

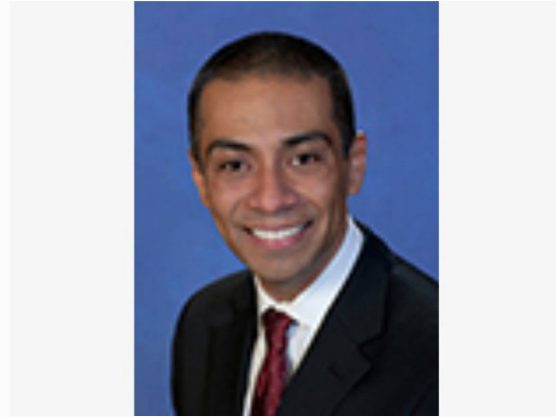
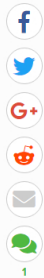
Schools

LA Ethics Commission Takes On Embattled School Board Member

The LA City Ethics Commission will have an outside officer oversee the case against LAUSD Board of Education member Ref Rodriguez: **BREAKING**.

By California News Wire Services, News Partner | Oct 17, 2017 3:40 pm ET

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LOS ANGELES, CA — The Los Angeles City Ethics Commission opted Tuesday to bring in an outside hearing officer to oversee its case against Los Angeles Unified School District Board of Education member Refugio "Ref" Rodriguez and his cousin.

The commission did not directly respond to a request by Bradley Hertz, attorney for Rodriguez and Elizabeth Tinajero Melendrez, to stay the ethics case against them while they deal with the ongoing criminal case they are facing related to the same set of accusations.

Sergio Perez, the commission's director of enforcement, told the panel that staying the ethics complaint case would be a more appropriate decision for the hearing officer to make.

"Because a question of a stay requires an understanding of the substantive facts related to the case and to the allegations, and an understanding of how the law applies to those facts, I do believe that this issue is not ripe for consideration. It is one that should be handled by the preliminary hearing officer or the hearing officer," Perez said.

Rodriguez and Melendrez were charged last month with more than two dozen criminal counts for allegedly reimbursing nearly \$25,000 to donors he listed on a campaign finance form. Rodriguez, a charter school founder, ran successfully for the school board in 2015 and was elected as its president over the summer.

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After the charges came to light, Rodriguez stepped down as the board president but chose to retain his seat.

The criminal charges against Rodriguez and Melendrez stemmed from an investigation by the Ethics Commission after it received a whistleblower complaint in March 2015 about Rodriguez's fund-raising activities.

The commissioners agreed to bring in an outside officer to conduct a preliminary and administrative hearing, which Perez estimates will take five days. The hearing is to be scheduled within four months of the selection of the hearing officer, according to Ethics Commission guidelines.

The commissioners rejected three other options: having one member of the commission serve as the officer; all members of the commission sitting as a hearing panel with an individual hearing officer presiding; and all the commission members convening as a hearing panel without an individual hearing officer presiding.

The commissioners voted unanimously for an outside officer after Commission President Jessica Levinson stated it was her preference and that it also is the most common choice. A preliminary hearing officer may not be necessary if neither side requests a preliminary hearing, but must be an individual, and that person can also serve as the administrative officer.

The Ethics Commission, which enforces city laws regarding governmental ethics, conflicts of interests, campaign financing and

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lobbying, has contracted with the California Office of Administrative Hearings for administrative law judges to serve as hearing officers.

The commission's staff accused both Rodriguez and Melendrez of 25 acts each of laundering funds into Rodriguez's campaign, and can levy a maximum penalty of \$5,000 per violation or three times the amount of the money improperly reported or contributed.

According to Ethics Commission documents, shortly after Rodriguez began his campaign for the school board seat in November 2014, Rodriguez "provided \$26,000 of his own money to Melendrez, his cousin and a key campaign volunteer, with instructions to funnel that money into his campaign account by asking family members to make contributions."

"Melendrez enticed 25 family members and friends to make campaign contributions by telling them that their contributions would be reimbursed," according to the Ethics Commission accusation. "The 25 contributions were made from Dec. 23-31, 2014, ranged from \$775 to \$1,100 each, and totaled \$24,250. Melendrez fully reimbursed all 25 contributions using Rodriguez's funds."

According to the Ethics Commission, Rodriguez filed a campaign disclosure statement on Jan. 12, 2015, and that statement included the 25 donations that had been reimbursed.

"In that statement, Rodriguez certified under penalty of perjury that he had raised a total of \$51,001 in contributions from other people. However, nearly half of the reported funds were actually Rodriguez's own money," according to the commission documents.

Rodriguez was charged by the L.A. County District Attorney's Office with one felony count each of conspiracy to commit assumed name contribution, perjury and procuring and offering a false or forged instrument. He is also charged with 25 misdemeanor counts of assumed name contribution.

He and Melendrez appeared in court in downtown Los Angeles on Sept. 13, but their arraignment was postponed until Oct. 24.

Rodriguez, 46, did not comment at the courthouse, but later issued a statement saying he and his attorneys have been trying to "resolve the issues with the Los Angeles Ethics Commission for over two years."

"As the product of an immigrant family, nobody has more respect for the integrity of the American justice system than I do," Rodriguez said. "I have cooperated with authorities and hope these issues will be resolved expeditiously and fairly."

Melendrez, 45, is charged with one felony count of conspiracy to commit assumed name contribution and 25 misdemeanor counts of assumed name contribution.

"This is much ado about nothing," Melendrez's attorney, Mark Werksman, said outside court in September. "We are surprised this has risen to the level of a criminal prosecution."

Werksman said it was "mystifying" that county prosecutors would bring a case "over such a small amount of money so long ago."

Rodriguez was elected in 2015 to the District 5 seat on the LAUSD board, representing areas including Atwater Village, Eagle Rock, Highland Park, Los Feliz, Mount Washington and Silver Lake. He is a co-founder of Partnerships to Uplift Communities, a series of charter schools in northeast Los Angeles and the northeastern San Fernando Valley.

Rodriguez is also facing a conflict-of-interest complaint with the state's Fair Political Practices Commission filed by Partnerships to Uplift Communities over about \$285,000 in payments that he authorized in 2014 from the charter organization to a nonprofit under his control, the Los Angeles Times reported this week.

By CRAIG CLOUGH, City News Service; Photo courtesy of the Los Angeles Unified School District

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