



City of Oakland  
Public Ethics Commission

Staff Initials: AVB 8/12/25  
Complaint #: \_\_\_\_\_

**Complaint Form**

The Public Ethics Commission can investigate complaints of violations of laws related to campaign finance, lobbyist registration, public records, open meetings, and governmental ethics laws. The Commission has limited authority to enforce public records, open meetings, and governmental ethics laws but may be able to issue findings and recommendations, or to take limited action, such as mediation, on these issues.

If you would like to submit a complaint that is within the Commission's jurisdiction, please complete this form, which becomes a public record available for inspection and copying by the public, along with any documents submitted with this form. A copy of this complaint will be made available to the persons identified in the allegations below. For more information about the Commission's complaint process, see the Commission's Complaint Procedures.

A Formal Complaint requires that you complete all of the information on this form, including your name, address, phone number, and signature verifying under penalty of perjury the information you provide in this complaint. The Commission must review and take action on the complaint and notify the complainant about the Commission's final action.

An Informal Complaint is a complaint that does not meet all the requirements of a Formal Complaint. Informal Complaints, such as anonymous complaints and complaints without all of the information required above do not require action or notification to the complainant upon final action. Commission staff reviews informal complaints and can determine whether the complaint should move forward to investigation. Informal tips can be submitted to Commission staff by phone, email, or fax.

**Contact Information of Person Making Complaint** (This information will be available to the public.)

Name: GENE HAZZARD Street Address: 282 ADAMS ST.#6  
City: OAKLAND State: CA. Zip Code: 94610  
Email: genehazzard@gmail.com Phone: (510) 418-0501

**Type of Alleged Violation.** Please select from below which law you allege has been violated:

- The Oakland Sunshine Ordinance, California Public Records Act, or Ralph M. Brown (open meetings) Act
- Oakland Campaign Reform Act
- Oakland Limited Public Financing Act
- Oakland Lobbyist Registration Act
- Oakland False Endorsement in Campaign Literature Act
- Oakland Government Ethics Act
- Not sure which specific law, ordinance or regulations apply

**Description of Violation.** Please complete the lines below or attach a handwritten or typed attachment that provides the following details: If you run out of space, please attach handwritten or typed pages that provide the following details:

- **Name of the person or persons you are alleging committed a violation.** Please include any known address, phone number, email address, title, employment address, etc.:  
APPEAL OF DISMISSAL COMPLAINT 25-20

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- **The facts of the alleged violation.** Please include the date and location of the alleged violation, if known:

SEE ATTACHED

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- **The names, addresses, and phone numbers of any witnesses** who were involved and/or can provide additional information, if known:

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- Additional information or documentation that might aid in the investigation of the alleged violation. Please include copies of such documentation and list them here.


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**Verification.** I certify under penalty of perjury under the laws of the State of California that my attached statements are true and correct.

Executed on August 11, 2025 at Oakland, California  
(Date) (City, State)

  
(Signature)

**Complaint Submission.** Please complete and submit this form and any attachments by email, mail or fax:

**Email:** [EthicsCommission@oaklandca.gov](mailto:EthicsCommission@oaklandca.gov)  
**Mail:** Public Ethics Commission  
1 Frank H. Ogawa Plaza, Rm. 104 Oakland, CA 94612  
**Phone:** (510) 238-3593  
**Fax:** (510) 238-3315  
**Website:** [www.oaklandca.gov/pec](http://www.oaklandca.gov/pec)

AVB 8/12/25

APPEAL OF DISMISSAL – PUBLIC ETHICS COMMISSION COMPLAINT Re: Unlawful and Misleading Alteration of Ballot Summary for April 15, 2025 Special Election (Measure A – Transaction and Use Tax) RE: Complaint 25-20

## I. INTRODUCTION

This is an appeal of the dismissal of my complaint against Oakland City Attorney Ryan Richardson for unlawful and unethical conduct in the preparation of the 75-word ballot summary for Measure A. After the Oakland City Council approved the ballot language by Resolution (Nov. 17, 2024) and Ordinance No. 13833 C.M.S. (Jan. 9, 2025), the City Attorney unilaterally inserted the word “sales” into the ballot summary without City Council authorization

