



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

December 16, 2022

[REDACTED]  
Via email: [REDACTED]

**Re: Complaint No. COM-12022022-05085; Towery, Overton, Yew, Rosen, Rosen, Ellenberg, Hendrickson, Hirokawa**

Dear [REDACTED]

The Enforcement Division of the Fair Political Practices Commission received your sworn complaint alleging violations of the conflict of interest provisions of the Political Reform Act. After reviewing the complaint, we have concluded that we will require additional time beyond the initial 14-day period to await the Respondent's response and evaluate this matter in order to determine whether additional investigation is appropriate. We appreciate your patience in this regard.

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 complaint. If you have any questions regarding this letter, you may contact Ginny Brown at [gbrown@fppc.ca.gov](mailto:gbrown@fppc.ca.gov).

Sincerely,

*Angela J. Brereton*

Angela J. Brereton, Chief  
Enforcement Division

AJB:gab

cc: Towery, Overton, Yew, Rosen, Rosen, Ellenberg, Hendrickson, Hirokawa

California Crime Victims  
& Advocates, CCVA  
P.O Box 2220  
Los Gatos, CA 95031

December 1, 2022

FPPC Investigators,

This complaint alleges the political candidates named herein, including judge candidates, used a secret BBMP meeting to raise money and support for political campaigns in a manner that created financial conflicts and laundered money through the local press for endorsements and political advertising in the San Jose Mercury newspaper. Former FPPC employee and attorney Ann Ravel had a long-standing history of attending BBMP meetings, which may pose a potential conflict related to this complaint.

### **INTRODUCTION**

This complaint arises from a group of crime victims, advocates and attorneys dedicated to bringing awareness and need for transparency, fairness and accountability in local government and courts. Facts supporting allegations made herein are derived from public records obtained through the Santa Clara Superior Court pursuant to California Rules of Court 10.500.

Additional records were partially produced by Santa Clara County pursuant to California's Public Records Act, but the bulk have been concealed in what appears to be a violation of Government Code 6200. The records supporting this complaint are voluminous in nature and therefore only a small sample is provided here. Any remaining records needed to conduct a proper investigation will be forwarded upon request.

This complaint is specifically related to the 2014 – 2022 Santa Clara County elections and the following candidates, with notation for the year the conduct was related to an election:

- Santa Clara County District Attorney Jeff Rosen (2014, 2018, 2022)
- Santa Clara County Supervisor Susan Ellenberg (2018, 2022)
- Santa Clara County Superior Court Judge Cindy Hendrickson (2018)
- Santa Clara County Sheriff Candidate John Hirokawa (2018)
- Santa Clara County Superior Court Judge James Towery (2014, 2020)
- Santa Clara County Superior Court Judge Carol Overton
- Santa Clara County Superior Court Judge Erica Yew (2013- 2022)
- Santa Clara County Superior Court Judge Amber Rosen (2020)
- State Senator Dave Cortese (2014 and 2020)

## BACKGROUND

In San Jose Mercury v. Paul Gackle, Santa Clara County Superior Court Case # 21CH010230. Judge Carol Overton made the following disclosure on February 7, 2022, revealing the existence of a Bench – Bar- Media- Police Committee.

21     you. But you can do that one at a time.  
22             Let's start with the Petitioner's witnesses.  
23             MR. ROBINSON: James Robinson.  
24             MR. SALONGA: Robert Salonga.  
25             MS. PETROS: Margaret Petros.

8

JAN BROWN & ASSOCIATES (415) 981-3498 (800) 522-7096

### REPORTER'S TRANSCRIPT OF PROCEEDINGS - February 7, 2022

1             MS. WARE: Carlene Ware.  
2             THE COURT: With respect to Mr. Robinson, I do  
3     need to make a disclosure. I was the Chair of the  
4     Court's committee that was on the Bench Bar Media  
5     Police, and he was also on that committee.  
6             I haven't spoken to him in years, and we have  
7     never socialized. But I do want to make that  
8     disclosure.  
9             With respect to the witnesses, we usually have an

In 2020 complaints were lodged with the FPPC against Mr. Rosen's 2018 campaign activities. The complaints alleged Mr. Rosen had misused public funds for the benefit of his campaign and allowed his staff to use public resources to support the political campaigns of Jeff Rosen, DDA Cindy Hendrickson and the Recall of Judge Aaron Persky, led by Stanford Law professor Michele Dauber. The complaint was supported by over 500 email records obtained through the California Public Records Act.

