

## Herhold: A nice guy, Caserta he shouldn't be elected

### CASERTA IS TOO FREE WITH SANTA CLARA FUNDS

By Scott Herhold  
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I like Santa Clara Councilman Dominic Caserta. He can be a charming man, genuinely committed to teaching his students at Santa Clara High School. He has a politician's knack for drawing people together. In debate, he easily outdistances his chief opponent for the Democratic nomination in Assembly District 22, educator Paul Fong.

For all that, I wouldn't vote for him if I lived in his district. If you look at his spending records - mileage, cell phones, travel and campaign documents - you come away with the picture of a man who feels a sense of entitlement. While he's shown more discipline recently, he's not as careful with the public dime as he could be.

By that, I don't mean to imply skulduggery. I haven't found that Caserta, 33, broke any laws. The sums involved are not earthshaking. But he has required nudges from the city staff to do the right thing. And he's shown the occasional fondness for a junket. You might pause before you give him your vote uncritically.

Caserta, it's worth noting, disagrees strenuously with my analysis. "In no way do I feel entitled to anything," he told me. "My biggest fault is that I'm an active council member who meets with folks."

Let's look at four categories:

#### Rewarding campaigners

In November 2006, Caserta was re-elected to the council handily over Karen Hardy. He had enough left over to make more than \$24,000 in charitable donations, which are permitted by campaign rules. Caserta, however, pushed the envelope of the permissible.

On Nov. 4 of that year, he attended a fundraiser for the Mission City Community Fund, the city's premiere charity, and successfully bid on items in an auction, including a new television and several pieces of sports memorabilia. He paid with a \$2,660 check from his campaign account.

Caserta told me he used the items as gifts for people who worked hard in his campaign, including his stepfather, Mike Silva, to whom he gave an autographed Willie Mays photo.

But that's not allowed by California's Fair Political Practices Commission. After conferring with then-City Attorney Mike Downey, Caserta repaid his campaign account \$3,190 from his own account on Dec. 22, six weeks later. (The higher amount recognized the market value of the items, plus his \$75 admission ticket.)

"It was probably bad judgment," Caserta acknowledged. "But I mitigated it within 24 hours of talking with the city attorney. My intention was to give money to the most philanthropic organization in the city and give the items to the people who bled for free."

#### Mileage

Under Santa Clara's rules, Caserta is allowed to be reimbursed for mileage on city business (the current

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rate is 50.5 cents per mile). His mileage records from 2005 and '06, however, show that he put a liberal interpretation on his need to drive. In 2006 alone, he traveled more than 8,000 miles on city business.

In his report for March 2005, he put down an average of 11 miles round-trip for meetings at City Hall - even though he lives only a mile away. Another time, he put down seven miles for a meeting with the police chief, though he might have walked: He lives just four-tenths of a mile from police headquarters. In October 2005, he was reimbursed for 253 miles by simply putting down "meetings."

Caserta says he put in for the extended mileage because he frequently came to City Hall from work or other meetings. "I sometimes have five meetings a day," he told me. "I'm someone who wants to meet with people and have face time."

In August 2006, and again in February 2007, City Manager Jennifer Sparacino asked Caserta to provide more documentation. He complied, offering more detail about meetings. But as his Assembly campaign has swung into gear, Caserta says, he has stopped putting in for mileage.

## Cell phone

Without question, Caserta is one of the most frequent users of a city cell phone. An examination of his cell phone records from 2005 to 2007 shows that he consumed 35 percent of all the minutes used by the 17-odd phones in Santa Clara's so-called "administrative group," which includes the mayor and council. In August 2006, he used 1,627 minutes: The total used by the administrative group was 3,311.

Caserta acknowledges that a good portion of these calls - as many as one-third - was personal,

including calls to his mother's cell phone. The city paid for those calls as long as the total number of minutes did not go over the limit. When it did exceed the limit, Caserta paid back the city for personal calls and roaming fees.

But no one else on the council came anywhere near Caserta's use of the cell phone. The closest was Mayor Patricia Mahan, who used less than one-tenth the minutes that the councilman did. (Caserta's public cell phone use has diminished sharply in the past nine months: He's gotten his own private cell phone.)

## Travel

Caserta is one of the council's better-traveled members. City records show he took at least five city-paid trips from 2003 through 2007, primarily Sister Cities organizations and the American Public Power Association, including one trip to sister city Izumo, Japan. From the available city records, the total public cost of those trips exceeded \$3,600.

Other council members travel, too: Pat Kolstad, who has the committee assignments for the city-owned electrical utility, often travels on official business. Kolstad and Mayor Mahan attended a conference on global warming in Bali, Indonesia, in December.

Caserta, however, attends power association meetings around the country even though he does not have the assignment for the city's utility. He has called the meetings "an intellectual boot camp" that provide valuable information for any council member.

None of these items alone would amount to much. And in fairness, though he has a real estate license, Caserta is not a rich man who can easily shoulder expenses. Schoolteachers are still paid too little.

But there's a pattern here that I find disquieting. Is this the kind of guy who deserves a promotion to a place where - let's face it - the scrutiny is less intense?

Contact Scott Herhold at [sherhold@mercurynews.com](mailto:sherhold@mercurynews.com) or (408) 275-0917