



October 13, 2014

Mike Henn
1004 W. Oceanfront
Newport Beach, CA 92661

VIA EMAIL AND CERTIFIED LETTER

Email: mfhenn@verizon.net

Dear Mr. Henn,

This firm represents Duffy Duffield and the Committee to Elect Duffy Duffield 2014. Based upon your Daily Pilot advertisement of October 11, 2014, I write this to you as a “concerned citizen” and not a Newport Beach city councilman.

You should be aware that the facts related to your issues in Via Lido Plaza are very different than Mr. Duffield’s. You are the owners’ representative of property in Via Lido Plaza, thereby potentially triggering the Political Reform Act. The FPPC complaints that were filed against both of you were based upon real property ownership or control of real property. Ownership is a key triggering element of the Political Reform Act. *Government Code §81000, et seq.*

By contrast, Mr. Duffield does not own property on Pacific Coast Highway. In fact, for over 24 years he has leased approximately one-fourth acre at 2001 W. Coast Highway. He leases an additional 1/8th acre parcel for boat service. Since you seem to have developed a deep concern about the Duffy Electric Boat Company you should be aware that the company’s primary operations are in Adelanto, California where Mr. Duffield owns six acres. If Mr. Duffield was running for Adelanto city council your thinly veiled attack ad might have merit. Adelanto is 91 miles from Newport Beach has no Eel Grass.

You should be reminded that Mr. Duffield sat on the Newport Beach Harbor Commission for a decade. The same issues you outlined in your “concerned citizen” advertisement were vetted by your city attorney acting as counsel for the Harbor Commission. Mr. Duffield recused himself once in ten years over an issue related to the improvement of Newport Harbor Yacht Club, not matters related to Duffield Electric Boat Company. NHYC is an equity club thereby making the members “owners” of the facility. Again Mr. Henn, ownership is the key.

Your manufactured concern for Mr. Duffield’s business is a tired narrative that you and your colleagues have advanced since Mr. Duffield began his campaign in June. Prior to filing for office I reviewed his businesses and determined the allegations advanced by you are without merit.

Your deep concern for Mr. Duffield’s to avoid possible issues with the Political Reform Act is noted. Your experience with an FPPC complaint appears to have taken a toll on you, however I suggest that for both you and Mr. Hill the emotional pain of the investigation was mitigated by the taxpayers paying for your legal costs, including the hiring of outside FPPC counsel.

I certainly hope you disclosed the \$1,800 cost of the advertisement as a campaign contribution and/or independent expenditure. As of this writing you have not filed the requisite notification with the City Clerk of your campaign contribution, thereby placing you in violation of the City's ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Baric".

Steve Baric

Cc: Duffy Duffield