

FILED BY FAX
 ALAMEDA COUNTY
 September 08, 2020
 CLERK OF
 THE SUPERIOR COURT
 By Nicole Hall, Deputy
 CASE NUMBER:
RG20050135

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 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 IN AND FOR THE COUNTY OF ALAMEDA

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 11 CITY OF OAKLAND PUBLIC ETHICS
 COMMISSION, a city government agency,

12
 13 Petitioner,

14 vs.

15
 16 ANNA WONG,

17 Respondent.

Case No. RG20050135

**WRITTEN STATEMENT SEEKING ORAL
 TESTIMONY AT HEARING IN SUPPORT OF
 PETITIONS TO COMPEL COMPLIANCE
 WITH INVESTIGATIVE SUBPOENAS FOR
 DOCUMENTS AND AN IN PERSON
 INTERVIEW [Cal. Rules of Court, Rule
 3.1306(b)]**

EXEMPT FROM FEES
 (GOVT. CODE § 6103)

Date: September 15, 2020
 Time: 9:00 am
 Dept.: 511

1 Petitioner respectfully submits the following written statement requesting to present oral
2 testimony in support of its Petitions to compel compliance with administrative subpoenas seeking
3 production of Respondent's written correspondence and her appearance for an in-person interview:

4 **I. INTRODUCTION**

5 The City of Oakland Public Ethics Commission ("PEC") served administrative subpoenas as part
6 of its investigation of a large scale, wide ranging campaign money laundering scheme back in the fall of
7 2019 – almost a year ago. As this Court is aware, this investigation involves multiple witnesses and
8 participants, many of whom have either already been before this Court or will come before this Court in
9 order to compel compliance with these administrative subpoenas.

10 In order to strike a delicate balance between the rights of the witnesses and subjects of its investigation
11 and the integrity of the investigation itself, the PEC presented limited information to the Court. This is because
12 in this investigation, the PEC has identified myriad straw donors through the admissions of participants in the
13 scheme, through the analysis of written communications obtained from participants and various campaign
14 committees, through the analysis of bank records of participants, and through the analysis of campaign finance
15 disclosure forms filed by campaign committees known or suspected to have received straw contributions.
16 Some of these admissions and documents were given willingly; others were required to be compelled.

17 The more than dozen past or pending related actions seeking to compel compliance involve a close-
18 knit community of individuals that are related either professionally or personally, and who are working in
19 concert to thwart the PEC's attempts to conduct its investigation. As such, the PEC has guarded information
20 to compel compliance with its subpoenas. However, the PEC is ready, willing and able to present additional
21 oral testimony as outlined below. California Rules of Court Rule 3.1306(b) allows parties to seek permission
22 to introduce oral evidence at the hearing by filing a written statement outlining the nature and extent of the
23 proposed testimony.¹

24 **II. NATURE AND EXTENT OF PROPOSED EVIDENCE**

25 The nature and extent of the proposed oral evidence will be presented by the lead investigator in
26 this matter, Simon Russell, whose Declaration is attached as Exhibit A. As recounted in Exhibit A, Mr.
27 Russell will inform the Court about his extensive history investigating this precise type of campaign

28 ¹ Counsel for the PEC first attempted to gain opposing counsel's cooperation to continue the hearing for Ms. Wong, and allow for her to file an updated opposition in response to this additional evidence. Ms. Wong's counsel declined.

1 contribution money laundering scheme, both with the City's PEC as well as the state's Fair Political
2 Practices Commission. In addition, Mr. Simon will testify about his experience in teaching other
3 investigators how to conduct such investigations, including what documents and testimony are needed and
4 what patterns to look out for. Moreover, Mr. Russell will explain how campaign launderers will recruit
5 friends, associates and relatives, among others, for their loyalty and silence. The launderers use these
6 individuals as straw donors. He will explain how launderers will have their straw donors make similar
7 donations to the same committees at or around the same times – in essence, creating cluster patterns of
8 donations. And he will explain how these straw donors are then reimbursed by the launderers, usually with
9 cash, which the straw donors then deposit back into the accounts where the original donation came from.

