

November 13, 2009

Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, Ca. 95814
Att: Adrian Korchmaros

Subject: Violations of Fair Political Practices Act With Falsification of Campaign Finance Records
(Campaign Finance Records Attached)

Cc: Federal Bureau Of Investigation
California Attorney General San Diego
San Diego County District Attorney

Ms. Korchmaros,

As per our phone conversation of 11-3-09 I would like to file the following complaint. I am a citizen living in the city of Oceanside, Ca. I am a former police officer, investigative consultant, and photo journalist. While investigating public corruption in the Oceanside Police Department and the Oceanside City Council, I came across suspicious circumstances and documentation on a local recall campaign.

For a number of years there has been a heated political battle going on for control of the city council vote, relative to Police & Fire Union contracts and benefits. Several Fire & Police Union financed candidates were defeated in the 2006 election leaving a 3 to 2 vote majority that was not favorable for the upcoming fire & police union contract negotiations. The next scheduled city council elections are November of 2010, or 10 months after the union contract vote.

In late 2008 and into January of 2009 a council member named Jerome Kern, opposed the funding of three (3) new fire fighter positions, and suggested that that some union services should be privatized to save tax money, due to the city's large budget deficit. Kern is one of the three council members that do not vote the union agenda. The consistently pro union votes are those of Mayor Wood (retired OPD police), and Councilmember Sanchez (retired Public Defender attorney), both of which receive substantial cash & non-monetary campaign contributions from the fire & police unions on a regular basis.

On January 23, 2009 a recall campaign titled "Citizens To Recall Kern For Fair And Balanced Government" (CRKF&B) was filed by "The Committee To Preserve And Protect Parks & Beaches (CPPPB), and promoted in flyers and newspaper ads, as a recall initiated by senior citizens (brochure copy attached).

Questions:

1. HOW CAN FIRE & POLICE UNIONS MANIPULATE THE ELECTION RECALL PROCESS TO ALTER THE VOTING STRUCTURE OF A CITY COUNCIL, AND PRODUCE A FAVORABLE VOTE ON A FUTURE EXPANDED UNION CONTRACT?
2. HOW CAN FIRE & POLICE UNIONS MANIPULATE THE ELECTION RECALL PROCESS, SUCH THAT THE CITIZENS DO NOT KNOW THAT THE FIRE & POLICE UNIONS ARE FINANCING AND MANIPULATING THE RECALL SIGNATURE DRIVE AND ALL OF THE ASSOCIATED ADVERTISING?
3. HOW CAN FIRE & POLICE UNIONS MANIPULATE THE ELECTION RECALL PROCESS TO COLLAPSE THE USUAL TWELVE (12) TO EIGHTEEN (18) MONTH RECALL PROCESS INTO A TEN (10) MONTH TIME FRAME?

Answer: IF YOU HAVE ENOUGH MONEY, AND YOU ELIMINATE THE CITIZEN INVOLVEMENT, IT IS NOT THAT DIFFICULT.

Typical Recall Structure For Oceanside Citizens Is In Three Parts:

1. Citizens Committee Organization
 - a. Organize Steering Committee Around The Recall Target
 - b. Organize Sufficient Volunteers For Petition Signature Drive To Meet The 160 Day Time Limit
 - c. Solicit Financial Donations For Newspaper Ads, Flyers, Postage, Professional Services, Etc.
2. Petition Signature Drive
 - a. 11,000 plus required to qualify
 - b. 160 day mandated time limit to complete & submit to city council
3. Submission of signatures To City Council To Set Election Date
 - a. Mandated time limit wait of 114 days before an election date can be set
 - b. A series of available dates will be supplied to the council for consideration the city clerk.

Union Recall Time Constraints:

1. Recall Election Date Must Be Prior To City Council New Contract Vote In January 2010
 - a. Signature Submission To City Council No Later Than July Is Necessary To Assure A 2009 Recall Vote in November or December, Due To 114 Day Mandatory Minimum Waiting Period To Set Election Date.
2. Signature Drive - 160 Day Mandatory Period For Completion
 - a. Signature Drive Must Be Underway By February To Guarantee July Council Signature Submission

b. Committee set up on January 23, 2009.

Recall paper work is filed on January 23, 2009. No time available for citizen organization or participation in available 10 months, as is documented in committee FPPC records.

Fair Political Practices Commission (FPPC) documents reviewed and copied from the City Clerk's office:

1. Oceanside Firefighter Association (OFA)
2. Oceanside Police Officers Association (OPA)
3. Citizens To Recall Kern For Fair And Balanced Government (CRKFBG)
4. The Committee To Preserve And Protect Parks & Beaches (CPPPB)
5. Friends Of Ester Sanchez (FES)
6. Committee To Re-elect Jim Wood (CRJW)
7. And others

Chronology

In January 2009 the Fire Department PAC contributes \$5000.00 to the "Committee to Protect and Preserve Parks & Beaches" (CPPPB). The committee treasurer is Sheri Mackin, a former council member and union supporter, defeated by Councilmember Kern in the 2006 election. More than 80% of the CPPPB finances come from the Oceanside Fire Fighters PAC, however that is not disclosed in the CPPPB Form 410's.

The CPPPB then sets up the "Citizens To Recall Kern For Fair & Balanced Government", on January 23, 2009 and donates the \$5000.00 received from the OFA, to the Kern Recall. There are no sponsorship disclosures on the Kern Recall Form 410's. The \$5000.00 is then paid to the La Jolla Group, which is a commercial company that specializes in petition signature drives. An addition \$20,000 is paid by the Oceanside Firefighters Assoc. directly to the La Jolla Group, as a non-monetary contribution to obscure the total financing of the Kern Recall signature drive, by the Oceanside Firefighters PAC.

Additional tens of thousands of dollars from the OFA was also paid indirectly as non-monetary contributions for Ads and campaign flyers, to convince Oceanside citizens that the recall signature drive was initiated, and sponsored by senior citizens protecting their homes (sample copy attached). The signature drive is completed by the La Jolla Group before the news media picks up on the fraud. The fraudulently obtained signatures are then submitted to the city council in July, and the election date is set for December 8, 2009, one month ahead of the city council union contract vote.

Additional evidence of the planned election fraud is that additional OFA money was already going to the election campaigns of Charles Lowry and Rich Martin even before the recall petition was filed. Lowry and Martin are running to take the seat of Councilmember Kern if the recall is successful.

This is how Fire & Police Unions steal the recall election process by replacing the citizen based recall organization and signature drive, with a commercial company funded by the OFA. Evidence of union

financing is hidden, and extensive advertizing during the signature drive is set up to convince potential signers that the recall is a citizen sponsored recall.

As the initial citizen organization and participation has been eliminated, the usual election process time is collapsed to make it fit a schedule of ten (10) months plus or minus. The abbreviated time schedule minimizes the citizen's ability to do anything about the fraud, especially with the Mayor Wood and Councilmember Sanchez running interference on complaints, while both are receiving additional cash and non-monetary donations from the OFA, in a non election year.

It is a well planned and financed conspiracy for election fraud, and they might get away with it, if the FPPC, the District Attorney, the FBI, and the Attorney General don't do something very soon.


Woodrow L. Higdon

2544 Rudder Road
Oceanside, CA 92054
760-754-8423