

# Lobbyist Pays \$10,000 Penalty

## Advocate Accepts Harshesht Punishment From Political Practices Panel

BY SIGRID BATHEN

RECORDER CAPITAL CORRESPONDENT

SACRAMENTO — The state Fair Political Practices Commission has imposed its largest-ever fine against a prominent Sacramento lobbyist accused of using legislative sergeants-at-arms to deliver campaign contributions to lawmakers on the floors of the Legislature.

The \$10,000 fine against Grant Kenyon was levied by the commission last week. In a news release issued by his public relations firm, Kenyon said he agreed to the fine because he was "unwilling to invest the time and money

needed to fight the FPPC's unfair and unwarranted accusations."

Although Kenyon insisted that he was "merely follow[ing] a widely accepted tradition of having contributions messengered to legislators," other lobbyists and legislative staff familiar with the campaign financing laws said otherwise.

"I have no reason to believe it's a widely accepted practice, at least not in the Senate," said Tony Beard Jr., chief sergeant-at-arms in the Senate for nine years. Beard intercepted the envelopes intended for senators before they could be delivered and ordered them returned. He said the senators to whom checks were

directed "were highly insulted" by the attempted deliveries.

"Lobbyists are foolish to do that," Beard said.

Beard, who has been with the Senate sergeant-at-arms office for two decades, said an Assembly sergeant, Henry Ridgeway, came to the Senate with the checks after delivering other checks to Assembly members. Ridgeway, who could not be reached for comment Tuesday, told investigators he was ordered by an aide to Assembly Speaker Willie Brown, D-San Francisco, to pick up documents from Kenyon, but did not know

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# Sergeants-at-Arms Delivered Donations

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what the envelopes contained. Joanne Moore, a senior assistant to Brown, told investigators Kenyon called her and she made the order without knowing the envelopes' contents.

According to Moore's account in the FPPC complaint, Kenyon said he had "some things I need to get over to the Capitol and I can't get over," and asked if Moore had someone "going this way or going out." According to the FPPC, Moore "did not consider Mr. Kenyon's request odd" because "there's a lot of letters and position papers going back and forth between lobbyists and members."

Moore was unavailable for comment, but Susan Jetton, Brown's press secretary, said Moore would not have issued the order if she knew what was in the envelopes. "It was an honest mistake," Jetton said.

Charles Bell, chief sergeant-at-arms in the Assembly and Ridgeway's boss, said he did not know about the allegations in the FPPC complaint and had no comment in any case.

When Ridgeway came to the Senate, Beard said, "I looked at the envelopes, and I didn't like the look of them. I knew something wasn't right. Maybe that's instinct after 20 years, but we really watch

for lobbyists on the floor."

Lobbyists are not permitted on the floor of the Legislature, and a 1982 amendment to the Political Reform Act prohibits "transmittal of campaign contributions in state office buildings," including the Capitol. Based on the language of the statute, the term "personally deliver" is construed to mean "delivery of a contribution in person or causing a contribution to be delivered by an agent or intermediary."

Beard said he notified Sen. Alfred Alquist, D-San Jose, to whom one of the checks was addressed.

"I told Sen. Alquist my suspicions," and then Beard opened the check to confirm them. "Sen. Alquist said to get it out of here. He never touched it."

Beard said he got the same instructions from other senators.

"That is not a widely accepted practice, and most people are smart enough to know that," one veteran lobbyist, who asked not to be identified, told the Los Angeles Times.

According to his prepared statement, Kenyon said he knew it is illegal to personally deliver contributions in the Capitol.

"In an effort to comply with the letter and spirit of that prohibition," Kenyon said his office arranged to have the con-

tributions picked up by a messenger for the Legislature.

"I feel like the victim of a speed trap," Kenyon said. "You're driving through a small town, and there is no posted speed limit. But the sheriff stops you and says you just broke the law."

Kenyon, who is out of town, has been unavailable for comment.

Sandra Michioku, spokeswoman for the commission, said the \$10,000 fine is the largest ever assessed against a lobbyist in the 13-year history of the commission.

In 1985, the commission fined lobbyist Brian Hatch \$7,000 for violating the gift limitation prohibition of the Political Reform Act and for failing to file timely disclosure reports. In 1982, the commission levied a \$6,000 fine against prominent Sacramento lobbyist and San Francisco lawyer Clayton Jackson for concealing a \$10,000 lobbying fee by not including it on disclosure reports.

The FPPC complaint in the Kenyon case offers a rare glimpse into the world of big-time lobbying. Kenyon, though not one of the state's best-paid lobbyists, nonetheless earns a comfortable income and represents several major clients. FPPC disclosure reports compiled for 1986 indicate that his firm received

\$292,250 in fees, including \$60,000 from his largest client, the influential California Restaurant Association.

According to the FPPC complaint, the 10 contribution checks, ranging in size from \$500 to \$5,000 and drawn on the accounts of four of Kenyon's clients or their political action committees (PACs), were delivered to the Capitol on Friday morning, Aug. 29, 1986, the Legislature's final day before scheduled adjournment.