The 2020 complaint also alleged WomenSV and its founder, Ruth Patrick, used a charity to raise money and lobby to support Mr. Rosen's 2018 campaign. These allegations were

supported by victims of domestic violence who sought services from WomenSV, a 501 c 3 charity whose mission is to assist affluent victims of domestic violence in Silicon Valley. A charity that has been supported by now Judge Cindy Hendrickson who has a close social and personal relationship with Ms. Patrick Darlene, the WomenSV founder.

On December 31, 2020 the San Jose Mercury, through its San Jose Mercury Wish Book “charity”, published information seeking to raise money for WomenSV as the charity was lobbying and fundraising for the local DA, Jeff Rosen who was running for re- election in 2022.



## FACTS: In Support of Complaint

Records produced by the court show that the Santa Clara County Bench- Bar- Media- Police Committee, “BBMP”, informal policies and procedures provided for the following:

1. BBMP first formed in and around 1988 and is a Standing / Steering committee that organizes dinner meetings each year.
2. BBMP Membership is by invitation of a court judge. Members of the BBMP include judges, government attorneys, elected officials, reporters, private lawyers and police officers.
3. BBMP dinner meetings are held five times a year and are 3 hours long. They include a social hour, dinner and a formal presentation. Invited panelists and moderators speak “off record” to judges, lawyers, police officers, reporters and guests invited by the judges.
4. BBMP dinners are organized by court staff and dinners for speakers are paid out of the jury and grand jury budget. Local county government paid for government attorneys to attend out of county funds as seen in records produced by the court for POs, warrants and checks drawn on petty cash accounts.

**COUNTY OF SANTA CLARA  
COUNTY COUNSEL-PETTY CASH**  
70 W. HEDDING ST., 9TH FLOOR, EAST WING  
SAN JOSE, CA 95112

1295

DATE 3/12/15

PAY TO THE ORDER OF Santa Clara County Superior Ct. \$ 28.00  
Twenty-eight dollars + no/100 DOLLARS

**Bank of America**

FOR Bench/Bar/Media/Police Committee Conf  
Dinner Mtg

TRANSACTIONS WILL BE ENCRYPTED WHICH MEANS THAT YOU WILL REQUIRE A CONFIRMATION SIGNATURE

If you have any questions or concerns, please contact Britney at: [REDACTED]

Meetings are for Committee members only. If you wish to bring a guest, please contact Judge James E. Towery ([REDACTED]) or Judge Lori E. Pegg ([REDACTED]) for approval.

Preferred method of payment: ☒ Check (payable to "Santa Clara County Superior Court")  
☐ Credit

Choice of entrée:

☐ Beef

☐ Chicken

☒ Salmon

☐ Vegetarian

Orny P. Korb  
Name (please print)

County Counsel  
Organization

[REDACTED]  
Telephone No.

orny.korb@cco.sccgov.org  
Email Address

*Notes: If you would prefer to receive*

5. BBMP hosted dinner meetings for judicial and **non- judicial** candidate forums. This included for San Jose Mayor (Dave Cortese) and for County Supervisor (Susan Ellenberg) , who both formally presented to BBMP members and guests while campaigning for public office. These meetings were not open to the public nor publicly noticed.
6. In 2018, for her political campaign, Susan Ellenberg was invited with ONE of her opponents to speak to the BBMP. At the time, she was an appointee to the county's Women Policy Commission for the county. Ellenberg's BBMP dinner for her own political campaign was paid for by the court. That meeting was not publicly noticed and only Mercury reporters present, as Ms. Ellenberg had the Mercury endorsement and no other reporters or critics were present for a political forum related to a position that would control the area where Ms. Ellenberg and Judge Towery reside in San Jose. No other political forums for seats outside of this San Jose area are contained in the records produced by the court.

