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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange  
**03/12/2014** at 08:13:35 AM  
Clerk of the Superior Court  
By Sonya Wilson, Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF ORANGE**

ALLAN R. MANSOOR, member California  
State Assembly and candidate for Orange  
County Board of Supervisors 2nd District,

Petitioner;

vs.

NEAL KELLEY, in his official capacity as  
Registrar of Voters of the County of Orange;  
and

DOES 1 through 100, inclusive,

Respondents;

MICHELLE STEEL, Member, California Board  
of Equalization and candidate for Orange  
County Board of Supervisors 2nd District;

ROES 1 through 100, inclusive,

Real Parties In Interest.

Case No.: 30-2014-00708838-CU-WM-CJC

Judge Frederick P. Horn

**VERIFIED PETITION FOR  
ALTERNATIVE AND/OR  
PEREMPTORY WRIT OF MANDATE**  
[C.C.P. § 1085; Elec. Code § 13313, 13314]

**IMMEDIATE ACTION REQUIRED:**  
**ELECTION LAW MATTER ENTITLED**  
**TO CALENDAR PREFERENCE**  
[C.C.P. § 35; Elec. Code § 13314(a)(3)]

Petition Filed:

Hearing Date:  
Hearing Time:  
Department:  
Judge:

**TO THE HONORABLE JUDGES OF THE SUPERIOR COURT:**

Petitioner ALLAN R. MANSOOR (“Petitioner”), by this verified petition, petitions this court for  
a Writ of Mandate directed to Respondent NEAL KELLEY (“Respondent”) and by this petition,  
alleges as follows:

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1 **INTRODUCTION**

- 2 1. This lawsuit is brought in the public interest to enforce and ensure an important right,  
3 that affects the public interest namely, an accurate election ballot in the upcoming County  
4 of Orange election. Successful enforcement of this right will confer a significant benefit  
5 on the voters of Orange County's 2nd Supervisorial District, the general public, and the  
6 county at large.
- 7 2. On or about March 4, 2014, Respondent Registrar of Voters certified Real Party in  
8 Interest Michelle Steel, a Board of Equalization Member, as a candidate for 2nd District  
9 Orange County Supervisor.
- 10 3. On or about March 4, 2014, Board of Equalization Member Steel requested to use a  
11 BALLOT DESIGNATION for printing on the ballot, sample ballot, voter pamphlet, and  
12 other election materials. As shown in this Petition, the ballot designation Board of  
13 Equalization Member Steel provided is false and misleading. Without this action,  
14 Respondent Registrar of Voters will print election materials that contain false and  
15 misleading information.
- 16 4. On or about March 4, 2014, Board of Equalization Member Steel delivered to  
17 Respondent Registrar of Voters a Statement of Candidate Qualifications (“CANDIDATE  
18 STATEMENT”) for inclusion in the voter pamphlet. As shown in this Petition, the  
19 candidate statement Board of Equalization Member Steel provided contains statements  
20 that are false, misleading, and illegally refer to other candidates. Without this action,  
21 Respondent Registrar of Voters will print election materials that contain false,  
22 misleading, and illegal information.
- 23 5. Petitioner has exhausted any and all administrative remedies.

24 **PARTIES**

- 25 6. Petitioner ALLAN R. MANSOOR is a candidate for 2nd District Orange County  
26 Supervisor. He is and at all times mentioned in this petition a competent adult, a citizen  
27 of the United States, and an elector registered to vote in the 2nd Supervisorial District of  
28 Orange County, California. As an elector, Petitioner has standing to bring this action

- 1 pursuant to Elections Code section 13314(a)(1).
- 2 7. Respondent NEAL KELLEY is the Registrar of Voters for Orange County. He is required
- 3 by Elections Code section 13313(b)(3) to be the Respondent in this action as he is
- 4 charged by law with the discharge of duties related to elections in Orange County,
- 5 including the printing of ballots, ballot pamphlets, sample ballots, and other election
- 6 materials. The ballot designation and candidate statement that Respondent approved for
- 7 Real Party Steel's use are the subject matter of this petition. Respondent is named in his
- 8 official capacity only.
- 9 8. Board of Equalization Member MICHELLE STEEL is a Real Party In Interest. She is
- 10 also a candidate for 2nd District Supervisor in the election that will be voted on at the
- 11 June 3, 2014 election. Steel filed a Ballot Designation Worksheet attempting to use a
- 12 false, misleading, and improper ballot designation. Steel also filed a Statement of
- 13 Candidate Qualifications that attempts to use false, misleading, and illegal statements.
- 14 Steel is named as a Real Party in Interest in accordance with Elections Code section
- 15 13313 and applicable case law.
- 16 9. The true names of Respondent DOES 1 through 100, inclusive and Real Party ROES 1
- 17 through 100, inclusive are unknown to Petitioner who therefore brings this Petition
- 18 against DOES 1 through 100, inclusive by such fictitious names, and will seek leave of
- 19 this Petition to show the true names, identities, and capacities when they have been
- 20 determined. Petitioner is informed and believes and on that basis alleges that each DOE
- 21 respondent is responsible in some manner for the events and happenings set forth in this
- 22 Petition and proximately caused the damage complained of to Petitioner as alleged in this
- 23 Petition.

