Member Communications. The Committee may conduct Member Communications programs in coordination with any endorsed candidate as permitted by, and subject to the limitations of, federal, state and local law.

3.03 STRATEGIC PLANNING

Close Window

Print Page

## Newspaper's Editorial Sparks, Sizzles, Then Fizzles

By ANDREW DONOHUE and EVAN McLAUGHLIN Voice Staff Writers

**Thursday, Oct. 11, 2007** | City Attorney Mike Aguirre found himself on the other end of a loaded accusation Wednesday after an editorial in a local newspaper opined that he violated the city charter by accepting campaign contributions from six of his employees.

With the ink on *The San Diego Union-Tribune* editorial barely dry, the local Republican Party officials said they would seek to remove Aguirre, a Democrat, from office.

But local campaign law experts doubted the accusations lodged by the newspaper would stick. And, according to campaign filings, one of the Republican Party's own accepted contributions from his employees as well.

Experts questioned whether the section cited by the newspaper applied to campaign activity and noted that it was in conflict with the city's specific election laws, including a candidate guide released by the city's Ethics Commission.

"I question the *U-T*'s interpretation of this law. The law in my opinion doesn't say that candidates can't accept contributions from their subordinates," said Jim Sutton, a San Francisco elections attorney whose past clients include Mayor Jerry Sanders, the conservative Lincoln Club and numerous Republican lobbyists.

The law in question, Section 218 of the city charter, appears to be a rather obscure one. Several campaign veterans interviewed for this story said they'd never heard of it.

The section states that: "No officer or employee shall solicit or accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employee, or from any one under his charge, or from any candidate or applicant for any position as employee or subordinate in any Department of the City."

The city's municipal code, which includes the election laws enforced by the Ethics Commission, forbids elected officials from soliciting contributions from employees, unless the solicitation part of a larger appeal made to "a significant segment of the public," according to the Ethics Commission. But it doesn't forbid employees from giving to candidates.

Pamela Lawton Wilson, an attorney with Wertz McDade Wallace Moot & Brower, said it's impossible to know the charter section's intent unless it's been construed in a memo or court case. But she said there's too much ambiguity between the charter and election laws to make a strong case against an elected official.

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"I think you'd have a pretty tough road to hoe to prosecute someone on this," Wilson said.

Indeed, campaign finance records show that Council members Jim Madaffer, Tony Young and Donna Frye all received campaign contributions from their employees as well. Madaffer is a Republican; Young and Frye are Democrats.

That it was Aguirre left fighting off a questionable accusation was an irony lost on few. The city attorney has earned a reputation for grabbing tidbits of information and rushing to accuse his adversaries.

The local Republican Party, which has stepped up its criticism of Aguirre as of late, was quick to react to the newspaper's editorial, which suggested that Aguirre could be removed from office for his alleged transgressions.

Just before 1 p.m., the party released a press release with the headline: "Complaint To Be Filed Today to Remove City Attorney Michael Aguirre from Office."

Later in the day, party officials filed an ethics complaint with the city, which itself couldn't get Aguirre expelled. They said a favorable finding from the Ethics Commission, though, could be used in an eventual push to get Aguirre removed.

The petition filed by the party alleges violations of charter Section 218, although the Ethics Commission can't investigate violations of the charter.

The petition also notes that five of the six employees who gave to Aguirre's campaign "were reported to have been given hefty salary increases just days after contributing to Aguirre's political campaign fund."

Theresa McAteer, the party's special counsel, said she wanted to focus not necessarily on the fact that Aguirre accepted the contributions, but whether he violated ethics laws that forbid public officials from soliciting donations directly from employees. She said she didn't have any evidence that he had.

"I think we've got more to go on than Mr. Aguirre has in most of his accusations," she said.

They lashed at Aguirre for "violating the same ethics laws he purports to uphold" and assured that the complaint was not merely a partisan attack on the Democratic city attorney.

But they declined to answer whether they would similarly seek the ouster of Madaffer, a Republican who received a total of \$375 from two of his staff members during his 2004 campaign for reelection. "We have no facts reported to us as we do with Mr. Aguirre," McAteer said.

For his part, Aguirre dismissed the criticism, saying the charter section that the *Union-Tribune* and Republican Party were pressing him on was trumped by 1976 state legislation that allowed employees of elected officials to give to their bosses. The city attorney said the charter passage was one of the many areas of the city's constitutional bylaws that were obsolete.

