

# BADGER FLATS GAZETTE

Vol. 4, No. 1.5, January 20, 2010

Contact: [geneforte@badgerflats.com](mailto:geneforte@badgerflats.com)

POWER OF THE WRITTEN WORD

## THE HIDDEN INVESTIGATION OF LOS BANOS MAYOR TOMMY JONES



Mayor Jones, I presume?

### FAIR POLITICAL PRACTICES COMMISSION JANUARY 2010 FINDING:

### MAYOR JONES GUILTY OF BREAKING CONFLICT OF INTEREST LAWS

by Gene "Capt. Ahab" Forte

I've been busy reeling out the line to a bunch of arrogant little public official fish-ies, now its time to start reeling them in, but due to Jones' and the good old boys' most recent attack on me...I've got no time to editorialize *much*. The self-explanatory letters inside show the power of THE WRITTEN word.

If readers may recall, I am, according to reporter Mr. Corey Pride and the Los Banos Enterprise, a known racist publisher who filed unfounded allegations about Jones breaking conflict of interest laws with the Fair Political Practices Commission.

As you read the letters in the following pages, you will find that my filed complaint against Jones in March 2008 which you thought was completed because you were told so by the FPPC...WAS NOT? Remember the QUESTION MARK?

When I held the FPPC's feet to the fire over the accusation that I filed an unfounded complaint (Pg. 2), the head of the FPPC left and went back to academia (teaching) according to the FPPC's communication director, Mr. Roman Porter.

On July 25th and August 29th, 2008, I sent letters (Pgs. 2-6) that demanded the FPPC find Jones guilty of breaking conflict of interest laws, AND to admit that my allegations were NOT unfounded. The October 6th, 2008 letter (Pg. 7) told the FPPC I was giving up on asking for responses that never came. I resigned myself to the fact that they were trying to smut me up for my high powered public official adversaries.

A strange thing happened. On January 8<sup>th</sup>, 2010, Jones had his attorney, Mr. Ben Ratliff, file a Motion to Declare me a California Vexatious Litigant. The document used exhibits such as copies of my Badger Flats Gazettes; it included audios of my speeches at Los Banos City Council Meetings. It says, among others things, that I am delusional, and that I must be stopped from complaining about government officials. ...or presenting them in a bad light as my complaint to the FPPC did Jones. Haven't Jones and his attorney ever heard of

Freedom of Speech or Freedom of the Press.

The vexatious litigant motion by Jones is almost a carbon copy of the one filed in Monterey County (home to CIA Director Leon Panetta) in May 2005 by then Attorney General Bill Lockyer and Governor Schwarzenegger **that I overwhelmingly defeated in June 2005.**



On December 5th, 2005 two weeks after I filed documents against Monterey Judge Robert O'Farrell (that led Judge Michael Fields to the promised land of retirement), The Monterey Herald/McClatchy Newspapers reported that I had been declared a vexatious litigant (*when they knew that I had not been*) in a front page Sunday article, "County Judiciary Under Fire." The Herald later printed a small correction saying the mistake was due to a court error....the court said there was no error...therefore, the newspaper printed a false fact that defamed me to the public. (It's called covering for each other!)

Ratliff "cut and pasted" paragraphs from the 2005 defeated motion to bill/bilk legal fees to the insurance company for the City of Los Banos picking up the tab for Jones. Keep in mind, that I did not sue the City of Los Banos, or Jones as Mayor. So, why are citizens paying for Jones saying he knew for a fact that I was a dangerous member of the Ku Klux Klan (I am not and have never been)? Ask them. They haven't told me yet.

Out of the blue on January 16<sup>th</sup>, 2010 after 16 months of no response from the FPPC, I received a copy of the FPPC Jones 2010 Warning Letter (Pgs. 9-11). It was issued due to the "new" investigation that was hidden from citizens prior to Jones re-election (Pg. 8, Fig A), and from the evidence I provided in 2008. The FPPC found that slick-ster Tommy (not Honest Abe) Jones DID break both conflict of interest laws and disclosure laws by voting upon the Hostetler Village Green Annexations. It was determined that Jones' vote for Hostetler had a foreseeable and material economic effect on Jones economic interests.



The FPPC cover letter (Pg. 11, Fig. B) dated January 14th, 2010 was sent to my correct address...but was directed to a Mr. Heneghan (who I don't know and not about Jones). Is the FPPC dodging giving me a letter that says my complaint was not unfounded, or is it just another one of my delusions?