24 **JURISDICTION**

- 25 10. Pursuant to Elections Code section 13314(a)(1), “Any elector may seek a writ of mandate
- 26 alleging that an error or omission has occurred, or is about to occur, in the placing of any
- 27 name on, or in the printing of, a ballot, sample ballot, voter pamphlet, or other official
- 28 matter ...” An “elector” means any person who is a United States citizen 18 years of age

- 1 or older and a resident of an election precinct at least 15 days prior to an election.” Cal.  
2 Elec. Code § 321. Petitioner is an “elector” in accordance with this statute.
- 3 11. The Orange County Superior Court is the proper venue because the acts complained of  
4 which are the subject of this Petition, have all occurred or will all occur in the County of  
5 Orange, State of California. The relief sought in this petition is within the jurisdiction of  
6 this Court.
- 7 12. Pursuant to Elections Code section 13313, this petition is filed during the 10-calendar-  
8 day examination period for seeking a writ of mandate or injunction to delete or amend  
9 ballot and/or ballot pamphlet materials which violate the Elections Code before the  
10 Respondent is scheduled to submit them for printing.
- 11 13. The issuance of a timely peremptory writ of mandate will not substantially interfere with  
12 the conduct of the election because Respondent currently has ample time to correct and  
13 print ballots and ballot pamphlets as necessary for the June 3, 2014 election.
- 14 14. Pursuant to Elections Code section 13314(a)(3), this Petition “shall have priority over all  
15 other civil matters.”
- 16 15. Violations of Elections Code sections 13107, 13307, 13308, and 13313 have occurred in  
17 the ballot designation and candidate statement submitted by Board of Equalization  
18 Member Michelle Steel. As set forth in this Petition, both the ballot designation and  
19 statements from her candidate statement are false, misleading, and illegal. The court must  
20 amend or delete Steel's ballot designation and delete the false, misleading, and illegal  
21 statements from Steel's candidate statement.
- 22 16. Petitioner is informed and believes that unless this Court orders otherwise, Respondent  
23 intends to print the illegal ballot designation and candidate statement described by this  
24 Petition in the ballot, sample ballot, voter pamphlet and/or other election materials.
- 25 17. Petitioner does not have a plain, speedy, or adequate remedy in the ordinary course of  
26 law because the election materials described in this Petition will be sent to print in the  
27 coming weeks.
- 28 18. Petitioner is entitled to judicial review, and this procedure for a writ of mandate is the

1 appropriate procedure for obtaining judicial review.

2  
3 **FIRST CAUSE OF ACTION**  
4 **FOR PEREMPTORY WRIT OF MANDATE**  
5 **AGAINST RESPONDENT REGISTRAR OF VOTERS**  
6 **(Code Civ. Proc. § 1085; Elec. Code § 13314)**

- 7 19. Petitioner re-alleges and incorporates by reference paragraphs 1 through 18.
- 8 20. On or about March 4, 2014, Board of Equalization Member Steel submitted a Ballot  
9 Designation Worksheet requesting to have the ballot designation of “Taxpayer Advocate /  
10 Businesswoman” printed below her name on elections materials. The worksheet also  
11 shows that Steel chose “Small Business Owner” as her first alternative ballot designation.  
12 A true and correct copy of Steel's ballot designation worksheet is attached as **Exhibit A**.  
13 *See* Cal. Elec. Code § 13107.3; Cal. Code. Regs., Tit. § 201711(a).
- 14 21. Board of Equalization Member Steel is elected to the State Board of Equalization where  
15 she serves as a member of that Board. Board of Equalization Member is Steel's full-time  
16 occupation.
- 17 22. On or about March 10, 2014, after Respondent tentatively denied Board of Equalization  
18 Member Steel's request to use “Businesswoman,” Steel's attorney sent Respondent  
19 additional information attempting to justify Steel's request. After receiving the letter,  
20 Respondent Registrar indicated he will allow Steel to use the designation  
21 “Businesswoman.” A true and correct copy of the letter is attached as **Exhibit B**.
- 22 23. Petitioner seeks a writ of mandate pursuant to Elections Code Sections 13313 and 13314  
23 and Code of Civil Procedure sections 1085 and 1086 to delete or amend Board of  
24 Equalization Member Steel's ballot designation of “Taxpayer Advocate /  
25 Businesswoman” because it violates Elections Code section 13107.
- 26 24. Elections Code section 13107 authorizes a three-word ballot designation to be printed  
27 below a candidate's name on the ballot and in the ballot pamphlet. Under Elections Code  
28 section 13107(a)(3), ballot designations may only describe the candidate's “principal  
professions, vocations, or occupations.”

