

## **SAN JOSE ELECTIONS COMMISSION**

MICHAEL SMITH, CHAIR  
ERICA COSGROVE, VICE-CHAIR  
LINDA EDGEWORTH, MEMBER  
LEON LOUIE, MEMBER  
ROLANDA PIERRE-DIXON, MEMBER

Staff: SANDRA LEE, SR. DEPUTY CITY ATTORNEY  
TONI TABER, ACTING CITY CLERK  
CECILIA MCDANIEL, DEPUTY CITY CLERK

**200 E. Santa Clara Street  
San Jose, CA 95113  
City Hall Wing - Room W262**

5:30 p.m.

February 13, 2013

Room W262

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**AND**

**Commissioner Linda Edgeworth via teleconference:  
16 Abovian Street, #38  
Yerevan, Armenia 0001**

### **ORDER OF BUSINESS**

#### **I. CALL TO ORDER**

#### **II. ADOPTION OF AGENDA**

#### **III. PUBLIC COMMENT**

*Members of the Public are invited to speak on any item that does not appear on this Agenda and that is within the subject matter jurisdiction of the Committee.*

#### **IV. CLOSED SESSION – None**

#### **V. APPROVAL OF MINUTES**

- A. [October 30, 2012](#) – Special Meeting
- B. January 9, 2013 – Regular Meeting

#### **VI. REPORTS**

- C. Chair
- D. City Attorney
- E. City Clerk
- F. Investigator/Evaluator

## VII. ITEMS SCHEDULED FOR ACTION

- A. Continuation of hearings held on January 24, 2013 on the following related complaints: [Attachment of Exhibits](#)  
[San Jose Elections Commission Appendix – Title 12](#)  
[E-Mail dated 9/15/12 from Jimmy Nguyen](#)  
[Jimmy Nguyen Statement](#)  
[Tho Nguyetan Statement](#)
1. [Complaint filed by John Daley on October 10, 2012 alleging violations of the San Jose Municipal Code by Jimmy Nguyen, candidate for Council District 8. \(Independent Investigator/Evaluator\)](#)  
[Response to Complaint](#)  
[Letter to Jimmy Nguyen](#)
  2. [Complaint filed by Dennis Hawkins on October 26, 2012 alleging violations of the San Jose Municipal Code by Crema Coffee Co., et al. \(Independent Investigator/Evaluator\)](#)
  3. [Complaint filed by Dennis Hawkins on November 16, 2012 \(and amended on December 7, 2012\) alleging violations of the San Jose Municipal Code by Friends of Jimmy Nguyen, et al. \(Independent Investigator/Evaluator\)](#)  
[Nguyetan and Huynh’s Response to Report](#)  
[Supplemental Report](#)  
[Nguyetan and Huynh’s Response to Supplemental Report](#)  
[City Attorney’s Response to Report](#)  
[Letter to Tho Nguyetan](#)  
[Letter to Duc Lam](#)  
[Letter to Dung Tran](#)  
[Letter from Hanson Bridgett](#)  
[Duc Lam and Dung Tran’s Response to Reports](#)
- B. Discussion and action on scheduling a Special Elections Commission meeting. (City Clerk)
- C. Discussion and action on possible areas of concern found through compliance monitoring, cumulative results of investigations and Council referrals with regard to campaign and ethics regulations per 2012-13 work plan, including:
1. [Identification and prioritization of areas of concern;](#)
  2. [Approval of timeline for identifying and addressing areas of concern; and](#)
  3. Creation of an Elections Commission Sub-Committee. (City Clerk)

**VIII. ITEMS SCHEDULED FOR INFORMATION OR DISCUSSION**

- A. Status of compliance with Commission resolutions. (City Clerk)
- B. Status of proposed changes to the Gift Ordinance. (City Attorney)

**IX. MEETING SCHEDULE AND AGENDA ITEMS**

The next Regular Meeting is Wednesday, March 13, 2013 at 5:30 p.m.

**X. ADJOURNMENT**

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

The City Code of Ethics may be viewed on-line at [http://www.sanjoseca.gov/clerk/cp\\_manual/CPM\\_0\\_15.pdf](http://www.sanjoseca.gov/clerk/cp_manual/CPM_0_15.pdf)

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street Wing, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call 408-535-1252 or (408) 294-9337 (TTY) as soon as possible, but at least three business days before the meeting.