

# Once Anonymous, Baughter Now on FPPC Hot Seat

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SACRAMENTO — When Gregory Baughter decided to go to law school more than two decades ago, he broke a five-generation family tradition by not becoming a minister.

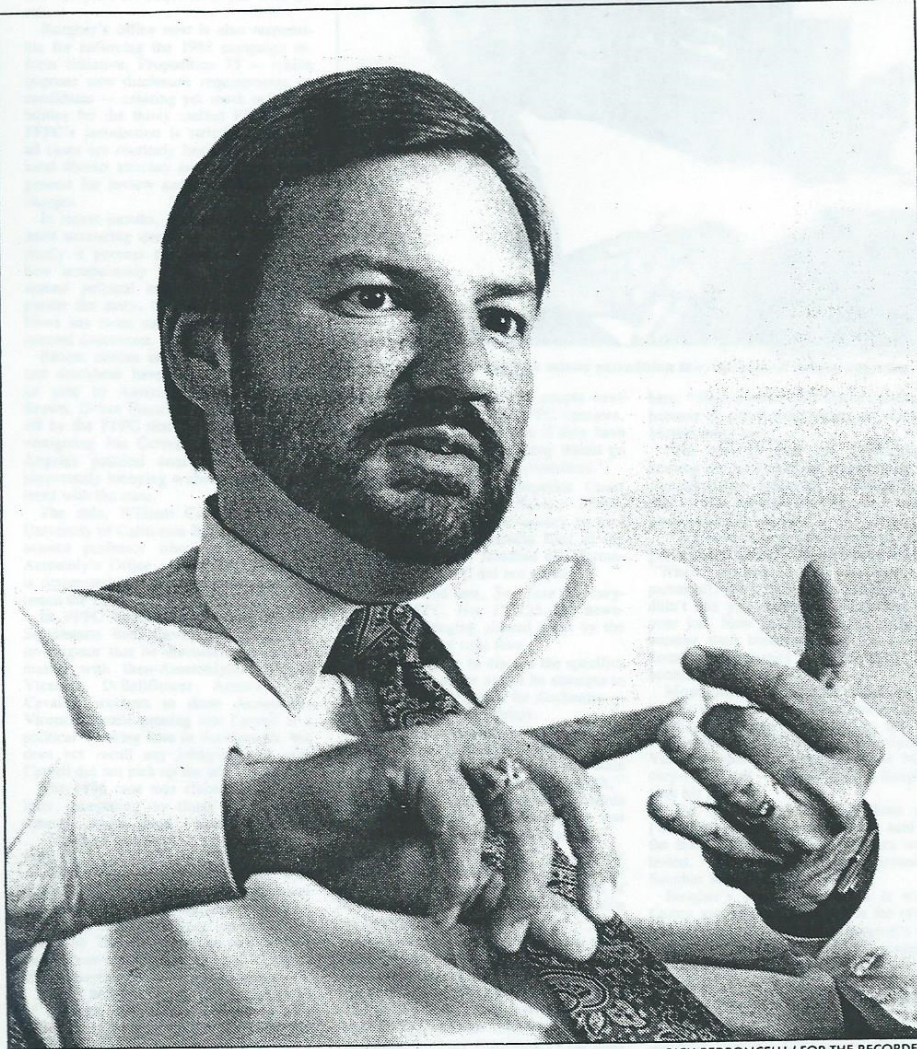
Instead, Baughter — soft-spoken with a courteous yet formal manner — has led a quiet life for the past 14 years as one of the state attorney general's top deputies. His ministry — as opposed to his family's — has been the arcane specialty of extradition law.

Had he not gotten a call in 1984 to head a team investigating Medi-Cal fraud, Baughter, who has a reputation as a sharp legal technician, might still be ensconced in his extradition niche, remaining largely anonymous.

But in recent months, Baughter's involvement in the Medi-Cal investigation has put him in the limelight. And his reputation as a tough, unflappable prosecutor is being put to the test in the rough-and-tumble world of enforcing the state's Political Reform Act.

It's an unlikely hot seat for the 41-year-old Baughter. As executive director of the state Fair Political Practices Commission [FPPC] since June 1986, Baughter has led

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**FPPC'S GREGORY BAUGHTER:** "What is so frustrating about [being sued by a newspaper for withholding records] is that we're probably doing more in terms of public exposure than any state agency I've ever been involved with."

# On Hot Seat, Baugher's Anonymous No More

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investigations of complaints — many of them anonymous and difficult to document — filed against state and local elected officials in California. The commission also keeps detailed financial disclosure records, which public officials and lobbyists are required to file with the state.

Baugher's office now is also responsible for enforcing the 1988 campaign reform initiative, Proposition 73 — which imposes new disclosure requirements on candidates — creating yet more responsibilities for the thinly staffed FPPC. The FPPC's jurisdiction is strictly civil, and all cases are routinely handed over to the local district attorney and/or the attorney general for review and possible criminal charges.