**Superior Court of California  
County of Santa Clara**

191 North First Street  
San José, California 95113  
(408) 882-2700

Chambers of  
HONORABLE LORI E. PEGG, Judge  
HONORABLE JAMES E. TOWERY, Judge



September 26, 2018

Ms. Susan Ellenberg, for 4<sup>th</sup> District Supervisor  
Board President at SJUSD &  
SCC Commission on the Status of Women Commissioner  
P.O. Box 5422  
San Jose, CA 95150

Sent via email: [info@susanellenberg.com](mailto:info@susanellenberg.com)

Dear Ms. Ellenberg,

On behalf of the Bench/Bar/Media/Police Committee, thank you for agreeing to serve on the panel for the October 24, 2018, program of the Bench/Bar/Media/Police Committee, "Candidate Debate Susan Ellenberg and Donald Rocha; Santa Clara County Board of Supervisors, District 4."

Please find attached the program notice. As our dinner guest for the evening, please simply respond to Janice Jones at [BBMP@scscourt.org](mailto:BBMP@scscourt.org), or [REDACTED], regarding your choice of entrée. Please kindly include a biographical statement.

Please feel free to call if you have any questions regarding the program.



7. The court organized and held non-judicial candidate forums and selected which reporters, lawyers, and members of the public would hear what was said. The candidate forums included Jeff Rosen, Susan Ellenberg, Don Rocha and Dave Cortese who spoke to potential voters, and invited reporters at meetings that were not publicly noticed and where their meals were paid for by taxpayers.
8. DA Jeff Rosen was repeatedly invited to speak to BBMP members. First in 2010 as he first ran for office, in 2011 to discuss his first 79 days, and by 2016 his government email was listed as a BBMP member where Judge Towery was chairman. Mercury editors, reporters and columnists were present at every BBMP meeting where Jeff Rosen appeared. BBMP records show Mr. Rosen also spoke to secret BBMP members and select reporters in 2015 and 2018.
9. The Mercury has endorsed Jeff Rosen's political campaigns since 2010.
10. The Mercury v. Paul Gackle matter was related to Jeff Rosen's 2022 political campaign and a rally of his opponent, Sajid Kahn. Shortly after the Mercury prevailed in restraining Mr. Gackle from appearing at Mr. Rosen's political events where Mercury reporters were present, the Mercury endorsed Mr. Rosen's 2022 campaign as they had done since 2010.
11. Mr. Rosen's 2022 opponents, Sajid Kahn and Daniel Chung, were never invited to speak or attend BBMP when the Mercury reporters or other invited media and police associations were present.
12. Mr. Rosen's relationship with Judge Towery, the Mercury and Mercury attorney James Chadwick dates back to 2010. James Chadwick was regularly invited to BBMP meetings as a guest and speaker where the court would have paid for his meals as he was running for re-election and speaking at BBMP meetings off record.