**My Delusion?** I think Jones and others knew the FPPC Warning Letter was coming and filed the Vexatious Litigant Motion as a diversion and to defame me to the public.

**What do you think? Are you delusional too?**

(THE END...FOR NOW)

## Badger Flats Gazette

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Friday, July 25th, 2008

Mr. Michael Salerno  
 Director, Fair Political Practices Commission  
 428 J Street, #620  
 Sacramento, CA 95814

FAXED/CERTIFIED MAIL & EMAIL

Re: FPPC Case No. 08/125: Tommy Jones/New Evidence/Objection to Warning Letter, etc.

Dear Mr. Salerno:

I write this letter to formally object to the finding of the Fair Political Practices Commission's ("FPPC") contained in the warning letter to Mayor Tommy Jones that concluded "the conflict of interest allegation appears unfounded." Reliable evidence irrefutably contradicts your determination and proves that Jones did in fact break conflict of interest laws.

### THE FPPC FINDING

The FPPC warning letter to Jones found that:

1. Jones never disclosed personal loans from Greg Hostetler on FPPC 700 Forms.
2. Jones broke FPPC disclosure laws by not disclosing the loans under penalty of perjury.
3. Jones paid off the Hostetler loans in April 2004.
4. Jones could not vote on any Hostetler issues until *after* April 2005.
5. The conflict of interest allegation by Forte appears unfounded.

### EVIDENCE PROVING JONES BROKE CONFLICT OF INTEREST LAWS

The City of Los Banos City Council Meeting Minutes of January 19<sup>th</sup>, 2005 indicates that then Councilman Jones voted yes on the Hostetler "Village Green Annexation":

"Motion by Jones, seconded by Balatti to adopt Resolution No. 4579, authorizing the submittal of an Annexation Application for certain Uninhabited Territory designated as the "Village Green Annexation". The motion carried by the following roll call vote: AYES: Balatti, Jones, Amabile; NOES: McAdam, Smith." (Exhibit 2, pg. 4, *excerpt*)

Therefore, since Jones *could not vote on* any Hostetler annexation issues in January 2005 (*which is prior to April 2005*) without breaking conflict of interest laws it means that:

1. Jones *broke conflict of interest laws* in January 2005.
2. The conflict of interest allegation by me *was not unfounded*.

As the iconic 70's television Detective Tony Baretta would say, "And that's the name of that tune!"

With that said, I could go on at length explaining why the FPPC would cover up that Jones broke conflict of interest laws and wrongly accused me of filing an unfounded allegation. Your erroneous finding infers that I brought the complaint to only annoy and cause trouble for Jones.



testimony, conflict of interest provisions in 2005?

MR. RATLIFF: You are mischaracterizing his testimony. It calls for this Witness to draw a conclusion as to facts or law, document speaks for itself. You can depose the Fair Political Practices Commission if you think it's in error. He even told you earlier that they found that it was unfounded and it was your complaint that they found unfounded, something wrong with your complaint.

**INQUIRING BADGER READERS WILL WANT TO KNOW**

I look forward to a prompt response to my request for the assessment of a fine against Jones and for a written statement vindicating me of allegedly filing an unfounded complaint. The Badger Flats Gazette will be keeping it readers informed as to your actions. Please confirm to me in writing no later than Friday, August 1<sup>st</sup>, 2008 what actions are being taken by the FPPC.

If I can be of any further assistance please feel free to give me a call. Thank you.

Sincerely,



Gene Forte

Enclosure: Tommy Jones July 14<sup>th</sup>, 2008, Deposition Excerpts, January 19<sup>th</sup>, 2005 Los Banos City Council Meeting Minutes.

**Badger at the Movies: The Incredible Mr. Jones**



If you love the sound of fingernails screeching on chalkboards then I suggest catching the video taped deposition of Mayor Tommy Jones taken by Gene Forte on July 14<sup>th</sup>, 2008 in the case of Forte v. Jones. It cost Forte about \$4,000.00 of his hard earned to produce this little jewel but it was well worth it. It nailed Jones' tongue to the floor and revealed the Fair Political Practice Commission is either a bunch of Key Stone Cops or Tricksters of citizens.

Many scenes in the video capture Jones giving testimony that would likely bring felony conviction against Jones for perjury.....IF..... public officials such as Merced County District Attorney Larry Morse would bring charges instead of covering for wayward public brethren..