The checks, which totaled \$17,750, included:

- \$500 from the California Restaurant Association PAC to Assemblyman Dennis Brown, R-Long Beach.

- \$500 from the California Contract Security Guard Association to Assemblyman Wayne Grisham, R-Norwalk.

- \$1,000 from the Texas-based Ensearch Corp. PAC to Assemblyman Patrick Johnston, D-Stockton.

- \$2,500 from the restaurant association PAC to Sen. Don Rogers, R-Bakersfield.

- \$1,000 from the restaurant association PAC, \$500 from the security guard association and \$5,000 from Ensearch Corp. PAC, all to Assembly Speaker Willie Brown.

- \$750 from the California Association of Licensed Repossessors PAC to Assemblyman Byron Sher, D-Palo Alto.
- \$1,000 from Ensearch Corp. to Alquist.

- \$1,000 from the restaurant association to Sen. William Craven, R-Oceanside.

- \$500 from the restaurant association and \$500 from the repossessors PAC to Sen. Joseph Montoya, D-Whittier.

- \$3,000 from Ensearch Corp. to Sen. John Seymour, R-Anaheim.

All of the checks were returned by the legislators at the time.

According to the FPPC complaint, Kenyon "did not consult with his employers or their PACs about the mode of transmittal." He admitted to investigators that he arranged for the personal deliveries.

Assemblyman Dennis Brown, who was among those handed envelopes by Ridgeway on the floor, "immediately went to Assembly minority leader Patrick Nolan, R-Glendale, to inform him that contribution checks were being delivered on the floor."

According to the FPPC complaint, Brown "was shocked and surprised by this delivery [and] personally returned the contribution" to Kenyon.

After receiving telephone messages, according to the FPPC report, Kenyon's secretary, Donna Turcotte, "went to the Capitol, where she knew Grant Kenyon had gone. She picked up the Senate checks from Sergeant Beard, found Mr. Kenyon, and gave him the Senate checks and Assemblyman Brown's message. Mr. Kenyon retrieved Assemblyman Brown's contribution check and, assisted by his associate, attorney Alan Edelstein, [also retrieved] the other contribution checks which had been personally delivered."

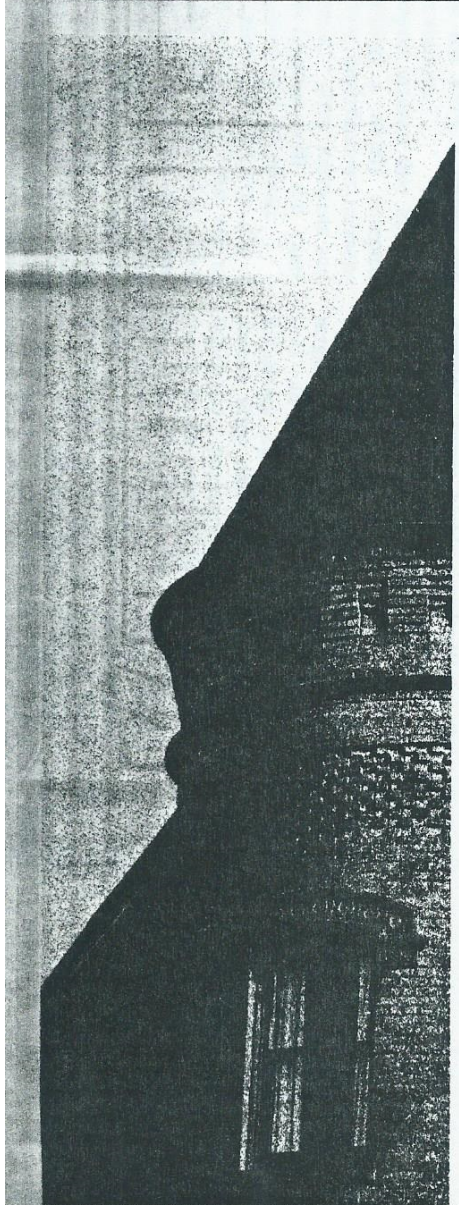
Edelstein, a registered lobbyist in Sacramento, said he accompanied Kenyon in retrieving some of the checks, and served as co-counsel to Kenyon in the FPPC matter. Kenyon, who has been a lobbyist for two decades, is not a lawyer.

Edelstein said in brief telephone interview that the deliveries of the checks were "not appropriate and never intended. It was inadvertent, a series of mistakes."

"Mr. Kenyon had obtained all of the checks within two hours of learning of the problem with their delivery," the commission complaint concludes. "Mr. Kenyon subsequently mailed the contribution checks to the legislators or their committees."

It wasn't clear Tuesday how many of the contributions ultimately were accepted after they were received in the mail.

According to the complaint, Kenyon said he was "not actively lobbying any bills" as of Aug. 29, 1986, "and was through for the year." The commission found no evidence that the abortive contributions had any influence on members' votes on bills of interest to Kenyon's clients.



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