1 JAMES E. TOWERY -- BAR NO. 74058 2 HOGUE, FENTON, JONES & APPEL, INC. 3 Sixty South Market Street, Suite 1400 4 San Jose, California 95113-2396 5 Phone: (408) 287-9501 6 Fax: (408) 287-2583 7 8 Attorneys for JEFF ROSEN, Real Party- 9 In-Interest 10 11 12 13 14 15 16 17 18 19 20	<div style="text-align: center;"><b>FILED</b></div> <div style="text-align: center;">DAVID T. CHADWICK Clerk of Superior Court of Santa Clara BY: _____ DEPUTY</div> <div style="text-align: center; margin-top: 20px;">SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA</div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">11 SAN JOSE MERCURY NEWS, LLC; 12 JAMES CHADWICK, 13 14 Petitioners, 15 16 vs. 17 18 JESSE DURAZO, REGISTRAR OF 19 VOTERS, SANTA CLARA COUNTY, 20 21 Respondents, 22 23 and 24 25 JEFF ROSEN, Real Party-In-Interest.</div><div style="width: 45%; border-left: 1px solid black; padding-left: 10px;">No. <b>110CV166708</b> DECLARATION OF JEFF ROSEN IN SUPPORT OF STIPULATED PETITION FOR WRIT OF MANDATE</div></div> <div style="margin-top: 20px;">I, Jeff Rosen, declare: 1. I am currently a candidate for the Office of District Attorney of Santa Clara County, in the election to be held on Tuesday, June 8, 2010.</div>
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18. Policial forums where held in 2014 for San Jose Mayor forums, and one invited radio station was permitted to record and use the information for coverage of that election.
19. In 2018 the Mercury , NBC and Daily Journal were the only reporters invited for BBMP meetings where Mr. Rosen and Ms. Ellenberg were doing public forums. Off record
20. From 2010 to production, judicial candidate forums, were conducted “ off record” where only select members of the public , the press, and legal community were invited. This as the judges named herein were running for re- election.
21. Judge Hendrickson has a long-standing record of attending these meetings when she was employed at the DA’s office. She attended when she was the judicial candidate running to replace Persky, and only the Mercury was invited to represent the press.
22. From the FPPC complaint previously filed we know that Ms. Hendrickson was not only attending off record , unnoticed BBMP meetings with Mercury reporters and editors , she was providing Michele Dauber with access to DA information from her government email account to assist Ms. Dauber in providing information for the press and public to get Judge Persky ( her opponent ) recalled.
23. DA Rosen was charged with managing and supervising Ms. Hendrickson and her improper use of her DA email account and DA resources, and he didn’t .
24. In 2016- 2018 the BBMP discussed the history of judge recalls when Mercury reporters were present and the June 5, 2018 recall of Judge Persky campaigns were underway.
25. DDA Cindy Hendrickson attended BBMP meetings for years. In 2016 she asked Michelle Dauber to support her in replacing Judge Persky. From 2015 – 2018 Cindy Hendrickson attended the BBMP meetings with Mercury reporters, and was a panelist speaking on at least one occasion.
26. Cindy Hendrickson attended BBMP meetings and had access to Mercury and NBC reporters when she was running for political office to be a judge.
27. In 2019, the court reviewed the lack of attendance at BBMP meetings and noted they would discontinue the unnoticed dinner meetings, unless needed to address local politics.
28. Dave Cortese used BBMP for his political campaign. This photo of him at the BBMP with Judge James Towery was found on an old campaign Flickr website. It was a photo promoting an unnoticed political forum that has been paid with court and county funds where there is an appearance Mr. Cortese had the support of an elected judge.



29. NO BBMP meeting was publicly noticed. Karyn Sinunu Towery, Judge Towery's wife, and former county attorney, was also in the photo with Mr. Cortese. Both Judge Towery and his wife Karyn Sinunu Towery are politically active in the San Jose community.
30. BBMP dinner meetings give the appearance that Judge Towery is lending the prestige of his judicial office, as he is also a candidate, while using public funds to advance his political agenda by inviting only favored reporters, lawyers, police officers, and political candidates in the area where he holds a political interest and owns a home.
31. Santa Clara District Attorney Jeff Rosen has attended BBMP meetings since his 2010 campaign. The court paid for his dinners each time he was invited to speak. Judge Towery repeatedly invited Jeff Rosen to speak for BBMP meetings, where only Mercury or NBC reporters were invited to hear Jeff Rosen's off record views, opinions and ideas as he was running for re- election in 2014, 2018 and 2022.
32. Jeff Rosen's opponents do not appear in the BBMP records for having ever been invited or attended inside of also being county attorneys.
33. In 2018 BBMP dinner meeting included James Williams, the attorney for the county. The court paid for his meal, and the presentation he gave, at taxpayer expense, was not publicly noticed or recorded. Susan Ellenberg has just voted to promote Mr. Williams to CEO for the county. She previously voted to give DA Rosen a raise.