Here's what some not so anonymous movie goers had to say:

"Jones is kidding right? He taught high school English? That man can't have an English degree!" —Gene Forte, LB

"In a couple of spots I laughed so hard I thought I was going to puke. Talk about tell one lie and you got to tell 10 more on tape...by a mayor.....worth the price of popcorn and a soda"—Eugene Esmond Forte, LB

"The bit where Jones babbles on about being afraid to call the police unless he had Vietnam training is priceless....or when he didn't know why he sued the LB Police Department while he was holding his arrest sheet for possession of crack cocaine"—EEF, LB

"Jones' attorney Ratliff actually looks like a rat..when he opens his mouth he squeaks like one too!"—Gene 40, Los Banos, CA.

**Check it out for yourself coming to your local theatres real soon!!**

## Badger Flats Gazette

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Friday, August 29, 2008

Ms. Kourtney Vaccaro  
FPPC  
428 J Street, #620  
Sacramento, CA 95814

FAXED

Re: FPPC No. 08/125, Tommy Jones, Quit playing obtuse

Dear Ms. Vaccaro:

I write this letter in response to your letter of August 25<sup>th</sup>, 2008. I will start off by saying that I would appreciate your dispensing of the game playing of authoring a letter that wholly misstates the content of my July 25<sup>th</sup>, 2008 letter.

As you know, practiced attorneys such as yourselves utilize what is called "half truths" combined with playing obtuse to confuse the issues. The half truth as they say is the most vicious of lies because it takes a great amount of time and effort to untwist what the half truth is trying to conceal. In your case, you wish to play obtuse and portend that I am actually asking you to rescind the warning letter to Mayor Tommy Jones. Not so.

To say such a statement by you is asinine would be a gross understatement giving you too much credit where none is due.

My letter of July 25<sup>th</sup>, 2008 basically requested two things:

1. Assess a fine against Tommy Jones for clearly breaking conflict of interest laws by voting on the Hostetler annexation project on January 19<sup>th</sup>, 2005.
2. Issue a letter stating that my complaint alleging that Jones broke conflict of interest laws *was not* "unfounded".

You were provided Jones' deposition testimony admitting that he broke conflict of interest laws. You were provided the Los Banos City Council Minutes of the January 19<sup>th</sup>, 2005 indicating that he voted on a Hostetler annexation within 6 months of his "allegedly" paying off loans he had received from Hostetler.

There is absolutely no doubt that Jones broke conflict of interest laws, ergo, your previous "warning letter" is nothing but what drops from the south end of a horse walking north.

With that said, I want to address the following statement in your letter:

"However, please be advised that at this time we have not made any determination about the validity of the allegations you have made or about the culpability, if any, of the person you identify in your allegations."

I really don't know what in the heck you are talking about. You were being so evasive and convoluted while trying to throw a smut ball it appears that you confused yourself and certainly any reader of the sentence!

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688 Birch Court, Los Banos, California 93635  
Phone: (209) 829-1116 email: [geneforte@badgerflats.com](mailto:geneforte@badgerflats.com)

The validity of my allegations is irrefutable unless you are like I said before, a bunch of Keystone Cops. Here's what I suggest you do to validate the veracity of my allegations:

1. Read Jones' deposition testimony where Jones admits he broke conflict of interest laws.
2. Look at the January 2005 City Council Minutes where he voted on the Hostetler annexation.
3. Look at *your finding* that Jones "allegedly" paid off the Hostetler loans in May 2004.
4. Look at the FPPC "Conflict of Interest" requirement that Jones not vote on any issues pertaining to Hostetler for 12 months from the month the Hostetler loans were "allegedly" repaid.
5. Get out a calendar if you can't count on your fingers the number of months from May 2004 to January 2005.
6. Once you do so, you will find that only 8 months had past, *not 12 months*.
7. Call over an assistant, a janitor ..... or stop at Starbucks, McDonalds' or Jack-in-the-Box and ask one of the workers to double-check your work.

Once you have done this, fine Tommy Jones monetarily for 25 cents to \$5,000.00 (quite frankly Scarlet, I don't give a damn) and write a letter stating unequivocally that he broke conflict of interest laws and that my complaint was positively not unfounded.

I also request that you inform me who exactly you are referring to is the person *you state that I* identified concerning "culpability" in my allegations. I don't know what you are talking about.

On a final note, it took a month before anyone from the FPPC responded to my letter, and only after I started the campaign of sending a fax a day reminding Mr. Salerno, Ms. Longero, and Mr. Lenkeit to respond.

Please stop running away and respond in a timely fashion within the next five business days. If you kept the calendar out to count the number of months between May and January you will find that I am generously giving you until September 8<sup>th</sup>, 2008 (due to the holiday). It is not a complicated issue and should take no longer than that to respond (hopefully coherently).