10 With regard to Respondent Anna Wong ("Wong") in particular, Mr. Russell is prepared to testify
11 that Wong has been identified as a straw donor via multiple testamentary and documentary evidence: Wong
12 contributed to several of the same committees on or around the same dates as multiple confirmed straw donors
13 in this matter. Most of Wong's contribution checks appear to be partially or totally in the handwriting of
14 another suspected straw conduit in this case, Phuc Hong Tran. Tran and Wong separately confirmed this to be
15 true. Wong's bank records show her typical practice was to write non-campaign checks in her own
16 handwriting. Wong's bank records show that from October 19 to October 23, 2016, Wong wrote campaign
17 contribution checks totaling \$3,050.00 to various committees that received laundered checks from other
18 contributors. (All of Wong's checks in question here appear to have payee lines in Tran's handwriting). On
19 October 24, 2016, Wong deposited \$3,400.00 in cash into the account from which the contribution checks
20 were written. Based on Wong's bank records, she did not have a pattern of depositing that amount of cash on
21 a routine basis.

22 None of Wong's contributions to those committees included a "contributor card," which is a form
23 filled out by the contributor listing their full name, street address, occupation, and employer for disclosure
24 purposes. Committees are legally required to obtain and report this information. The absence of contributor
25 cards from Wong fits a pattern that is consistent with nearly all of the other straw donor contributions in this
26 case – nearly all of the straw contributions also did not include contributor cards. This is not consistent with
27 the legitimate contributions received by these committees, in that their records included contributor cards from
28 most contributors. Some of the committees under investigation that received contributions from Wong
inaccurately identified her on their disclosure forms as being "retired" or working in the "food industry."

1 Wong confirmed that she has never retired or worked in the food industry and was unable to explain why the
2 committees reported her as such. The erroneous reporting of Wong's occupation and employer information is
3 consistent with other straw conduit contributions in this case, in that these committees under investigation
4 reported incorrect occupation or employer information for the contributors that are known or suspected to
5 have received laundered funds (based on witness admissions and analysis of bank and communications
6 records).

7 **III. REASONABLE TIME ESTIMATE AT HEARING**

8 Mr. Russell's testimony is expected to last about 20 minutes.

9 **IV. CONCLUSION**

10 For about a year, Wong has refused to comply with the PEC's subpoenas. The PEC respectfully
11 requests that the Court allow the additional oral evidence from the PEC's lead investigator in order to
12 provide fuller context to the Court in its ruling on the PEC's administrative subpoenas.

13 Dated: September 8, 2020

Respectfully submitted

14 By:

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16 TRICIA SHAFIE,
17 Attorney for Petitioner, CITY OF OAKLAND
18 PUBLIC ETHICS COMMISSION
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EXHIBIT A

1 BARBARA J. PARKER, City Attorney (State Bar No. 069722)
 MARIA BEE, Chief Assistant City Attorney (State Bar No. 167716)
 2 DAVID A. PEREDA, Special Counsel (State Bar No. 237982)
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 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 IN AND FOR THE COUNTY OF ALAMEDA

11 CITY OF OAKLAND PUBLIC ETHICS
 12 COMMISSION,

13 Petitioner,

14 v.

15 ANNA WONG,

16 Respondent.

EXEMPT FROM FILING FEES
 (GOVT. CODE § 6103)

Case No. RG20050135

**DECLARATION OF SIMON RUSSELL IN
 SUPPORT OF PETITIONS TO ENFORCE
 INVESTIGATIVE SUBPOENAS FOR
 DOCUMENTS AND AN IN PERSON
 INTERVIEW**

(OMC § 2.24.030)

Date: September 15, 2020
 Time: 9:00 am
 Dept.: 511

21 I, Simon Russell, declare as follows:

22 1. I am an investigator for the City of Oakland Public Ethics Commission (“PEC” or
 23 “Petitioner”). I have personal knowledge of the following facts, and if called upon to do so, could and would
 24 competently testify thereto.