## **WHAT IS THE BBMP ?**

Complainant has investigated BBMP type meetings and thus far can find only a 2011 report related to Bench- Bar- Media meetings that involved notice, robust public participation and a 500- plus page report. That report does not note the BBMP in Santa Clara, but does note a former similar type of group tried to meet related to the courts in San Joaquin County.

In NO other county do we find elected judges holding political forums that are not noticed to the public while using public funds for the candidate's meals and inviting police officers, police association presidents and select reporters.

BBMP meetings were attended only by favored media that provided endorsement and favorable reporting to BBMP members. This largely included San Jose Mercury endorsement of Jeff Rosen and Supervisor Susan Ellenberg, but also provided favorable reporting for the judges attending or hosting BBMP meetings as they were running for office.

NBC was regularly invited to BBMP meetings with other media until about 2013. In that year NBC had reported on DA Jeff Rosen's misuse of public funds. After NBC was invited to speak and interact with as BBMP members, including Jeff Rosen, there was no more reporting on DA Rosen in any manner that could be deemed critical.

BBMP meetings:

- **No Public Notice.**
- **No Open Invitation**
- **Use of Public Funds for personal and political, not public purpose.**

All BBMP meetings, including political forums, denied the public the right to know about their political candidates. Further, BBMP provided a quid pro quo opportunity between political candidates and the San Jose Mercury News, a hedge fund owned newspaper.

By having largely exclusive access to the BBMP meetings, the Mercury was able to attract more political advertising dollars as opposing candidates would have to spend money to offset the value of a Mercury endorsement. This was especially true for the 2018 election.

BBMP records show Cindy Hendrickson was a regular BBMP attendee, including for the time she was running a political campaign in the event Judge Persky was recalled. Judge Persky attended the BBMP one or two times, but Cindy Hendrickson attended regularly

from 2016- 2018 and then became a formal member of the committee in late 2018 after she replaced Judge Persky.

John Hirokawa was running to replace Sheriff Laurie Smith in the 2018 election. John attended BBMP meetings as early as 2015 and was invited to be a panelist where taxpayers paid for his meal at an unnoticed meeting. His 2018 opponent, Sheriff Smith, attended BBMP dinners once or twice, but was never invited to be a panelist or speaker as ascertained by the public records produced by the court. The San Jose Mercury endorsed John Hirokawa for the 2018 election after Mercury reporters and editors attended the BBMP with John Hirokawa being a speaker at a meeting partially publicly funded but not noticed to the public and press.

BBMP was always “off record” even when competing news agencies were present. For one judicial candidate and political candidate forum, KLIV moderator was invited to moderate and was allowed to record the BBMP dinner and use the recording on his radio station, which provided for him to attract more political ads.

Attached to this complaint email is a very small sample of the public records that exist and can be provided upon request. Santa Clara County where their General Counsel, James Williams attended BBMP meetings have not produced all records responsive to the request and the FPPC will have to ask for county records as needed.

A video about BBMP meetings was produced on YouTube 3 weeks ago and has over 530,000 views with thousands of comments about the appearance of these meetings. [\(7\) 3 Flames Judges Takedown Sheriff - YouTube](#)

In a public forum recently, Judge Erica Yew, provided false information about the BBMP attendance and public notice. She had been provided BBMP records by the time this statement was made: [SusanBassi \(@susanbassi\) TikTok | Watch SusanBassi's Newest TikTok Videos](#) That Tik Tok video has nearly 40,000 views and hundreds of comments in two weeks.

In 2022, in public comment Judge Yew noted the BBMP meetings were “well attended “ and publicly noticed. No such records support that statement for the time period Judge Yew ran for judicial office. Judge Yew noted in her public comment that she attended BBMP for political forums.

This record from the BBMP show attendance was actually declining and confirms the highest attendance was for non- judicial political forums for the city in the county where the judges inviting speakers, reporters and candidates own real property.