In recent months, the agency has found itself answering questions about how vigilantly it pursues the leads it gets, and how scrupulously it has insulated itself against political influence. In trying to pursue the story, the San Jose Mercury-News has twice sued the agency to seek internal documents.

Recent stories in the Sacramento Bee and elsewhere have focused on whether an aide to Assembly Speaker Willie Brown, D-San Francisco, had been tipped off by the FPPC that the agency was investigating Joe Cerrell, a powerful Los Angeles political consultant, who was purportedly lobbying without being registered with the state.

The aide, William Cavala, a former University of California-Berkeley political science professor who heads the state Assembly's Office of Majority Services, is designated by Brown as the liaison between the FPPC and the Assembly.

In FPPC documents obtained by the Sacramento Bee, Cavala told an FPPC investigator that he discussed the Cerrell matter with then-Assemblyman Frank Vicencia, D-Bellflower. According to Cavala's accounts in those documents, Vicencia recalls running into Cerrell at a political watering hole in Sacramento, but does not recall any lobbying and says Cerrell did not pick up the tab.

The 1986 case was closed six months later, according to those FPPC documents, which cited "lack of priority . . . lack of resources . . . and length of time."

FPPC Chairman John Larson was quoted in Sacramento Bee news accounts as sharply criticizing Baugher's handling of Cavala contacts. When contacted recently by The Recorder, he said he and the executive director do not disagree about Baugher's role or performance.

"He's doing a fine job," said Larson of Baugher. "I don't know where they figure there is any great disagreement. He views things as all my lawyers view things. We don't necessarily agree on everything, but that's why we have lawyers around . . . In talking with Greg, I don't think we have any difference of opinion."

Both Baugher and Larson, a former Los Angeles County counsel, say the disagreement was widely exaggerated and misinterpreted.

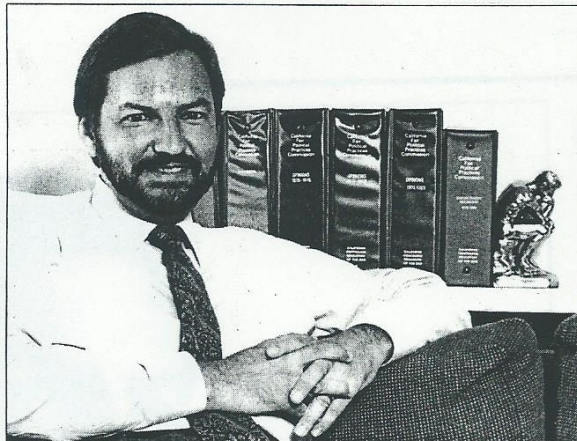
"Any kind of political connection or influence over our cases would be absolutely forbidden in this agency," Baugher said in an interview with The Recorder. "I would be out there in front condemning it if I thought it was happening. And I completely agree with [Larson] on that."

"Cavala was contacted by the chief of the [enforcement] division simply to corroborate an anonymous complaint," he said. "On the basis of information that Cavala provided, we kept the case open for investigation. We didn't close the case."

"I hardly know Cavala and have only met him a couple of times. If an Assembly Democrat has a question about the Political Reform Act, that person may call us or may call Cavala and ask him to contact us," Baugher said. "By the same token, Cavala has been the representative of a number of Democrats in enforcement cases. So there is some contact with Cavala, but it's not [improper]."

Cavala refers reporters' inquiries to Brown's press office.

"Cavala handles elections and reapportionment [issues] and is the staff person assigned to the FPPC," said Press



GREGORY BAUGHER: Says he misses extradition law, an area of unique expertise.

Secretary Susan Jetton. "If people have questions about how the FPPC operates, they go to him. It's just like if they have questions about education, they would go to the education committee consultant."

A 1987 Sacramento Superior Court ruling, *San Jose Mercury-News v. FPPC*, No. 343115, ordered the agency to turn over much of the Vicencia files to the Mercury-News in a freedom of information suit. The FPPC did not appeal.

In the second suit, *San Jose Mercury-News v. FPPC*, No. 350755, the newspaper is challenging alleged plans by the agency to destroy case files.

While declining to discuss the specifics of the suits, Baugher insists he attempts to comply with all requests for disclosure — many of them from reporters.

"What is so frustrating about all of this is that we're probably doing more in terms of public exposure than any state agency I've ever been involved with," Baugher said. "Under the Public Records Act, we start under the presumption that virtually everything is a public record."

He said information such as attorney work product, information given to the agency in confidence or with a promise of confidentiality, or personnel information can be exempted from disclosure.