25 2. I have been an investigator with the PEC for four and a half years. Prior to that, I was a Special
 26 Investigator with the Fair Political Practices Commission (“FPPC”) for three and a half years. One of my
 27 duties as an investigator at both agencies was/is investigating campaign finance-related violations, including
 28 the identification and investigation of straw campaign donations (also referred to as “campaign money

1 laundering"). Campaign money laundering is a scheme in which a would-be campaign donor who wishes to
2 obscure their identity from public disclosure and/or circumvent contribution restrictions will arrange to pre-
3 pay or reimburse campaign contributions made in the name of a third party (referred to as a straw donor or
4 "conduit").

5 3. I have investigated several cases involving laundered campaign funds. I have also led teams
6 of investigators in campaign money laundering cases, and I have helped train new investigators on
7 investigating and identifying campaign money laundering. The PEC and FPPC have successfully
8 prosecuted several of these cases.

9 4. In this matter, we have identified straw donors through the admissions of participants in the
10 scheme, through the analysis of written communications obtained from known or suspected participants and
11 various campaign committees, through the analysis of bank records of known or suspected participants, and
12 through the analysis of campaign finance disclosure forms filed by campaign committees known or suspected
13 to have received straw contributions.

14 5. Multiple participants in the scheme have admitted to the PEC that one of the people soliciting
15 cash for campaign checks was Andy Duong, that they personally received cash from Duong in exchange for
16 their check(s), that they personally gave their check(s) to Duong, and that this activity was not an isolated
17 incident but occurred over a period of time and for purposes of contributing to multiple campaigns. Participants
18 in the scheme admitted that Duong returned to solicit and reimburse them on multiple occasions. Participants
19 in the scheme admitted that they were friends, relatives or business associates of Duong. Some participants
20 admitted to being reimbursed by someone known or suspected to be acting as an agent of Andy Duong, using
21 funds known or suspected to have been provided by Duong.

22 6. In my experience, the above-described activity is consistent with how campaign money
23 laundering schemes typically operate, in which the person soliciting straw donations often utilizes the same
24 conduits multiple times, and often utilizes their relatives, friends or business associates as conduits due to their
25 pre-existing level of trust and convenience. Sometimes a conduit will not only make a laundered contribution
26 in their own name, but will also be enlisted by the true source of the funds to act as a middleman and use the
27 source's money in order to solicit and reimburse further contributions from other relatives, friends or business
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1 associates. One result of this is that patterns can be detected in campaign finance data, in that straw donors
2 tend to contribute to the same campaign committees as one another on similar dates, and often share similar
3 family names, addresses, or professional associations.

4 7. With the identity of straw donors in this matter confirmed through witness admissions and the
5 analysis of bank records and communications records, I have analyzed campaign finance data to identify other
6 potential straw donors who exhibited a pattern of contributing to the same committees on the same or similar
7 dates as the confirmed straw donors. I also used publicly-available information on the Internet to determine
8 whether suspected conduits had personal or professional connections to Andy Duong.

9 8. Anna Wong contributed to several of the same committees on or around the same dates as
10 multiple confirmed straw donors in this matter. In my experience analyzing campaign finance data and
11 investigating campaign money laundering, it is highly unusual for the same people to repeatedly contribute to
12 the same committees on the same dates without some degree of coordination and/or communication between
13 them. In an interview with investigators, Wong confirmed that she knows Andy Duong.