- 1 25. Elections Code section 13107(b)(1) prohibits misleading ballot designations.
- 2 26. The Secretary of State has promulgated regulations “to ensure the accurate designation of  
3 the candidate upon the ballot in order that an informed electorate may intelligently elect  
4 one of the candidates.” Cal. Code. Regs., Tit. 2 § 20710(a).
- 5 27. The Secretary of State's regulations also establish standards for determining whether to  
6 reject a proposed designation. Central to this determination is whether there is a  
7 substantial likelihood that a reasonably prudent voter would be misled by the proposed  
8 ballot designation. The regulations state that such determination:  
9 “... shall take into account the plain meaning of the words ... **and the factual**  
10 **accuracy of the proposed ballot designation** based upon supporting documents or  
11 other evidence submitted by the candidate in support of the proposed ballot  
12 designation” Cal Code. Regs., Tit. 2 § 20716(c) (emphasis added).
- 13 28. Board of Equalization Member Steel cannot use “Taxpayer Advocate” in her ballot  
14 designation because this designation is false, misleading, and contrary to law.
- 15 29. Upon information and belief, Steel is not employed as a “Taxpayer Advocate.”
- 16 30. Upon information and belief, Board of Equalization Member is a quasi-judicial role  
17 where Board Members consider tax appeals from most, if not all, state tax agencies.
- 18 31. Upon information and belief, the Board of Equalization mission is to “provide fair  
19 effective, and efficient tax administration.”
- 20 32. In Steel's Ballot Designation Worksheet, every justification she provided for her  
21 “Taxpayer Advocate” designation relates to the job of “Board of Equalization Member,”  
22 not the job of “Taxpayer Advocate.”
- 23 33. Upon information and belief, the Board of Equalization employs Taxpayer Advocates.
- 24 34. Upon information and belief, Board of Equalization Member Steel employes a “Taxpayer  
25 Advocate” in her office.
- 26 35. Upon information and belief, Board of Equalization Member Steel is not the Board of  
27 Equalization Taxpayer Advocate nor is she the Taxpayer Advocate employed in her  
28 office.
36. Upon information and belief, Steel is attempting to use “Taxpayer Advocate” to mislead

- 1 voters into thinking that she is something other than “Board of Equalization Member.”
- 2 37. “Taxpayer Advocate” is a misleading and confusing ballot designation because it does
- 3 not accurately describe Steel's position with the Board of Equalization.
- 4 38. Steel's claim to be a “taxpayer advocate” suggests an evaluation of her as a candidate,
- 5 which violates Elections Code section 13107(b)(2).
- 6 39. Board of Equalization Member Steel's principal profession, vocation, or occupation is not
- 7 “Taxpayer Advocate.”
- 8 40. Regulations describe statuses, avocations, and pro forma professions, vocations, and
- 9 occupations as unacceptable ballot designations. Cal. Code. Regs., Tit. 2 § 20716(b).
- 10 41. At best, “Taxpayer Advocate” describes Steel's relationship with the community as a
- 11 whole, a status.
- 12 42. By it's plain meaning, “Taxpayer Advocate” is a status ballot designation that is
- 13 prohibited by regulation. Cal. Code Regs., Tit. 2 § 20176(b)(3).
- 14 43. Taxpayer advocacy activities are an avocation that Steel does casually and occasionally
- 15 in addition to her principal occupation as Board of Equalization Member and cannot be
- 16 her ballot designation. *See* Cal. Code Regs., Tit. 2 § 20176(b)(1).
- 17 44. Board of Equalization Member Steel cannot use “Businesswoman” in her ballot
- 18 designation because this designation does not comply with Elections Code Section
- 19 13107(a)(3) and related regulations. *See* Cal. Code Regs., Tit. 2 § 20176.
- 20 45. Steel's Businesswoman activities are not substantial enough to allow her to claim
- 21 “Businesswoman” has her **principal** profession, vocation, or occupation.
- 22 46. “Businesswoman” is more appropriately a status or pro forma vocation.
- 23 47. The proposed designation “Taxpayer Advocate / Businesswoman” violates Elections
- 24 Code section 13107 because it is false, misleading, and does not describe Board of
- 25 Equalization Member Steels principal profession, vocation, or occupation. The ballot
- 26 designation of “Taxpayer Advocate / Businesswoman” must be deleted or amended.
- 27 48. The only ballot designation that Board of Equalization Member Steel can submit that will
- 28 satisfy Elections Code section 13107 is “Board of Equalization Member.” *See* Elections

1 Code section 13107(a)(1)<sup>1</sup>.

2 **SECOND CAUSE OF ACTION**  
3 **FOR PEREMPTORY WRIT OF MANDATE**  
4 **AGAINST RESPONDENT REGISTRAR OF VOTERS**  
5 **(Code Civ. Proc. § 1085; Elec. Code § 13314)**

6 49. Petitioner re-alleges and incorporates by reference the allegations of paragraphs 1  
7 through 48.