Thank you.

Sincerely,



Gene Forte

Cc: Salerno, Longero, Lenkeit

## Badger Flats Gazette

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Monday, October 6<sup>th</sup>, 2008

Mr. Roman Porter, Executive Director  
Fair Political Practices Commission (FPPC)  
428 J Street, #620  
Sacramento, CA 95814

FAXED/EMAIL

Re: FPPC No. 08/125, Request for Public Statement

Dear Mr. Porter:

I write this letter to bring closure of waiting for responses that never come. It is obvious that the goal of the Fair Political Practices Commission (FPPC) with the Good ol Boys media minion mavens is to not let the cat out of the bag the dire issues of Mr. Tommy Jones until either after the election of Jones, and preferably never.

Again, pseudo public agencies such as the FPPC mimic accountability of politicians get no results (except what they want) and burn up millions of dollars of taxpayers' money. There has been no news coverage by the Merced Sun Star/Los Banos Enterprise/McClatchy Newspapers of the "new investigation of Tommy Jones" based upon facts being shoved up your noses. There was a demand that you immediately correct the assertion that my complaint saying conflict of interest laws appeared unfounded. There was no response.

Citizens are entitled to know about their candidates in advance of voting for them, not after. With that in mind, you are being requested that you provide a written status report as to what has become of my request for a correction of the FPPC statement that my complaint was unfounded, and the "new" investigation of Tommy Jones?

Your response will be included in the next Badger Flats Gazette. Please respond no later than Thursday, October 9, 2008, at 1:00PM by email to [geneforte@badgerflats.com](mailto:geneforte@badgerflats.com) to have your statement included. If I have no response I will accept that as your affirmation that the FPPC is a bunch of baloney.

Thank you.

Sincerely,



Gene Forte

Cc: Ms. Kourtney Vaccaro, Longero, Lenkeit

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688 Birch Court, Los Banos, California 93635  
Phone: (209) 829-1116 email: [geneforte@badgerflats.com](mailto:geneforte@badgerflats.com)

**Subject:** Tommy Jones  
**From:** Gene Forte <geneforte@badgerflats.com>  
**Date:** Mon, 13 Oct 2008 13:43:40 -0700  
**To:** Roman Porter <rporter@fppc.ca.gov>

Mr. Porter:

Please provide a yes or no to this question:

Is there an investigation taking place of Tommy Jones based upon the additional information (Jones deposition testimony admitting to breaking conflict of interest laws and Minutes of January 2005 Los Banos City Council meeting voting on the Hostetler annexation) I provided to Ms. Vacarro?

Thank you.

Gene Forte

**Subject:** Tommy Jones  
**From:** Gene Forte <geneforte@badgerflats.com>  
**Date:** Thu, 16 Oct 2008 11:07:24 -0700  
**To:** Roman Porter <rporter@fppc.ca.gov>

★★★★★★  
 ★ Fig. A ★  
 ★★★★★★

Mr. Porter:

I have not yet had a simple yes or no to the question posed three days ago which was:

"Is there an investigation now taking place of Tommy Jones".

If I have not heard back from you by this afternoon at 4:00PM I will accept that as your affirmation that:

1. You are not providing the answer so that citizens of Los Banos are kept in the dark about matters concerning Jones which could help them determine if they should vote for Jones or not.

Thank you.

Gene Forte

**FAIR POLITICAL PRACTICES COMMISSION**

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

January 14, 2010

Tommy Jones  
Mayor, City of Los Banos  
520 J Street  
Los Banos, California 93635

**Warning Letter Re: FPPC No. 08/125, Tommy Jones**

Dear Mr. Jones:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged that you violated the Act's conflict of interest provisions.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you voted, on January 19, 2005, to approve Resolution 4578, which adopted the Mitigated Negative Declaration, approved the Mitigated Monitoring Program, and approved the "Village Green Subdivision" and again on February 2, 2005, to pre zone the "Village Green Subdivision" property from General Agricultural to Planned Development.

Under the Act, no public official at any level of state or local government may make, participate in making, or in any way use or attempt to use his or her official position to influence a governmental decision in which the official knows or has reason to know he or she has a disqualifying conflict of interest. (Section 87100.) To determine whether an individual has a disqualifying conflict of interest, the Commission generally employs the following sequenced analysis: (1) is the individual a public official; (2) did the official make, participate in making, or use or attempt to use the official position to influence a governmental decision; (3) what are the official's economic interests, (4) are the official's economic interests directly or indirectly involved in the governmental decision; (5) what is the applicable materiality standard for each economic interest involved; and (6) is it reasonably foreseeable that the

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Letter to Mr. Jones  
January 14, 2010  
Page 2

governmental decision will have a material financial effect on the official's economic interest.<sup>2</sup> (See Regulation 18700.)