14 9. Most of Wong's contribution checks appear to be partially or totally in the handwriting of
15 another suspected conduit in this case, Phuc Hong Tran. (Tran admitted to investigators that he knows Duong
16 and gave at least one of his contributions checks that we are investigating directly to Duong. The same day,
17 he deposited cash in an equivalent amount to that check). Tran and Wong confirmed in separate interviews
18 with investigators that some of these checks are partially in Tran's handwriting. Analysis of Wong's bank
19 records indicates that her typical practice was to write non-campaign checks in her own handwriting. In my
20 experience investigating this and similar cases, it is not unusual for conduits to give checks that are totally
21 blank or that have a blank payee line, with the rest of the check being filled out by the person who reimbursed
22 the check. This leads me to believe that Wong may be in possession of written communications concerning
23 these checks and/or have knowledge of whether these checks were written in exchange for cash provided by
24 the true source of funds in this case.

25 10. Analysis of Wong's bank records contains evidence that, in my experience analyzing similar
26 records in this and other campaign money laundering cases, is consistent with evidence of laundering. For
27 example, from October 19 to October 23, 2016, Wong wrote campaign contribution checks totaling \$3,050.00
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1 to various committees that we know or suspect through witness admissions and document analysis received
2 laundered checks from other contributors. (All of Wong's checks in question here appear to have payee lines
3 in Tran's handwriting). On October 24, 2016, Wong deposited \$3,400.00 in cash into the account from which
4 those checks were written. Based on my analysis of Wong's bank records, she did not have a pattern of
5 depositing that amount of cash on a routine basis.

6 11. Based on our analysis of records provided by committees suspected to have received laundered
7 funds, none of Wong's contributions to those committees included a "contributor card." A contributor card is
8 a form filled out by the contributor listing their full name, street address, occupation, and employer for
9 disclosure purposes. Committees are legally required to obtain this information and report it on their campaign
10 finance disclosure forms. The absence of contributor cards from Wong fits a pattern that is consistent with
11 nearly all of the other known or suspected conduit contributions in this case for which we have records from
12 the corresponding campaign committee – nearly all of the known or suspected conduit contributions also did
13 not include contributor cards. This is not consistent with the legitimate contributions received by these
14 committees, in that their records included contributor cards from most contributors. In my experience
15 investigating other campaign money laundering cases, it is common for conduit contributors to not fill out
16 contributor cards, but rather for the person providing the checks to the committee to supply that information
17 informally. Based on witness admissions, communication records and internal campaign records analyzed in
18 this case, that also appears to have been the pattern in this case.

19 12. Some of the committees we are investigating that received contributions from Wong
20 inaccurately identified her on their disclosure forms as being "retired" or working in the "food industry."
21 Wong confirmed in an interview with investigators that she has never retired or worked in the food industry,
22 and was unable to explain why the committees reported her as such. The erroneous reporting of Wong's
23 occupation and employer information is consistent with some of the other known or suspected conduit
24 contributions in this case, in that some of the committees we are investigating reported incorrect occupation
25 or employer information for some of the contributors that we know or suspect received laundered funds (based
26 on witness admissions and analysis of bank and communications records).

27 13. Wong was affiliated with the Oakland Vietnamese Chamber of Commerce during the period
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1 of time we are investigating. Some of the suspected conduits in this case (other than Wong) are also affiliated
2 with the chamber and have confirmed that they know Wong, including Tran. This leads me to believe that
3 Wong may be in possession of written communications concerning those people's contributions and/or have
4 knowledge of whether those contributions were given in exchange for cash provided by the true source of
5 funds in this case.

6 14. On September 11, 2019, I personally interviewed Wong at her business located at 1353
7 International Boulevard, Oakland, CA 94606. At the conclusion of that interview, I served her with PEC
8 subpoenas 190014-41 and 190014-42. I explained to Wong what the subpoena were asking for and how to get
9 her response to me. I also told her that she needed to complete and return the "Declaration of Custodian of
10 Records" regardless of whether she was submitting any other documents.

11 15. The original deadline on subpoena 190014-41 was October 1, 2019. That deadline passed with
12 no response from her.