8 50. On or about March 4, 2014, Real Party Steel submitted a Statement of Candidate  
9 Qualifications (“candidate statement”) for inclusion by Respondent Registrar on the voter  
10 pamphlet that will be mailed to all voters. A true and correct copy of Steel's Candidate  
11 Statement of Qualifications is attached to this Petition as **Exhibit C**.

12 51. Elections Code section 13313 prohibits statements from containing false, misleading, and  
13 illegal statements. Statements about other candidates are illegal under section 13308.

14 52. Elections Code section 13307 requires that a candidate statement submitted for inclusion  
15 in the ballot pamphlet state “only the candidate's name, age, occupation, and a brief  
16 description of the candidate's education and qualifications expressed by the candidate  
17 himself or herself.”

18 53. Real Party Steel's candidate statement includes statements that are false, misleading, and  
19 refer to other candidates running for the same office. Respondent has a duty to delete the  
20 false, misleading, and illegal statements from the candidate statement.

21 54. Elections code section 13308 states that a candidate statement shall be limited  
22 “to a recitation of the candidate’s own personal background and qualifications, and  
23 **shall not in any way make reference to another candidate for that office** or to  
24 another candidate's qualifications, character, or activities.” (emphasis added).

25 55. The first sentence of Steel's candidate statement includes the statement “As Orange  
26 County's **only** state constitutional officer, ...” (emphasis added).

27 56. Board of Equalization Member Steel's statement that she is the “only state constitutional  
28 officer” violates Elections Code section 13308 because it makes reference to every  
other candidate running for the office. By claiming that she is the only state constitutional

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<sup>1</sup> Steel's alternative designation, “Small Business Owner” may also be at issue. Upon information and belief, this designation is false because Steel does not own a business.



1 officer, she is also implying that none of the other candidates are state constitutional  
2 officers. While true, the code expressly prohibits any type of reference to other  
3 candidates.

4 57. The first sentence of Steel's candidate statement also claims “[I’m] the **only** candidate for  
5 Supervisor endorsed by the Howard Jarvis Taxpayers Association” (emphasis added).

6 58. By claiming that she is the only candidate endorsed by the Howard Jarvis Taxpayers  
7 Association, Real Party Steel is also implying that the other candidates are not endorsed  
8 by the Howard Jarvis Taxpayers Association. The code expressly prohibits any type of  
9 reference to to the other candidates.

10 59. The last paragraph of Steel's candidate statement includes a statement that she was the  
11 “**first** candidate to sign the Taxpayer Protection Pledge” (emphasis added). This is both a  
12 false and misleading statement and an improper reference to other candidates.

13 60. Upon information and belief, Steel was *not* the first candidate to sign this pledge.

14 61. Regardless of truth, Board of Equalization Member Steel's statement that she was the  
15 first to sign the pledge implies that the other candidates were not the first. The code  
16 expressly prohibits any type of reference to to the other candidates.

17 62. The candidate statement Steel submitted does not make one reference to her current  
18 position as Board of Equalization Member. However, there are five separate statements  
19 that are false or misleading or make illegal references to other candidates. Steel's failure  
20 to mention her current office and her flagrant violations of state law suggest a deliberate  
21 attempt to conceal from voters the nature of her position at the State Board of  
22 Equalization.

23 63. The third paragraph of Steel's candidate statement starts “As your representative, I  
24 successfully fought to ...” This statement is false and misleading because it implies that  
25 Steel is a a representative in a Legislative Branch elected office where the officeholders  
26 are commonly referred to as “representatives” whether they are U.S. Representatives,  
27 Senators, or Assemblymembers.

28 64. Adding to the misleading nature of this statement is the fact that Steel's candidate

- 1 statement makes no reference to her current elected position, State Board of Equalization  
2 Member. This is an administrative and adjudicatory position with an administrative  
3 agency that hears tax appeals.
- 4 65. Steel does not serve in a representative Legislative Branch office. This reinforces the  
5 conclusion that she is trying to deceive voters into believing that her job is something  
6 other than Board of Equalization Member.
- 7 66. The last paragraph of Steel's candidate statement includes a statement that she is a  
8 "Business Owner."
- 9 67. When Board of Equalization Member Steel submitted her Ballot Designation Worksheet,  
10 she justified her claim that she was a "Small Business Owner" by claiming that she was  
11 co-owner of the Shawn Steel and Associates law firm.
- 12 68. Upon information and belief, Michelle Steel is not a lawyer. As a matter of law, she is  
13 prohibited from owning a law firm. Bus. and Prof. Code § 13406(a); *See also* Cal. Bar  
14 Assn. Rules of Prof. Conduct Rule 1-310.
- 15 69. Upon information and belief, Steel does not "own" any other businesses.
- 16 70. Steel's claim that she is a "Business Owner" is a false and misleading statement. It must  
17 be deleted from her candidate statement.
- 18 71. Elections Code section 13307 allows a candidate to submit a candidate statement up until  
19 the close of filing.
- 20 72. Elections Code section 13311 prevents the disclosure of a candidate's Candidate  
21 Statement of Qualifications until the close of candidate filing.
- 22 73. Upon information and belief, the purpose of Elections Code section 13311 is to prevent  
23 candidates from obtaining an unfair advantage over other candidates by having the  
24 opportunity to review opponents' candidate statements before submitting their own.
- 25 74. Allowing Real Party Steel to amend the illegal portions her candidate statement will give  
26 her an unfair advantage over every other candidate, creating undue prejudice towards  
27 candidates that submitted candidate statements that did not contain false, misleading, or  
28 illegal statements.