### BBMP Dinner Meeting Attendance

Date	RSVP	Attended
3/28/2018	31	25
1/24/2018	38	36
10/25/2017	30	26
9/27/2017	34	34
5/24/2017	26	26
3/22/2017	31	25
1/25/2017	23	21
10/26/2016	37	37
9/28/2016	44	45
5/25/2016	44	44
3/23/2016	31	25
1/27/2016	55	32
10/28/2015	41	38
9/16/2015	56	56
5/27/2015	37	35
1/28/2015	30	23
9/24/2014	61	51
5/28/2014	37	38
3/26/2014	87	83
1/22/2014	44	41

*Counts do not include panel members or staff.*

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#### Programs with highest attendance over last 5 years:

1. March 26, 2014: 83 attended. Topic: Judicial Candidates Forum.
2. September 16, 2015: 56 attended. Topic: Police and Community Relations in a Post-Ferguson Era.
3. September 24, 2014: 51 attended. Topic: Mayoral Candidate Forum.

#### Programs with lowest attendance over last 5 years:

1. January 25, 2017: 21 attended. Topic: Proposition 64 – One Toke for the Road.
-

## COMPLAINT

All judges named herein participated in BBMP dinners, off record, with select reporters, lawyers and police officers when the public was not invited to hear the opinions, views and ideas of the judges who expressed such to invited media that agreed to keep that information out of the public eye. The meetings were not noticed. The meetings provided for political fundraising opportunities with public funds and policies that excluded political opponents, voters and media.

Judge Towery and Judge Overton caused public funds to be expended on meetings inviting only political candidates, reporters, lawyers, cops and members of the public they favored and that were largely associated with the Democratic party where Judge Towery and his wife are known to be active members.

Judge Towery used his judge office to invite his wife, DA Rosen and members of the Mercury to BBMP meetings where Mercury reporters, Mr. Rosen and Ms. Karyn Sinunu Towery had meals paid for by taxpayers.

The public was denied the right to know what was said at BBMP meetings, including by political candidates who represented local government in the area where Judge Towery and his wife owned a home.

Judge Towery, a former state bar employee, has a long-standing history of defective financial disclosures. When he worked for the bar in 2010 – 2011 he never submitted proper financial disclosures.

Judge Towery, while running for political office himself in 2020, used his judge office to invite his supporters, and favored media to BBMP membership and dinners. This included inviting an attorney from Facebook, Paul Grewal, after Judge Towery had been a lawyer benefiting from the Facebook lawsuit with the Winklevosses, as Judge Towery continued to earn income from former law firm Hoge Fenton while he was a judge.

Judge Towery controlled the invitations to the BBMP. When he invited Ms. Ellenberg and Mr. Rosen to BBMP meetings for political forums, he did not invite the public, or the press, that would be critical of Ms. Ellenberg and Mr. Rosen. Judge Towery did not invite their political opponents. In fact absent public notice, there would be no way for political opponents to know of the BBMP political forums, or candidate presentations, existed.

Judge Towery invited largely the San Jose Mercury, San Jose Police, and San Jose politicians and city attorneys, as did Judge Overton, to the BBMP. They did not invite candidates from other areas of the county, only from the area where they owned property.

In Susan Ellenberg's pre- BBMP meeting statement, BBMP records note Ms. Ellenberg was running for the Supervisor district that includes San Jose's Rose Garden area. An area where Judge Towery and his wife own property.

Ms. Ellenberg's former opponent who was eliminated at the primary, did not know of the BBMP meetings, and was not invited when Ms. Ellenberg was provided a free dinner and opportunity to



California Judicial Branch News Service cjbns.org  
Socioeconomic Justice Institute socioeconomicinstitute.com

Speak with an unknown number of voters and reporters attending the BBMP meeting where Ms. Ellenberg was invited to speak by Judge Towery.

Jeff Rosen was regularly invited to participate in BBMP dinners where he spoke to Mercury reporters, judges and voters invited to the off-record meetings. Mr. Rosen's dinner was paid for by jury services. Jeff Rosen has participated in BBMP since he first ran for office in 2010. Then his opponent was invited, but since that time Mr. Rosen's prospective opponents, including Mr. Chung and Mr. Kahn were not invited, nor was any press critical of Mr. Rosen, as arranged by Judge James Towery who was previously Mr. Rosen's lawyer in the 2010 campaign.