13 16. Subpoena 190014-42 required Wong to come for an investigative interview at 10AM on
14 October 22, 2019, at Oakland City Hall.

15 17. On October 18, 2019, I called Wong at (510) 444-8882, which I believe is her personal cell
16 phone number and also doubles as the number for her business. A woman answered and I asked for "Anna";
17 the woman said Anna was not there right now. I asked when Anna would be back, and the woman said "I have
18 no idea" and hung up. The voice sounded like Wong herself, but I cannot be certain. I called back a moment
19 later and my call went to voice mail. I left a voice message stating that Wong had until 4PM on October 23,
20 2019, to comply with subpoena 190014-41 or else I would seek a court order. I also stated that I was
21 rescheduling Wong's interview under subpoena 190014-42 for November 21, 2019, at 10AM.

22 18. On October 22, 2019, Wong did not appear for her originally-scheduled interview date (as I
23 had instructed her not to do in my voice message of October 18, 2019).

24 19. Wong did not submit a response to subpoena 190014-41 by 4PM on October 23, 2019. To my
25 knowledge she has not attempted to contact me about it further.

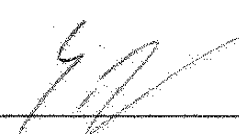
26 20. On November 13, 2019, I wrote a letter to Wong, reminding her of her new interview date,
27 time and location. I gave the letter to Commission Assistant Ana Lara Franco on November 14, 2019, for
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1 mailing, and she mailed it the same day. The letter was addressed to the business address (1353 International)
2 where I had previously interviewed and served Wong.

3 21. On November 21, 2019, Wong failed to appear for her interview. I called her at her at (510)
4 444-8882 (the same number I had called on October 18, 2019) at 10:15AM. Wong answered and ID'd herself.
5 I ID'd myself and said she was late for her interview under subpoena 190014-42. Wong said she would not
6 be coming in because she had to work. I said that the interview was not optional because she was under
7 subpoena, and that I had given her sufficient notice to take time off work for it. I said we could reschedule for
8 another date so she could take the time off work. I also stated that I would file for a court order if she did not
9 appear for an interview. At that point Wong hung up the phone.

10 22. This matter is still under active investigation as we continue to identify and interview other
11 participants in the money laundering scheme.

13 I declare under penalty of perjury under the laws of the State of California and the United States of
14 America that the foregoing is true and correct. Executed September 8, 2020 in Oakland, California.

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SIMON RUSSELL

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PROOF OF SERVICE

City of Oakland Public Ethics Commission v. Anna Wong
Alameda County Superior Court Case No. RG20050135

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is City Hall, One Frank H. Ogawa Plaza, 6th Floor, Oakland, California 94612. On the date set forth below, I served the within documents:

REPLY BRIEF IN SUPPORT OF PETITIONS TO COMPEL COMPLIANCE WITH INVESTIGATIVE SUBPOENAS FOR DOCUMENTS AND AN IN PERSON INTERVIEW


WRITTEN STATEMENT SEEKING ORAL TESTIMONY AT HEARING IN SUPPORT OF PETITIONS TO COMPEL COMPLIANCE WITH INVESTIGATIVE SUBPOENAS FOR DOCUMENTS AND AN IN PERSON INTERVIEW [Cal. Rules of Court, Rule 3.1306(b)]

- By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the address(es) listed below and (*specify one*):
 - Deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - Placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the City of Oakland's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the address(es) listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- By e-mail transmission.** Based on an agreement of the parties to accept service by electronic transmission, I e-mailed the documents to the persons at the e-mail address(es) listed below. No error was reported sent by email.

TOM STOUT
 317 Washington Street, Suite 170
 Oakland, CA 94607

 D 415-862-8482
 F 415-862-8487
stout@stoutfirm.com
Attorneys for Respondent, Anna Wong

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
Executed on September 8, 2020, at Oakland, California.



ELIZABETH FERREL