- 1 75. Upon information and belief, Real Party steel has hired some of the leading political  
2 advisors in the state to help her campaign for 2nd District Orange County Supervisor.
- 3 76. Upon information and belief, Real Party Steel has significantly more financial resources  
4 than every other candidate.
- 5 77. Upon information and belief, Board of Equalization Member Steel and her political  
6 advisors are aware of the law regulating ballot designations and candidate statements, but  
7 knowingly submitted an illegal ballot designation and included illegal statements in  
8 Steel's candidate statement to either gain an unfair advantage over other candidates or  
9 cause another candidate to spend considerable resources to force compliance.
- 10 78. Board of Equalization Member Steel's willful defiance of state law should not be  
11 rewarded by allowing her to amend and improve her candidate statement after she has  
12 had the opportunity to review the candidate statements submitted by her competitors.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Petitioner prays that this court:

- 15 1. Order a peremptory Writ of Mandate ordering Respondent and all persons acting  
16 pursuant to his direction and control to amend Board of Equalization Member Steel's  
17 ballot designation to read "Board of Equalization Member" prior to causing it to be  
18 printed for the June 3, 2014 election;
- 19 2. Order a peremptory Writ of Mandate ordering Respondent and all persons acting  
20 pursuant to his direction and control to delete the illegal phrase "As Orange County's  
21 only state constitutional officer" from Board of Equalization Member Michelle Steel's  
22 candidate statement prior to causing it to be printed for the June 3, 2014 election;
- 23 3. Order a peremptory Writ of Mandate ordering Respondent and all persons acting  
24 pursuant to his direction and control to delete the illegal phrase "and the only candidate  
25 for Supervisor endorsed by the Howard Jarvis Taxpayers Association" from Board of  
26 Equalization Member Michelle Steel's candidate statement prior to causing it to be  
27 printed for the June 3, 2014 election;
- 28 4. Order a peremptory Writ of Mandate ordering Respondent and all persons acting

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pursuant to his direction and control to delete the false and misleading phrase “As your representative” from Board of Equalization Member Michelle Steel's candidate statement prior to causing it to be printed for the June 3, 2014 election;

- 5. Order a peremptory Writ of Mandate ordering Respondent and all persons acting pursuant to his direction and control to delete the false and misleading phrase “Business Owner” from Board of Equalization Member Michelle Steel's candidate statement prior to causing it to be printed for the June 3, 2014 election;
- 6. Order a peremptory Writ of Mandate ordering Respondent and all persons acting pursuant to his direction and control to delete the illegal phrase “first candidate to sign the Taxpayer Protection Pledge” from Board of Equalization Member Michelle Steel's candidate statement prior to causing it to be printed for the June 3, 2014 election;
- 7. Award petitioner his attorneys' fees and costs reasonably incurred in this action under Code of Civil Procedure section 1021.5 and other applicable code sections; and
- 8. For such other and further relief as the Court deems proper.

Dated: March 12, 2014

Respectfully submitted,  
LAW OFFICE OF CHAD MORGAN

By:   
CHAD D. MORGAN  
Attorney for Petitioner  
ALLAN R. MANSOOR

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**VERIFICATION**

STATE OF CALIFORNIA )  
COUNTY OF SACRAMENTO ) (STATE COUNTY WHERE EXECUTED)

I am the Petitioner in this action. I have read the foregoing Verified Petition for Writ of Mandate and know its contents. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, which, as to those matters, I believe them to be true.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is correct.

Executed this 12<sup>th</sup> [day] day of March, 2014 in SACRAMENTO [city], California.

  
ALLAN R. MANSOOR

# **EXHIBIT A**

### Ballot Designation Worksheet

Pursuant to California Elections Code Section 13107.3 and Section 20711 of the California Code of Regulations, this entire form **must be completed**, or it will not be accepted and you will **not be entitled** to a ballot designation. **DO NOT LEAVE ANY RESPONSE SPACES BLANK.** If information requested is not applicable, please write N/A in the space provided. Otherwise the information **MUST** be provided. Upon filing, this worksheet will be a public record.