From 2015- 2017 the BBMP was active. BBMP standing committee notes show "judge recall" was a topic discussed when only NBC and the Mercury were invited to BBMP dinners. In that 2018 related election, The Mercury endorsed John Hirokwa, Cindy Hendrickson, Jeff Rosen and Susan Ellenberg, after attending meetings at the BBMP where other news outlets were not invited. Cindy Hendrickson was also invited multiple times during this time period, her opponent, Judge Persky was invited only once.

Mr. Rosen's, Mr. Hirokawa, Ms. Hendrickson's and Ms. Ellenberg's political opponents were forced to spend money on political ads with the Mercury to offset endorsements. During these elections BBMP dinners included Paul Grewal, a former federal judge who worked as General Counsel for Facebook.

Judge Towery invited Mr. Grewal to speak at BBMP dinners related to social media censorship and the "Alt- Right". BBMP members who included Mr. Rosen, and all judicial officers and invited speakers would have had the benefit of this information as it related to advertising on social media, as did the Mercury, when their opponents and other members of the press did not have access to the same information.

BBMP meetings were not politically neutral. When Judge Towery and Judge Overton invited most candidates and guests to BBMP dinners, they were largely associated with the Democratic Party. BBMP meetings appeared to function as Judge Towery's personal club.

For the 2018 election BBMP records show Judge Towery invited Democrat candidates John Hirokwa, Jeff Rosen and Susan Ellenberg to speak, but did not invite their opponents.

In 2018, Judge Towery held one "Alt- Right" meeting topic at the BBMP and one meeting where county counsel James Williams was invited to speak about a lawsuit California filed against President Trump. Under Judge Towery's chairmanship BBMP meetings invited largely persons who political candidates associated with the Democratic Party, where Judge Towery and his wife are very active. Other political candidates were not similarly invited or even noticed that the BBMP meetings were ongoing.

Republican candidate Sheriff Smith was invited to BBMP once. She was not invited by Judge Towery on stationary from his chambers as all other panelists, guests and Smith's Democratic opponent John Hirokawa was. Laurie Smith was not invited to speak at BBMP dinners, but her 2018 opponent, John Hirokawa, was. Judge Hirokawa was endorsed by the Mercury after attending BBMP prior to the 2018 election. Laurie Smith spent a great deal of money

advertising in the Mercury while being denied access and invitation to the BBMP where Mercury reporters and editors were omnipresent.

BBMP provided opportunities for the Mercury to attract more political dollars for advertising. It also provided opportunity for fundraising and “off record” cash or in-kind donations to political campaigns out of the public eye.

The San Jose Mercury’s tax exempt charity, endorsed, supported and sought to raise money for Women SV, as Women SV was lobbying victims of domestic violence to support Jeff Rosen’s campaign for DA in 2018 and again in 2022.

When the Mercury prevailed in the harassment case with Mr. Gackle, the Mercury endorsed Jeff Rosen after having attended numerous BBMP meetings where Mercury reporters sat in membership with Mr. Rosen, as Mr. Rosen’s opponents Sajid Kahn and Daniel Chung were not invited, nor noticed of the BBMP meetings and the fundraising opportunities they presented 5 times a year for 3 hours each time.

Judges Towery, Overton, Hendrickson, Yew, and Rosen were chairpersons of BBMP when they were running for re-election, and organizing BBMP dinners with judicial and non-judicial candidates that were not publicly noticed nor open to all members of the public - press reporting on the courts and local elections.

This verified complaint is signed and supported with records by [REDACTED] who acts as the authorized spokesperson for California Crime Victims and Advocates. [REDACTED] can be reached by email: [REDACTED]

Respectfully Submitted,

[REDACTED]

Spokesperson

California Crime Victims & Advocate Committee.