As the commission's staff director since 1986, Baugher answers to a five-member commission appointed by Gov. George Deukmejian and other state constitutional officers [by law, the governor appoints the chairman and one member, while the remaining three are appointed by the state controller, secretary of state and attorney general], and is responsible for the work of a staff of approximately 60, including 11 lawyers, 10 investigators and three auditors.

"That's not very many people state-wide, particularly when your jurisdiction extends to both state and local officials," says Baugher of his staff limitations. "And, getting into an election year, we receive a high volume of cases."

Enforcement of Proposition 73 will increase the workload "dramatically," he says, with no additional funding or staffing on the horizon.

"We're doing the best we can with the current staff," he says. "Everybody is working really hard, a lot of overtime. And it's likely to continue that way."

The decision to pursue or reject a complaint is based on a variety of sometimes subjective factors.

"Once it's identified as a Political Reform Act case, then we have to look at the nature of the alleged violation, whether there is good evidence to support it, [whether] it is going to be a difficult investigation in the sense that there may not be much support for the complaint," Baugher says.

He says many of the complaints are anonymous, and those cases with sworn statements are given priority.

FPPC Commissioner Michael Montgomery, a solo practitioner in Pasadena, described Baugher as "highly competent" and attributed some of the negative publicity to disgruntled former staff mem-

bers. "He has some staff that are unhappy because of either assignments or salary," Montgomery said.

"He does a good job of juggling, keeping the staff working and keeping the commissioners informed," Montgomery said. "His reports are the most comprehensive I've seen."

"We have a new atmosphere in state government today," Montgomery added. "When I worked for CalTrans legal [department], when there was something you didn't like you shut your mouth and did your job. Now people seem to go headhunting their bosses through the media. Some of the tactics are absolutely dishonorable."

Montgomery also noted that some FPPC investigations which have generated controversy — including the investigation of former Assemblyman Vicencia which prompted the first Mercury-News suit — began before Baugher took his post.

"I'd like to know more about the [Vicencia] matter," Montgomery said of the investigation, in which no fines were levied. "But that's all over and preceded Baugher in any case."

Baugher's attention to detail is well-known among his colleagues in the criminal division of the attorney general's office, where he was the extraditions expert for 12 years and for two years was in charge of the Medi-Cal Fraud Bureau, which was pursuing fraud and patient abuse cases in nursing homes.

"He has the reputation of being one of the best and the brightest," said Sacramento Superior Court Judge Rodney Davis, a longtime personal friend who preceded Baugher as head of the Medi-Cal Fraud Bureau in the attorney general's office. "In court, he's a real class act, very articulate and well-organized."

He is the classic professional public servant."

An avid golfer and tennis player [probably the only lawyer to win BOTH the golf and tennis tournaments at the annual conference of the California District Attorneys Association], Baugher and his wife, Lynn, a manager with the state Department of Education, live at Rancho Murieta in Sacramento.

The son of a Long Beach pastor who was at one-time national general secretary of the Illinois-based Church of the Brethren, Baugher completed his undergraduate work at a Brethren college, Laverne University in Laverne, Calif., and then headed north to Hastings College of Law in San Francisco, where he received his J.D. in 1971.

Baugher joined the attorney general's office in the criminal division in 1972, serving under three attorneys general — Evette Younger, George Deukmejian and John Van de Kamp.

Baugher was asked to apply for the top Medi-Cal Fraud job in the attorney general's office by Steve White, the former executive director of the California District Attorneys Association who heads the attorney general's criminal division. With expanded responsibilities in nursing home enforcement, prescription drug diversion cases and patient abuse investigations, the bureau needed "just the right person for the job," White recalls. "Someone who was a strong administrator."

Special Assistant Attorney General John Gordnier, who heads the attorney general's Special Prosecutions Unit, which investigates and prosecutes organized crime cases, worked with Baugher handling criminal writs and appeals when the two joined the attorney general's office in the early 1970s. "He became a national authority on extraditions and was very well-considered by the National Association of Attorneys General and by extradition officers," said Gordnier.

As the attorney general's extraditions expert, Baugher advised the governor, other prosecutors and law enforcement officials, even defense attorneys, on points of law involving extraditions. He represented the state in several high-profile cases, including *South Dakota v. Brown*, 20 Cal.3d 765 (1978), in which he opposed efforts by the state of South Dakota to compel extradition of American Indian Movement leader Dennis Banks, and *Pacileo v. Walker*, 449 U.S. 86 (1981), in which he represented the sheriff of El Dorado County in successfully preventing the California Supreme Court from intervening in the extradition of convicted murderer James Dean Walker to Arkansas.

Baugher says he sometimes misses his original specialty: "I think you always miss an area of the law where you are expert and where you can provide information and knowledge and service that are unique," he said. "There really wasn't anybody else who had the experience and background. I do miss that."