Candidate Information

Candidate Name: Michelle Steel

Office: Board of Supervisors, District 2

Home Address: 92A Surfside Ave, Surfside, CA 90743 E-Mail: MichelleSteel@ShawnSteel.com

Business Address: \_\_\_\_\_

Mailing Address: P.O. Box 472, Surfside, CA 90743

Phone Number(s) Business: <sup>(657)</sup> 204-5968 Home/Mobile: <sup>(310)</sup> 686-3262 Fax: \_\_\_\_\_

Attorney Information

Attorney Name (or other person authorized to act in your behalf): Brian Hildreth / Bell, McAndrews & Hildreth, LLP

Address: 455 Capitol Mall, #600, Sacramento CA, 95814

Home Address: \_\_\_\_\_ E-Mail: BHildreth@BMHLaw.com

Business Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number(s) Business: <sup>(916)</sup> 442-7757 Home/Mobile: \_\_\_\_\_ Fax: <sup>(916)</sup> 442-7759

Proposed Ballot Designation: Taxpayer Advocate / Businessman

1<sup>st</sup> Alternative: Small Business Owner

2<sup>nd</sup> Alternative: \_\_\_\_\_

REGISTRAR OF VOTER  
 COUNTY OF ORANGE  
 14 MAR -3 P2 58

You may select as your ballot designation:

- (a) Your current principal profession(s), vocation(s), or occupation(s) [maximum total of three words, separated by a "/"]
- (b) The full title of the public office you currently occupy and to which you were elected
- (c) "Appointed [full title of public office]" if you currently serve by appointment in an elective public office and are seeking election to a different office
- (d) "Incumbent" if you were elected (or, if you are a Superior Court Judge, appointed) to your current public office and seek election to a new term
- (e) "Appointed Incumbent" if you were appointed to your current elective public office (other than Superior Court Judge) and seek election to a new term

In the space provided on the next page or on an attachment sheet, describe why you believe you are entitled to use the proposed ballot designation. Attach any documents or exhibits that you believe support your proposed ballot designation. If using the title of an elective office, attach a copy of your certificate of election or appointment. These documents will not be returned to you. **Do not submit originals.**

If your proposed ballot designation includes the word "volunteer," indicate the title of your volunteer position and the name of the entity for which you volunteer along with a brief description of the type of volunteer work you do and the approximate amount of time involved. You may only use the ballot designation "community volunteer" if you

volunteer for a 501(c)(3) charitable, educational, or religious organization, a governmental agency or an educational institution. You may not use "community volunteer" together with another designation.

Remember, it is your responsibility to justify your proposed ballot designation and to provide all requested details. For your reference, attached are Elections Code Sections 13107 and 13107.3, and 2 California Code of Regulations (CCR) Section 20711. You may also wish to consult Elections Code Section 11307.5 ("community volunteer") and 2 CCR Sections 20712 - 20719 (found at [www.sos.ca.gov](http://www.sos.ca.gov)).

Justification for use of proposed ballot designation: Co-owner and Controller at Shawn Steel Assoc. Law Firm. provides tax advice and education in print and

Seminar & work shops. Advocates on behalf of taxpayers to tax agencies,  
Testifies in legislative Committee on impact of bills on taxpayers. *we would be pleased to provide additional*

Current or Most Recent Job Title: Member, Board of Equalization Start/End Dates: Jan 2007 - Present

Employer Name or Business: State Board of Equalization

Person(s) who can verify this information:

Name(s) Joel Angeles Phone Number: (805) 559-8677  
John Tavian E-Mail: JoelAngeles@live.com

Name(s) ~~John Tavian~~ Phone Number: (310) 697-9000 *(Hq)*

also, Cynthia Bridges (916) 327-4975 E-Mail: JohnTavian@ShawnSteel.com

Before signing below, answer the following questions.

Does your proposed ballot designation:

- Use only a portion of the title of your current elected office? Yes  No
- Use only the word "Incumbent" for an elective office (other than Superior Court Judge) to which you were appointed? Yes  No
- Use more than three total words for your principal professions, vocations or occupations? Yes  No
- Suggest an evaluation of you, such as outstanding, leading, expert, virtuous, or eminent? Yes  No
- Refer to a status (Veteran, Activist, Founder, Scholar), rather than a profession, vocation or occupation? Yes  No
- Abbreviate the word "retired"? Yes  No
- Place the word "retired" after the words it modifies? Example: Accountant, retired Yes  No
- Use any word or prefix (except "retired") such as "former" or "ex-" to refer to a former profession, vocation or occupation? Yes  No
- Use the word "retired" along with a current profession, vocation, or occupation? Example: Retired Firefighter/Teacher Yes  No
- Use the name of a political party or political body? Yes  No
- Refer to a racial, religious, or ethnic group? Yes  No
- Refer to any activity prohibited by law? Yes  No

If the answer to any of these questions is "Yes," your proposed ballot designation is likely to be rejected.

Candidate's Signature \_\_\_\_\_ Date 3/3/14

information upon request.