The five Aguirre aides who were called out in the editorial denied that the city attorney requested they give to his campaign.

"We were not solicited by anybody," Executive Assistant City Attorney Don McGrath said. "I'm a Republican, I worked for Barry Goldwater, and I don't believe in anything that they

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said."

McGrath boisterously said he was considering suing editorial page editor Bob Kittle in response to the editorial.

The aides said they gave to Aguirre's campaign because they supported him politically, and not because they were hoping for raises.

"I, like everyone else, have First Amendment rights," Assistant Karen Heumann said.

*Please contact Andrew Donohue and Evan McLaughlin directly with your thoughts, ideas, personal stories or tips. Or send a letter to the editor.*



**Tony Krvaric and Theresa McAteer file a complaint against City Attorney Mike Aguirre in the City Clerk's Office.** Photo: Sam Hodgson

Close Window

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Print - Close Window

**Subject:** Endorsement Meeting on Monday @ 6 PM  
**From:** "Tony Krvaric" <krvaric@sandiegorepublicans.org>  
**To:** "Laura Sumrall" <laurasumrall@sbcglobal.net>  
**Date:** Mon, 25 Aug 2008 00:44:03 -0400

Email not displaying correctly? [Click here to view it in your browser.](#)



Dear Laura,

Just a reminder about tomorrow's (Monday) special committee members ONLY meeting for the purposes of considering endorsements for the November election.

The meeting will take place at the Woodfin Suites Hotel, near party HQ, at 10044 Pacific Mesa Boulevard in Sorrento Valley (San Diego), starting at 6 PM. Please be there on time, as we have a lot to accomplish, and candidates waiting.

Before we get to the candidates, we will consider a couple of initiatives:

- Opposing San Marcos' Prop. O (Desmond)
- Opposing San Diego's 10th Avenue Terminal Initiative (Everyone)
- Supporting San Diego's Mission Bay Park Funding Initiative (Faulconer)

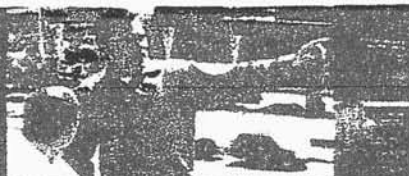
We will operate from two lists; a CONSENT list, and a DEBATE list. The consent list consists offices where the same amount (or fewer) of candidates filed as there are seats up. The debate list consists of offices where more candidates have filed than there are seats up and/or where a committee member already requested that the race/candidate/s be considered separately.

*NOTE! Click on the links above, or at the bottom of this email for the consent and debate lists. Please do NOT share these documents outside of our committee as they are for strict internal committee member use only - as promised to the candidates - and could be used against them if they get in to the wrong hands.*

If you would like to have a candidate who is currently on the consent list considered separately, please shoot me an e-mail as soon as possible. We will be preparing ballots based on the debate list, so that we can conduct our business as smoothly and



# CARL DEMAIO CITY COUNCIL



## Rancho Bernardo Community Park

JOHN W. ARMOR CENTER  
R.B. COMMUNITY TENNIS CLUB  
JOSEPH L. LEE HODGES  
LAWYER BOWLING CLUB  
CLAYMAN REC. CENTER

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**Mira Mesa Community Coffee (July 31, 5:30pm)**  
Home of Tom & Linda Geldner  
7830 Norcanyon Way, San Diego, 92126

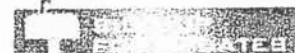
**Scripps Ranch Community Coffee (August 18, 10:00am)**  
Home of Tony and Jannica Krvaric  
11448 Ann Arbor Lane, San Diego 92131

**Rancho Bernardo Community Coffee (September 8, 1:00pm)**  
Home of Nancy Zone  
16339 Garbards Road, San Diego 92128

**Mira Mesa Street Fair (September 29, All Day)**  
Details Coming Soon!



**HELP CARL CLEAN  
UP CITY HALL**



**Campaign Kick-Off Party and Fundraiser: Friends of Carl DeMaio**  
(5:30-7:30pm, June 28, 2007 at the Town and Country Hotel)

**Spirit of the Fourth Celebration in Rancho Bernardo (July 4, 2007)**  
Share your thoughts and ideas with Carl by stopping by his booth!