This was not a mere clerical adjustment — it was a substantive and misleading alteration that mischaracterized a transaction and use tax (AB 155) as a sales tax, thereby misleading voters about the true nature of the tax. This action was advocacy, not impartial analysis. It violated Government Code § 9280, Government Code § 54964, the holdings of *Stanton v. Panish* (1980) 28 Cal.3d 107, *Rider v. City of San Diego* (1998) 18 Cal.4th 1035, *Vargas v. City of Salinas* (2009) 46 Cal.4th 1, and *Rossi v. Brown* (1995) 9 Cal.4th 688. The Public Ethics Commission’s finding that the matter is “not within its jurisdiction” is legally erroneous. Under Oakland City Charter Art. III, § 604(b)(2), the Commission has jurisdiction over complaints alleging the use of City resources for campaign purposes, including misleading ballot language by City officials.

## II. LEGAL BASIS FOR COMMISSION JURISDICTION

1. Government Code § 9280 – Limits the city attorney’s authority to the preparation of an impartial analysis of a measure, not to alter approved text. The statute requires neutrality. The insertion of “sales” was neither impartial nor authorized.
2. Government Code § 54964 – Prohibits the use of public funds (including the official ballot pamphlet) for advocacy purposes. Mislabeling a “transaction and use tax” as a “sales tax” is classic advocacy because it frames the measure in more favorable, familiar terms, downplaying its targeted online-purchase scope.
3. *Stanton v. Panish* (1980) 28

Cal.3d 107 – The ballot must present an impartial statement of the measure’s purpose, free from advocacy. Unauthorized alterations after council approval breach this duty. 4. Rider v. City of San Diego (1998) 18 Cal.4th 1035 – Municipal officials cannot use their positions to mislead voters regarding the true nature or effect of a measure. 5. Vargas v. City of Salinas (2009) 46 Cal.4th 1 – Clarifies that § 54964 bars not just express advocacy (“vote for/against”) but also implicit advocacy through argument or selective presentation of facts. The “sales” insertion was an implicit appeal to voter familiarity and acceptance. 6. Rossi v. Brown (1995) 9 Cal.4th 688 – Unauthorized ballot changes undermine the integrity of the electoral process and may constitute reversible error.

### III. FACTUAL DISTINCTION AND ADVOCACY ELEMENT •

On Nov. 17, 2024, the Oakland City Council approved the 75-word ballot summary without the word “sales.” • On Jan. 9, 2025, the Council enacted Ordinance No. 13833 C.M.S. with the same approved summary. • The City Attorney subsequently inserted “sales” in the official April 15, 2025 ballot materials without returning to Council for approval. • This was not a scrivener’s correction. The deliberate rebranding of a “transaction and use tax” as a “sales tax” was calculated to evoke voter acceptance of a familiar term while avoiding scrutiny associated with online-purchase taxes.

### IV. WHY THE COMMISSIONS’ DISMISSAL IS ERRONEOUS •

The Commission’s jurisdiction extends to the misuse of public resources for campaign purposes (OCC § 604(b)(2)), including official voter communications. • Courts have repeatedly recognized (see Stanton, Vargas) that misleading ballot language prepared by public officials constitutes prohibited advocacy. • The alteration was both unlawful (beyond § 9280 authority) and advocacy under § 54964. This is squarely within PEC’s enforcement scope.

### V. REQUEST FOR RELIEF

I request that the Public Ethics Commission( 1.) Reverse its dismissal and accept jurisdiction over this complaint.( 2). Open a formal investigation into the City Attorney's conduct.( 3). Refer findings to the appropriate prosecutorial authority if violations of state law are found.( 4). Recommend policy changes to ensure no ballot language is altered after legislative approval without returning to the approving body.

VI.

## VI. CONCLUSION

The unilateral alteration of voter-approved ballot language by the City Attorney is a direct attack on electoral integrity. The Commission is the only local body empowered to hold such conduct accountable. To allow this dismissal to stand is to permit future ballot manipulation without consequence .

. Respectfully submitted,

  
Gene Hazzard

August 12, 2025