# **EXHIBIT B**

BELL, McANDREWS & HILTACHK, LLP

Attorneys and Counselors at Law

455 CAPITOL MALL, SUITE 600  
SACRAMENTO, CA 95814

(916) 442-7757  
FAX (916) 442-7759

March 10, 2014

REGISTRAR OF VOTERS  
COUNTY OF ORANGE  
14 MAR 11 AM 59

**BY FAX (714) 567-7627**

Mr. Neal Kelley  
Registrar of Voters  
ATTN: KAY COTTON  
Orange County  
1300 South Grand Avenue, Bldg. C  
Santa Ana, California 92705

Re: **Ballot Designation of Michelle Steel: "Taxpayer Advocate/Businesswoman"**

Dear Mr. Kelley:

This law firm represents Michelle Steel for Supervisor. On behalf of Ms. Steel, this letter responds to correspondence received from your office on March 10, 2014 wherein you have requested additional information from Ms. Steel regarding her ballot designation of "Taxpayer Advocate/Businesswoman." Ms. Steel is presently a member of the Board of Equalization.

**I. BACKGROUND AND FACTUAL SUMMARY**

Board Member Steel and her husband are the sole shareholders of Shawn Steel & Associates, a duly organized California law corporation. Ms. Steel is presently the Controller of the business. (See **Exhibit A** hereto.) As part of her business duties with the law firm, Ms. Steel is an authorized signer on the firm's two bank accounts. (See **Exhibit B** hereto.) She also is the business's representative for lease renewals and negotiating lease terms with the building owners. (See **Exhibit C** hereto.)

In addition to her duties as the Controller of Shawn Steel & Associates, Ms. Steel also assists in the management of the business's client files, with a focus on follow-up after a client's case is concluded by the attorneys. Ms. Steel also participates in the marketing of the business to media sources and to potential clients of Korean ancestry who may benefit from the law firm's services. Ms. Steel is fluent in Korean and Japanese languages and assists the business with translation services.

Correspondence to Neal Kelley  
March 10, 2014  
Page 2 of 3

Ms. Steel's interest in and work with Shawn Steel & Associates gives rise to at least two separate business and economic interests in the firm: (1) as a shareholder of a business entity; and (2) the business as a source of income to her. Her duties as a controller and general business manager for the business plainly establish that one of Ms. Steel's principal professions, occupations or vocations is as a "businesswoman."

Separate from her business experience with Shawn Steel & Associates, Ms. Steel also is the co-owner and manager of a rental property located 47 Eastfield Drive, Rolling Hills, CA. This economic interest is disclosed on Ms. Steel's Form 700. Ms. Steel's business duties relative to the rental property include overseeing the advertising of the property when vacant; evaluating potential tenants who apply to lease the property; overseeing repairs and updates to the premises; and acting as the primary point of contact for the property. In sum, Ms. Steel is the businesswoman overseeing all facets of the management of the property.

## II. LEGAL ANALYSIS

Under the Elections Code and the Secretary of State's Regulations, an elections official "shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation." (2 Cal. Code Reg. § 20716.)

The term "Business" is defined as:

Employment, occupation, profession, or commercial activity engaged in for gain or livelihood. Activity or enterprise for gain, benefit, advantage or livelihood. Enterprise in which person engaged shows willingness to invest time and capital on future outcome. That which habitually busies or occupies or engages the time, attention, labor, and effort of persons as a principal serious concern or interest or for livelihood or profit.

(Black's Law Dictionary, Abridged Sixth Edition, p. 136.)

The term "Businesswoman" is defined by the Merriam-Webster Dictionary as "a woman who works in business especially in a high position; a woman who is good at dealing with business and financial matters." (<http://www.merriam-webster.com/dictionary/businesswoman>.)

Correspondence to Neal Kelley  
March 10, 2014  
Page 3 of 3

Considering the plain meaning of the word, to qualify as a “businesswoman,” a woman need only be engaged in an activity or enterprise for gain, benefit, advantage or livelihood as a principal concern or interest and have a willingness to invest time and capital on the future outcome. We note that in *Andal v. Miller* (1994) 28 Cal.App.4th 358 “[t]he term ‘businessman’ ... could encompass anything from a door-to-door magazine salesman to the president of IBM, but it is routinely accepted as a ballot designation without the requirement of further elaboration.” (*Id.* at p. 364.) The same would unquestionably be true for “businesswoman.”

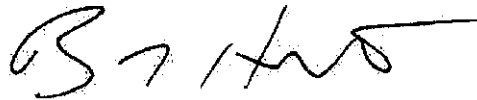
### III. CONCLUSION

Ms. Steel is patently engaged in “business” as the controller of Shawn Steel & Associates, and as the properly manager and owner of a rental property. As such, Ms. Steel has made an acceptable, factually accurate, description of one of her multiple principal professions, vocations or occupations – Businesswoman. “[T]he Legislature used the word “principal” in its secondary sense as meaning ‘[m]ain; leading; outstanding; important;’ (citation). . . . Thus, the term “principal” precludes any activity which does not entail a significant involvement on the part of the candidate” (*Andal v. Miller, supra*, 28 Cal.AppAth at p. 366.)

