

REPORT PUBLIC CORRUPTION

October 21, 2010

BY FACSIMILE AND U.S. MAIL

The Honorable Eric H. Holder, Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Fax: 202-616-2665

Dear Attorney General Holder:

The Foundation for Ethics in Public Service, a non-partisan, non-profit corporation, respectfully requests that you begin an investigation to determine whether United States Senator Barbara Boxer violated any criminal laws or should be liable for any civil penalty for her failure to disclose valuable real property on her Personal Financial Disclosure Reports between 2002 and 2010. We believe this matter deserves your full and prompt investigation.

In February of 2002, a single-family home in Alameda County, California, was conveyed by Vito Badalamenti, Jr., and Sheryl Badalamenti, to the following individuals: Senator Boxer and her husband, Stewart Boxer; and Senator Boxer's son, Douglas, and his wife, Amy Boxer. The address of the home is 854 Longridge Road, Oakland, California, 94610. The property parcel ID number is 11-883-21. Upon information and belief, the home is worth over a million dollars. Public records indicate that 854 Longridge Road is encumbered by a mortgage, but is still co-owned by Senator Boxer.

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Between 2002 and 2010, Senator Boxer appears never to have used 854 Longridge Road as a personal residence or for vacation or recreational purposes. Rather, it appears to have been the residence of her son Douglas, her daughter-in-law, Amy, and their two children. Senator Boxer's California residence for most of this time (and for almost thirty years) was her home at 286 North Almenar Drive in Greenbrae, Marin County, California. See Beth Ashley, Boxer says goodbye to Marin; senator to split time between Oakland, Washington, and Rancho Mirage, *The Mercury News*, July 12, 2006.

But in early July 2006, Senator Boxer "downsized." She and her husband sold and vacated their Greenbrae house to move to a home in Rancho Mirage, California. Id. Since that time, Senator Boxer has kept a home in Washington, D.C., with her daughter, Nichole. She has also continued to own a condominium in Jack London Square, Oakland, with her husband, Stewart. Id. At the time of her move from Greenbrae, Senator Boxer stated: "We needed to downsize... I have a son and daughter-in-law [i.e., Douglas and Amy Boxer] in Oakland. My husband's office is in Oakland. It made a lot of sense for us to move." Id. *The Mercury News* reported that in 2005, "the Boxers bought a house with a pool in Rancho Mirage near Palm Springs and now plan to split their time in Oakland, Southern California and Washington, D.C., where [Senator Boxer] shares a home with daughter Nichole." Id. Remarking on her new homes, Senator Boxer said, "Jack London Square is a very dynamic area. And I love the beauty of the mountains" in Rancho Mirage. Id.

Accordingly, it appears that Senator Boxer's only personal residences between 2002 and 2010 were her houses in Greenbrae and Rancho Mirage, her home in Washington, D.C., and the condominium she shares with her husband in the Jack London Square neighborhood of Oakland. She was merely an owner-investor in 854 Longridge Road, which was actually occupied by her son Douglas, his wife, and their two children.

Despite the fact that Senator Boxer had an ownership interest in 854 Longridge Road, she failed to report this substantial real property asset on any of her personal financial disclosures between 2002 and 2010. See 5 U.S.C. app. § 102(a)(3). She has also failed to report the mortgage on the property. See 5 U.S.C. app. § 102(a)(4). Further, she failed to report the purchase of 854 Longridge Road in 2002. See 5 U.S.C. app. § 102(a)(5). Each year, Senator Boxer was required to have filed a "full and complete report." See 5 U.S.C. app. § 102(b)(1).

The filing of false or incomplete disclosure statements is in violation of the Ethics in Government Act. The Act authorizes the Attorney General of the United States to seek civil penalties against Senators who knowingly and willfully falsify or fail to report required information. 5 U.S.C. app. § 104(a). The knowing and willful concealment of the existence of substantial amount of real property over a prolonged period may subject Senators to federal criminal prosecution under 18 U.S.C. § 1001.

Further investigation, and perhaps additional disclosures by Senator Boxer, will definitively answer the question of whether Senator Boxer has violated the Ethics in Government Act. Based on the publicly-available information we have detailed here, though, we believe it is likely that for many years, Senator Boxer has failed to report her ownership of valuable real property. This would have deprived her constituents—and indeed, all U.S. voters with an interest in Senator Boxer’s official conduct—of an important source of information regarding her financial interests and, possibly, the motivations behind her actions and votes.

We encourage you to make a full and prompt investigation and thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Merritt".

Leslie W. Merritt, Jr., CPA
Executive Director
Foundation for Ethics in Public Service, Inc.

cc: Mr. John L. "Jack" Smith
Chief, Public Integrity Section