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Role of politics in ethics case debated
By [Chuck Carroll](#)
[Mercury News](#)

Mario Ambra's supporters say the second-term Mountain View councilman convicted of misconduct last week was the victim of jealous city employees who resented his efforts to give elected officials more say in the city's day-to-day operations.

But a jury found Ambra guilty of ``knowingly and willfully" violating the city charter. City officials testified that they warned Ambra 50 times over the years to stop ignoring the chain of command at City Hall.

Ambra had kept silent throughout the weeks leading up to the three-week trial. He was not called to testify and has refused interviews with the Mercury News since his conviction.

But plenty of others are talking about the message sent by Ambra's conviction under a rarely cited state law governing the behavior of local elected officials.

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Ambra won't go to jail, but he will be officially removed from office Thursday.

Stuart C. Gilman, who spent 20 years with the U.S. Office of Government Ethics and now heads the non-profit Ethics Resource Center in Washington, D.C., agreed that one of the oldest political tricks in the book is to hit people with ethics charges if you can't beat them on policy.

But based on an account of Ambra's behavior as presented by prosecution witnesses and the apparently non-politicized proceedings that led to the accusations, Gilman said Ambra might well have gone to prison for his behavior had he been subject to federal law, which takes a much tougher view of administrative violations.

"Public officials have an obligation to not only avoid prosecution but also to protect democracy and protect public confidence in government," Gilman said.

Many of Ambra's supporters remain convinced of his innocence.

"The Mario Ambra I know is an honorable man," said Helen Nelson, a longtime Mountain View resident, after the verdict. "He was the one who could always be relied on to find out what you needed to know and get back to you."

As for Ambra's gruff personality and allegations that he berated employees, Nelson asked: "Does the city charter say you can't yell?"

Ambra's defense during the trial in Santa Clara County Superior Court in San Jose centered on an alleged clash of personalities. Ambra's defense lawyer, Ken Robinson, portrayed him as a well-meaning public official who was being punished for having a gruff, blue-collar manner in a city government that prides itself on its polished, professional image.

He argued successfully before testimony began that three of the four initial corruption charges against Ambra should be dropped because Ambra did not have a legally defined financial interest in the property he was allegedly trying to acquire and develop.

Robinson also suggested that the two key prosecution witnesses, City Attorney Michael Martello and City Manager Kevin Duggan, wanted to have Ambra ousted to preserve their power over city government.

But prosecutors argued the conflict went beyond personalities.

And council member Rosemary Stasek dismissed the notion that Ambra was prosecuted because Duggan and Martello didn't like his style. She said the city reviews the proper relationship between staff and council every year, and that it's not difficult to know where the lines have been drawn after the first several months in office.

"If he had gotten his way, he would have been a criminal," she said. "The only reason it wasn't criminal is he wasn't able to do the things he was trying to pressure the staff to do. It was staff's forbearance that prevented it from becoming criminal. The city code is there as a buffer to protect against these exact kind of things."

City officials testified that Ambra was warned about his actions about 50 times over a period of years before they decided, with several council members' consent, to go quietly to Special District Attorney Bill Larsen to seek an investigation.

Going to the district attorney, Stasek said, was a way to seek objective advice.

If Martello and Duggan had instead turned to the council, the matter could have turned into a political mess. A public reprimand would have been seen as a political move, both council members said, and it wouldn't carry the weight of a trial.

Prosecutor Larsen said he hoped Ambra's conviction would make other local officials think twice before trying to use their power for their own ends.

But Gilman and Glenn Southard, former president of the California City Management Foundation, fear interference with professional staff is on the increase.

Southard, who said he knows and admires the professionalism of Duggan and Martello through their work on the Orange County finance scandal, said it may have to do with a declining interest in local affairs, as measured by declining voter turnout.

"I think there is a trend in California for council members to involve themselves in the operations and act outside of their proper roles as council members," he said.

Council member Michael Kasperzak, who is also a professional mediator, said he would like to find a way to prevent future problems.

''I think it's appropriate for us to look into more formal sets of guidelines or rules or procedures that might also have consequences, that perhaps the council can or must take action, which takes it out of the political realm,'Kasperzak said.

Mercury News Staff Writer Joshua L. Kwan contributed to this report. Contact Chuck Carroll at ccarroll@sjmercury.com or (650) 688-7598.

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