Ms. Steel’s record presents that she has regularly and recently invested time and effort, into at least two business ventures. As a result, we respectfully request her desired ballot designation of “Taxpayer Advocate/Businesswoman” be reinstated and accepted by your office.

Thank you in advance for your assistance. I look forward to hearing from you.

Very truly yours,



Brian T. Hildreth

BTH: bth

~~EXHIBIT A~~

~~EXHIBIT A~~

**SHAWN STEEL & ASSOCIATES**  
A PROFESSIONAL LAW CORPORATION

**MICHELLE STEEL**  
Controller

*e-mail: [msteel@shawsteel.com](mailto:msteel@shawsteel.com)*

■ 27520 Hawthorne Bl. # 270  
Palos Verdes, CA 90274  
(310) 697-9000 Ext. 2010

□ 3501 Jamboree Rd.  
South Tower # 606  
Newport Beach, CA 92660  
(949) 551-9000

□ 807 Montgomery Street  
San Francisco, CA 94133  
(415) 282-9000

FACSIMILE: (310) 697-9010

~~EXHIBIT B~~

~~EXHIBIT B~~



**WILSHIRE STATE BANK**  
841 South Western Avenue, Los Angeles, California 90005  
213-387-7070 Tel  
213-427-6599 Fax

March 10, 2014

To Whom It May Concern:

This letter is to confirm that Shawn Steel and Associates, APLC has two accounts at Wilshire Bank and the two owners/signers of this account are Shawn Steel and Michelle Steel.

Account ending in:

- Business Checking 6640
- Client Trust Account 6499

Please do not hesitate to contact me anytime if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Esther Chong'.

Esther Chong  
VP & Operations Officer





~~EXHIBIT C~~

~~EXHIBIT C~~

**Michelle Steel**

---

**From:** Wityak, Cynthia [wityakc@koll.com]  
**Sent:** Friday, April 06, 2012 12:59 PM  
**To:** Michelle Steel  
**Subject:** Lease renewal for Suite 270 at 27520 Hawthorne Blvd., Rolling Hills Estates, CA

Hi Michelle,

I got your message regarding the renewal for your Suite at Peninsula Pointe. Please see below for our renewal proposal for Shawn Steel and Associates.

- ❖ 5/1/12 through 4/30/13 - \$ \_\_\_\_\_ per month. This represents a savings of \_\_\_\_\_ per month or \_\_\_\_\_ on an annual basis.
- ❖ 5/1/13 through 4/30/14 - \_\_\_\_\_ per month.
- ❖ 5/1/14 through 12/31/14 - \_\_\_\_\_ per month.

Tenant shall be granted one (1) three (3) year renewal to lease at the prevailing market rental rates.

Please feel free to contact me should you have any questions. The Koll Company sincerely appreciates your tenancy at Peninsula Pointe.

Have a nice weekend Michelle!

Best regards,  
Cynthia



Cynthia Wityak | Senior Manager  
The Koll Company  
27520 Hawthorne Blvd., Suite 177  
Rolling Hills Estates, CA 90274  
T: (310) 544-9495 | F: (310) 544-2054  
[cwityak@koll.com](mailto:cwityak@koll.com) | [www.koll.com](http://www.koll.com)

# **EXHIBIT C**

**COUNTY SUPERVISOR, 2ND DISTRICT**

**NAME: MICHELLE STEEL**

**OCCUPATION:** Taxpayer Advocate/Businesswoman

As Orange County's only state constitutional officer, I'm proud to be known as California's top tax-fighter and the only candidate for Supervisor endorsed by the Howard Jarvis Taxpayers Association.

At the urging of many Orange County leaders, I decided to run for County Supervisor. My goals are to: root out waste and fraud from the county budget; reform public employee pensions; protect our coastline; support local law enforcement; and reduce regulations and red tape on small business.

As your representative, I successfully fought to refund over \$100 million to taxpayers the state was improperly holding and I led the fight against a new \$500 million internet tax.

In addition to the Howard Jarvis Taxpayers Association, I'm proud to be endorsed by District Attorney Tony Rackauckas, Sheriff Sandra Hutchens, Board of Supervisors Chairman Shawn Nelson, Supervisors Pat Bates and Janet Nguyen, U.S. Representatives Ed Royce and Dana Rohrabacher, Senator Mimi Walters and Assemblyman Travis Allen and many other local officials.

My education and background includes: BA in Business from Pepperdine and Executive MBA from USC; Business Owner; former Presidential appointee; first candidate to sign the Taxpayer Protection Pledge.

I'd be honored to receive your vote.

Please visit [www.SteelforSupervisor.com](http://www.SteelforSupervisor.com) to find out more.