

# Pinole councilman urged to come clean about deals

Incomplete paperwork keeps residents from whole truth

*Contra Costa Times*

January 28, 2007

By Tom Lochner

PINOLE — Residents are calling on Pinole City Councilman David Cole to come clean about his local business dealings, in particular his involvement with companies and individuals that do business with the city.

“Do what’s right. Be honest. Get your integrity in order,” resident Marcia Kalapus urged Cole at a council workshop this month. Kalapus, who said she voted for Cole in his successful re-election bid in November, reminded him that he had yet to complete “some paperwork,” a reference to financial disclosure forms state law requires him to file.

In his annual Form 700 “Statement of Economic Interests” filings with the city clerk dating to at least 2003, Cole has claimed “no reportable interests” in Pinole.

Yet the *Times* obtained a May 2004 invoice from Cole’s landscape business billing Pear Street Bistro owner Gary Wong \$2,395 for washing his building. Wong and his bistro are the beneficiary of more than \$500,000 in Pinole Redevelopment Agency loans, including one for \$58,000 that Cole and the rest of the council approved 10 months earlier, in 2003.

In December, Cole confirmed that he worked for about six months in 2006 as a sales representative for the El Sobrante office of Chicago Title Co., which does business in Pinole; during that stint, Cole had filed a Form 700 for candidates for the Nov. 7 election, again checking off “no reportable interests” — an error, he said later.

He also said he worked for TKG, the redevelopment agency’s partner in the Pinole Vista Crossing and Pinole Valley shopping centers “probably” in 2003 and 2004.

During those years, he participated in several council votes involving TKG business. A TKG principal, however, says Cole never voted on a TKG matter while doing work for a TKG affiliate or contractor.

Explaining some of his apparent reporting lapses, Cole said last month that he found the instructions to Form 700 confusing. In late October, he told the *Times* he would seek advice from the state Fair Political Practices Commission.

In December, he said he would soon file amended forms 700.

But as of this week, more than a month after he pledged to do so, Cole had not filed amended forms 700 with the city clerk.

“I’m very disappointed that you haven’t accomplished that,” Kalapus told Cole at the Jan. 8 council workshop.

Other residents have said the piecemeal revelations of Cole’s business dealings reflect badly on the council and the city.

Cole did not respond to an e-mail and phone calls this week.

He has said that the \$2,395 invoice from Pinole Valley Landscape, which he co-owns with his wife, is not a bill but an estimate and that the work was never done; another time, Cole said his brother-in-law did the work and that his wife billed it.

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Wong, shown the bill in November, said he recognized it; but he was equivocal when asked if he had paid it, answering only, "quite possibly, yes."

Wong has not responded to several requests for comment since then, and last week he told a reporter, "I'm not available for comment."

A month before saying he had worked for TKG affiliate Jordex Management doing power-washing at Pinole Vista Crossing, Cole said Pinole Valley Landscape, although registered at his Pinole home, did no business in the city. He said he did most of his work in Fairfield, Vacaville and Napa.

Minutes of Pinole City Council meetings supplied by the city clerk pursuant to a public records request show that during 2003 and 2004, the years Cole said he believes he worked for Jordex, he voted at least six times with the council to approve TKG-related matters.

Those matters included a development agreement involving TKG and an office building at Pinole Gateway, a deal to buy a closed gas station and extensions of loan guarantees.

While Cole's influence on the council cannot be gauged scientifically, his vote, by itself, did not affect the outcome of any TKG matter before the council in those years, as the council unanimously approved them all, the minutes show.

During the same period, the minutes show, Cole recused himself once, due to a potential conflict of interest, Nov. 4, 2003, when the council approved the expansion of several stores, including Target, and development of a retail pad at Pinole Vista Crossing.

The minutes do not reflect that Cole identified the conflict leading to his recusal. Then-City Attorney Michael Riback did not respond to a request for comment.

TKG co-principal Tom Angstadt, in an e-mail Tuesday, said: "To the best of our knowledge, at no time did Mr. Cole, while employed by a company that performed work for Jordex Management, vote on a TKG related matter before the Pinole City Council or the Pinole RDA Board.

"Furthermore, it is our understanding that every time a TKG related matter came before the Pinole City Council or the Pinole RDA Board, Mr. Cole would consult with the Pinole City Attorney in order to properly abstain from any vote dealing with a TKG matter."

Under the FPPC's definitions, available at [fppc.ca.gov](http://fppc.ca.gov), "You have an economic interest in anyone from whom you have received (or from whom you have been promised) \$500 or more in income within 12 months prior to the decision about which you are concerned."

Pinole Mayor Maria Alegria has staunchly defended Cole, who has credited her with inspiring him to run for the council in 2000, when he first won election.

Alegria said last month she did not know that Cole worked for TKG, but added, "I think David did his due diligence. He went and talked to the city attorney."

Other council members have been mostly silent, at least in public, on the issue of Cole's dealings with companies with business before the council. But one, Council member Mary Horton, commenting before a Jan. 16 council vote on TKG's choice of Trader Joe's as an anchor tenant of the Pinole Valley Shopping Center, said: "The discussion's out in the community. I'm assuming, as we move forward, that nobody on the council has any kind of conflict of interest that we've all checked ourselves carefully."

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Cole did not take the bait, and proceeded to vote on his own motion, along with the rest of the council, to approve TKG's choice.

Later, during a public comment period, resident Juanita Starbuck took Cole to task over his dealings with Wong and Pear Street Bistro, reading back Cole's statements, including that he does not know much about Wong's finances and was taking himself out of the discussion because of his friendship with Wong.

"Well, shame on you," Starbuck said. "Your obligation is to the taxpayers, people that voted for you, including myself."

But Alegria stopped Starbuck short, saying Starbuck was conducting a personal attack on a council member in violation of council ethics rules.

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