Under Section 87100, a conflict of interest exists when you, as a public official, make, participate in making, or attempt to use your official position to influence a governmental decision in which you know or have reason to know you have a "financial interest." You have a "financial interest" in a decision, within the meaning of Section 87100, if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on any source of income aggregating \$500 or more which you received within 12 months of the decision. (Section 87103, subdivision (a), (b) and (c).) An outstanding loan is considered income for purposes of Section 87103(c) as long as the outstanding balance is greater than \$500 and for 12 months after the loan is repaid. (*Jordan Advice Letter, No. A-85-069*).

Based on our investigation into the aforementioned allegations, you were a public official at all times relevant to the complaint, and voted on two separate matters pertaining to a Ranchwood Homes project. The economic interests that we examined included personal loans which you received from Greg and Catherine Hostetler. The value of these loans exceeded \$500 and they were repaid in full as of April 16, 2004. The governmental decisions involved Ranchwood Homes, not the Hostetlers personally. Therefore, your economic interests were indirectly involved. The decisions, which furthered the development process, had a foreseeable and material economic effect on your economic interests.

You violated the Act because you made governmental decisions while the Hostetlers were still considered sources of income to you. However, due to the specific circumstances of this case outline above, we have decided to close this case with this warning letter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

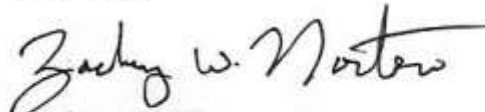
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<sup>2</sup> The additional two steps of the analysis - whether the public generally exception applies and whether the individual is legally required to participate in the governmental decision - are inapplicable to this matter.

Letter to Mr. Jones  
January 14, 2010  
Page 3

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,



Zachary W. Norton  
Commission Counsel  
Enforcement Division

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★ Fig. B ★  
★ ★ ★ ★ ★ ★ ★ ★ ★ ★



FAIR POLITICAL PRACTICES COMMISSION  
428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

January 14, 2010

Gene Forte  
688 Birch Court  
Los Banos, California 93635

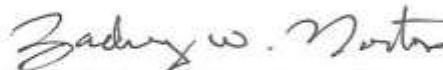
**Re: FPPC No. 07/315; Eric Anderson**

Dear Mr. Heneghan:

In response to the complaint you submitted regarding the above-referenced matter, please be advised that the Fair Political Practices Commission has closed its file. A copy of our closure letter is enclosed.

Thank you for taking the time to bring this matter to our attention. If you have any questions regarding this decision, please contact the Enforcement Division at (916) 322-5660.

Sincerely,



Zachary W. Norton  
Commission Counsel  
Enforcement Division

Enclosure

**Subject:** FPPC Warning Letter to Jones: Jones Broke Conflict of Interests Laws/Vexatious Litigant Motion  
**From:** Gene Forte <geneforte@badgerflats.com>  
**Date:** Tue, 19 Jan 2010 08:10:34 -0800  
**To:** Gene Lieb <GLieb@Losbanosenterprise.com>, Corey Pride <cpride@losbanosenterprise.com>, Kim Yancey <kyancey@losbanosenterprise.com>, Jonah Lamb <jlamb@mercedsun-star.com>  
**BCC:** Eileen Forte <eileenforte@badgerflats.com>, Charles Belkin <cbelkin@gmail.com>

Mr. Lieb:

You will find attached the warning letter to Mayor Jones I received from the FPPC along with my letter of August 2008 which prompted such letter sent to the FPPC in August 2008.

Miraculously, now on January 14th, 2010 the FPPC admits that Jones also broke conflict of interest laws, not only disclosure laws.

You will also find attached the motion to declare me a Vexatious Litigant made by Jones.

It looks like you have an awful lot of reporting to do in order to keep the public apprised of what you already decided was of the public interest.

Also, this information is being provided to you by the Badger Flats Gazette (remember to credit us).

THX.

Gene Forte

<b>080829 Ltr to Vaccaro FPPC.pdf</b>	<b>Content-Type:</b> application/pdf
	<b>Content-Encoding:</b> base64

<b>100114 FPPC Warning Letter to Jones 20100118200427150.pdf</b>	<b>Content-Type:</b> application/pdf
	<b>Content-Encoding:</b> base64



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