



May 13, 2016

**COMPLAINT**

**To:** Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

**From:** Phat Bui  
Garden Grove City Councilman

**Re: Complaint for violations of Government Code Section 82025**

I am a resident of Orange County California, a member of the Garden Grove City Council and a candidate for the Orange County Board of Supervisors District 1 in the June 7, 2016 primary election.

**COMPLAINT**

My opponent, 1<sup>st</sup> District incumbent Supervisor Andrew Do, has committed several violations of California Government Code 82025 governing payments made at the behest of Supervisor Do by private parties and non-profit organizations to his Deputy Chief of Staff and political campaign worker Tam “Nick” Lecong and organizations controlled by Mr. Lecong.

Supervisor Do reported \$35,409 in behested payments to Tam Lecong for a “Public Art/Historic Project.”

Mr. Lecong did not report this money as income on his form 700. Instead he reported \$10,000 - \$100,000 from a payor with a similar name to a company he owns, T+T Consulting and Translation.

The remaining payments were made to entities called: Hoang SA Tuong SA Foundation, Paracel & Pratly Foundation, & Paracel & Pratly Hoang SA Tuong SA Foundation. These entities are not on the IRS list of organizations which are registered as a non-profit 501 (c)(3).

The City of Garden Grove business license #310958 lists the address of these entities as 8862 Garden Grove Blvd., #205. This office is also used by VietLink Radio, another business owned by Tam Lecong.



There is no evidence that these and other behested payments by Supervisor Do meet the exemption from political contributions under GC 82025 and should therefore be considered unreported political contributions to Supervisor Do in excess of Orange County contribution limits.

In addition, the 803 forms filed by Supervisor Andrew Do do not include the address of the payer or the address of the payee which is required by Government Code Section 82025.

The 803 forms were filed on April 14, 2016, yet the contributions they reported were made between June 5, 2015 and January 8, 2016. This violates the 30 day reporting requirement of Government Code 82025 (2)(B)(iii).

## **BACKGROUND**

According to Form 803 filed by Andrew Do on April 14, 2016 six behested payments were solicited by him for the ostensible purpose of funding a "Mile Square Park Public Art/Historic Project."

The project was a statue of 13<sup>th</sup> century Vietnamese hero General Tran Hung Dao.

According to a January 19, 2016 story in the Orange County Register, Supervisor Do "arranged for donors to fund" the statue and two other statues in the park.

According the Form 803, which is attached to this complaint, six donors were contacted by Do for this project.

1. Payor: Van Hanh Assembly DBA Chua Lien HOA  
Payee: Tam Lecong  
Amount: \$10,490  
Date of Payment: 6/5/2015  
Purpose: Mile Square Park Public Art/Historic Project
2. Payor: Van Hanh Assembly DBA Chua Lien HOA  
Payee: Tam Lecong  
Amount: \$25,000  
Date of Payment: 12/30/2015  
Purpose: Mile Square Park Public Art/Historic Project
3. Payor: Minh T. Nguyen



Payee: Hoang SA Tuong SA Foundation  
Amount: \$5,000  
Date of Payment: 12/30/2015  
Purpose: Mile Square Park Public Art/Historic Project

4. Payor: Dalat Supermarket  
Payee: Parcel & Praty Foundation  
Amount: \$5,000  
Date of Payment: 12/19/2015  
Purpose: Mile Square Park Public Art/Historic Project
5. Payor: Family Choice Medical Group  
Payee: Hoang SA Tuong SA Foundation  
Amount: \$10,000  
Date of Payment: 1/8/2016  
Purpose: Mile Square Park Public Art/Historic Project
6. Payor: Payer: United Care Medical Group  
Payee: Parcel & Praty Hoang SA Tuong Foundation  
Amount: \$5,000  
Date of Payment: 1/7/2016  
Purpose: Mile Square Park Public Art/Historic Project

## **BASIS OF COMPLAINT**

California Government Code Section 82015 Subsection B Subsection 2 states:

- (a) "Contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.
- (b)(1) A payment made at the behest of a committee as defined in subdivision (a) of Section 82013 is a contribution to the committee unless full and adequate consideration is received from the committee for making the payment.
- (2) A payment made at the behest of a candidate is a contribution to the candidate unless the criteria in either subparagraph (A) or (B) are satisfied:
  - (A) Full and adequate consideration is received from the candidate.



(B) It is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. The following types of payments are presumed to be for purposes unrelated to a candidate's candidacy for elective office:

(i) A payment made principally for personal purposes, in which case it may be considered a gift under the provisions of Section 82028. Payments that are otherwise subject to the limits of Section 86203 are presumed to be principally for personal purposes.

(ii) A payment made by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. [FN1]

(iii) A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected officer with the elected officer's agency and shall be a public record subject to inspection and copying pursuant to subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the Fair Political Practices Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.

In this case four of the donors are individuals or private companies: Minh T, Nguyen, Dalat Supermarket, United Care Medical Group and Family Choice Medical Group.

Two of the payments were made between 6/15/2015 and 12/30/2015 directly to Tam "Nick" Lecong, Andrew Do's political campaign aid and Deputy Chief of Staff. These payments total \$35,490.00.



These payments were made by Van Hanh Assembly DBA Chua Lien HOA. This organization is listed on Lecong's Form 700 as Van Hanh Assembly DBA Chua Lien Hoa **Temple** (emphasis added). The tax exempt status of this organization is not clear.

The remaining payments were made to entities called: Hoang SA Tuong SA Foundation, Parcel & Praty Foundation, & Parcel & Praty Hoang SA Tuong SA Foundation. These entities are not on the IRS list of organizations which are registered as a non-profit 501 (c)(3).

There are missing behested donations that have not been filed.

According to Nguoi Viet Daily Newspaper on January 7, 2016, Andrew Do stated that Nguoi Viet Daily Newspaper donated \$39,950 for the General Tran Hung Dao's statue. If the donation was requested by Andrew Do this donation is not listed on Form 803.

On Tam Lecong's 2015 Form 700 he reports receiving income from T+T Consulting and Translation of between \$10,000 and \$100,000. He lists himself as President of T+T Consulting and Translation and he lists Van Hanh Assembly/Lien HOA Temple as the sole source of this income.

Mr. Lecong does not list any income from Van Hanh Assembly DBA Chua Lien HOA as was reported as reported on Supervisor Do's Form 803 and Supervisor Do does not list T+T Consulting and Translation as a payee on his Form 803.

T+T Consulting and Translation is also a political vendor used by Supervisor Do and was paid \$19,600 by Andrew Do for Supervisor 2015.

There has never been an accounting by any of these organizations of how these behested funds were spent.

This raises the question of whether the money solicited by Supervisor Do was actually used for charitable purposes or for political purposes.

It is possible therefore that these payments could be considered unreported campaign contributions to Supervisor Do in excess of the \$1,900 maximum contribution allowed under the Orange County "Tin Cup" Campaign Contribution Limitation Ordinance.

I urge you to act in advance of the June 7, 2016 election to determine whether the behested payments recently reported by Supervisor Do might in fact be illegal campaign contributions and whether any other violations of the law may have occurred.



Sincerely,

Phat Bui  
Garden Grove City Councilman  
Candidate for Orange County Board of Supervisors, District 1

CC. Jeanelle Turnwill