**Mira Mesa Fourth of July Parade (July 4, 2007)**  
Meet Carl and enjoy the great parade at Mira Mesa's annual celebration.

What People are Saying

State Assemblyman  
George Plescia

The New York Times



watchdog  
local responsibility in  
City Hall

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Aug 2008

**The Republican Party**  
of San Diego County

**ENDORSEMENT CONSIDERATION QUESTIONNAIRE  
FOR CANDIDATES FOR OFFICE UP IN NOVEMBER '08**

**1. Candidate Information**

Name _____	Day # (       ) _____
Office Sought _____	Fax # (       ) _____
Address _____	Email _____
City, ZIP _____	Website _____

**2. Candidate Questionnaire**

1. Are you the incumbent seeking re-election? ☐ Yes ☐ No  
If Yes, were you endorsed by the party last time? ☐ Yes ☐ No (attach explanation)
2. Who is your campaign consultant? \_\_\_\_\_
3. Who are some of their other recent clients? \_\_\_\_\_
4. List your partisan office holder endorsements  
\_\_\_\_\_  
\_\_\_\_\_
5. List your non-partisan office holder endorsements  
\_\_\_\_\_  
\_\_\_\_\_
6. List some of your other prominent endorsements  
\_\_\_\_\_  
\_\_\_\_\_
7. Do you belong to one of the party's donor clubs? ☐ Yes ☐ No (attach explanation)
8. Will you actively participate in and help the party? ☐ Yes ☐ No (attach explanation)
9. Have you endorsed non-R's in the past 4 years? ☐ No ☐ Yes (attach explanation)  
If, Yes: Did you endorse a non-R over an R? ☐ No ☐ Yes (attach explanation)
10. Do you pledge not to endorse non-Republicans? ☐ Yes ☐ No (attach explanation)
11. Have you ever been convicted of a felony? ☐ No ☐ Yes (attach explanation)
12. Have you ever declared bankruptcy? ☐ No ☐ Yes (attach explanation) ✓

**3. Candidate Signature (pledge that the above is true and correct)**

X \_\_\_\_\_ Date: \_\_\_\_\_

**4. Return this Form No Later Than Friday, August 15<sup>th</sup> as Follows:**

- |   |  |
|---|--|
| 1. <b>FIRST FAX TO</b><br>(858) 450-4454 and then call<br>(858) 450-4600 to confirm receipt | 2. <b>THEN MAIL ORIGINAL TO</b><br>5703 Oberlin Drive, Ste. 107<br>San Diego, CA 92121 |
|---|--|

**Questions? Jonathan Bueftner at (858) 437-4250 or [bueftner@sandiegorepublicans.org](mailto:bueftner@sandiegorepublicans.org)**

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NOV 2001

**CANDIDATE FOR SAN DIEGO CITY COUNCIL**  
**ENDORSEMENT CONSIDERATION QUESTIONNAIRE**  
**FOR 2008 ELECTION CYCLE**

**1. Candidate Information**

Name _____	Day # (       ) - _____
Office Sought _____	Fax # (       ) - _____
Address _____	E-mail (       ) - _____
City, ZIP _____	Website _____

**2. Candidate Questionnaire**

1. Who is your Campaign Consultant?  
Name some of their other current/recent clients \_\_\_\_\_
2. Who is your Campaign Treasurer?  
Name some of their other current/recent clients \_\_\_\_\_
3. Who is your Campaign Fundraiser?  
Name some of their other current/recent clients \_\_\_\_\_
4. How much do you expect to raise for June '08?       \$ \_\_\_\_\_
5. How much have you raised so far?       \$ \_\_\_\_\_
6. How much of that is your own money?       \$ \_\_\_\_\_
7. How much are you willing to contribute yourself?       \$ \_\_\_\_\_
8. List your partisan officer holder endorsements \_\_\_\_\_
9. List your non-partisan officer holder endorsements \_\_\_\_\_
10. List your other community leader endorsements \_\_\_\_\_
11. List your organization/community endorsements \_\_\_\_\_
12. Do you belong to one of the party's Donor Clubs?       ☐ Yes                               ☐ No (attach explanation)
13. Will you actively help raise money for the party?       ☐ Yes                               ☐ No (attach explanation)
14. Do you pledge not to endorse non-Republicans?       ☐ Yes                               ☐ No (attach explanation)
15. Have you ever been convicted of a felony?       ☐ No                               ☐ Yes (attach explanation) ✓

