

# FPPC to review fines recommended for Berryhills

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SACRAMENTO — A recommended \$40,000 money-laundering penalty against Tom and Bill Berryhill and Republican committees in Stanislaus and San Joaquin counties could wind up in a real court of law.

The recommendation from an administrative law judge appears on an agenda, released Monday, for the California Fair Political Practices Commission's April 17 meeting, along with 40 other cases needing approval from the state's campaign ethics enforcers. But the agenda also shows that commissioners will go behind closed doors to discuss "pending litigation" in the Berryhill matter.

Tom Berryhill used the committees to illegally shift \$40,000 from his campaign to help his brother join him in the Assembly in 2008, the administrative law judge ruled after a November noncourt trial facilitated by the state Office of Administrative Hearings.

Most politicians agree to proposed fines or settle with commission prosecutors without formal proceedings, but the Berryhills had insisted on the public airing in an attempt to clear the name of one of the Modesto area's most politically powerful families.

Tom Berryhill now serves in the Senate, while Bill lost a close Senate race in 2012. Their late father, Clare, was a legislator and state agriculture secretary.

Their attorneys filed a briefing vigorously protesting Administrative Law Judge Jonathan Lew's recommendation and asking that it be rejected at the April 17 meeting.

Lew's proposal ignored "undisputed, unanimous testimony of all witnesses" that the money transfers featured no collusion, the Berryhills contended in the document. Upholding Lew's recommendation would present "a virtual death penalty" to political donors who might fear that giving any money could expose them to investigations, the document said.

Lew recommended that commissioners fine Tom Berryhill and his campaign up to \$70,000, while saying that Bill Berryhill and his campaign are liable for up to \$20,000 and that the two Republican central committees should be fined up to \$10,000 each. That's a potential total of \$110,000, but Lew decided to cap the fine at \$40,000 – half the amount sought by prosecutors – and it's not clear who would pay how much.

Berryhill attorneys also said Lew's conclusions also contradict those relied on when the commission in October approved a record \$1 million fine against an Arizona nonprofit organization involved in the November 2012 election.

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