**3. Candidate Signature (pledge that the above is true and correct)**

X \_\_\_\_\_ Date: \_\_\_\_\_

**4. Return this Form no later than Friday, November 9<sup>th</sup> by 12 noon PST.**

- |   |   |
|---|---|
| 1. FIRST FAX TO<br>(858) 450-4454 and call<br>(858) 437-4250 to confirm receipt | 2. THEN MAIL ORIGINAL TO<br>5703 Oberlin Drive, Ste. 107<br>San Diego, CA 92121 |
|---|---|
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Date: Tue, 5 Feb 2008 18:38:48 -0800 (PST)  
From: "Laura Sumrall" <laurasumrall@sbcglobal.net>  
Subject: Fwd: Fair display  
To: "Gary Felien" <garyfelien@cox.net>

Hi Gary,

I have tried to handle my differences with Tony without causing a stir, but this one indirectly includes you. Over \$2700 was raised by me for the EXPRESSED purpose of the fair display booth. Since Tony made it clear to me that it was not going to happen, I asked he & Jonathan to return the money on Dec. 28, 2007. (See below) During the Ex Com on January 7th, I asked about it, and Tony said "We are taking care of it". Then I sent a second e-mail last week. Now Mary Ann Heimers, one of the donors, tells me that they don't plan on returning the money unless the donors ask for it back. As the person who raised the money I am appalled. Most of the money came from Republican Women Federated Clubs. I am sure that their members would not want to contribute this money without the benefit of a beautiful fair booth. Please, as Treasurer, talk some sense into Tony & Jonathan. I think they are being arrogant and, frankly, stupid. This is a PR nightmare. I have not shared all this with anyone but them, and now you. I really hate to take it to a larger group, but I will if they continue to ignore me.

I value your clarity on issues and level headed approach to things. Cliff & I also value your friendship. Please help me in this matter, as best you can. Thanks!

(There is much more to this story & my resigning ExCom, but not in writing...)

Laura

**Laura Sumrall <laurasumrall@sbcglobal.net> wrote:**

Date: Thu, 31 Jan 2008 10:48:00 -0800 (PST)  
From: Laura Sumrall <laurasumrall@sbcglobal.net>  
Subject: Fair display  
To: Tony Krvaric <tkrvaric@fairlight.com>,  
Jonathan Buettner <buettner@sandiegorepublicans.org>,  
Jonathan Buettner <jonathan.buettner@sbcglobal.net>

Tony & Jonathan,

On December 28th I asked you to return the money collected for the Fair booth. On January 7th you said at ExCom that you were taking care of it. My first request was over a month ago. From my experience being reimbursed by the party in the past, this is more than enough time. All of the donors are being "cc'd" on this. Please be sure that it has been taken care of. Thank you for your attention to this matter.

Laura Sumrall

**Laura Sumrall <laurasumrall@sbcglobal.net> wrote:**

Date: Fri, 28 Dec 2007 10:59:13 -0800 (PST)  
From: Laura Sumrall <laurasumrall@sbcglobal.net>  
Subject: Fair display  
To: Tony Krvaric <tkrvaric@fairlight.com>  
CC: Jonathan Buettner <buettner@sandiegorepublicans.org>

Tony,

Just about one year ago, when I was Voter Registration Chair under Chairman Ron Nehring, Jonathan Buettner shared with me some information that Headquarters staff had been working on, regarding a fair display. Jonathan spoke to the San Diego County Federation of Republican Women's Executive Committee and garnered their support. He then passed the

project to me. I raised \$2750 in donations, and pledges of another \$2300. When you became Chair, I discussed this project with you and you asked that I put it on hold until you were settled in your new position.

I again asked to pick up the project at our breakfast meeting in July. Again you put me off until September. When I contacted you in early October, you said that we would need to talk. It never happened.

We are now coming up to one year. I am not willing to keep our donors hanging out there any longer. Please direct Jonathan to have the donations, all **specifically earmarked for this project**, refunded to the donors per attached list. I do not want to start the new year with this unfinished business.

I still believe this project was a great idea. Perhaps another year.

Laura Sumrall

cc: Donors

## Attachments

Files:



**DONORS.doc** (20k) [Preview]

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