

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

NOTIFY WARRANT ISSUED FOR APPEARANCE ON OCTOBER 16, 2008 @ 8:00 A.M.
06-05-1946 SDCA

10:29

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

No. M 057445

CA

v.

CA No. EN4776

Complaint-Criminal

Nancy C. Graham,

Defendant.

The San Diego City Attorney charges:

FIRST COUNT: GC 87100

That between June 2006 and February 2008, in the City of San Diego, County of San Diego, State of California, a misdemeanor was committed by said defendant, who, as a public official at any level of state or local government, made, participated in making, or in any way attempted to use his or her official position to influence a government decision in which he or she knew or had reason to know he or she had a financial interest, to wit: While living in Florida Defendant Graham, together with her husband Kevin Lawler, founded N-K Ventures, a joint venture development company. N-K partnered with the Related Companies, Inc. and Lennar, Inc. to build a condominium project in Lantana Florida. The joint venture received as part of their profit sharing agreement the following payments:

- \$250,000 on March 7, 2006
- \$1,250,000 on March 23, 2006
- \$2,000,000 on April 5, 2006
- \$1,250,000 on April 12, 2006
- \$2,000,000 on April 25, 2006
- \$500,000 on May 8, 2006
- \$250,000 in April or May of 2007.

In July 2006 The Related Companies submitted a proposal to the Center City Development Corporation (CCDC) to build a condominium project known as 7th and Market. Related was ultimately selected as the developer for this project and CCDC granted Related an exclusive negotiating agreement on March 26, 2007. Beginning in June of 2006, while Defendant Graham was the President of CCDC, Defendant Graham participated in the decision to select the Related Companies and once

Related was selected, she participated in negotiating the Development Agreement, all in violation of Government Code 87100.

SECOND COUNT: SDMC 27.3561

That between June 2007 and February 2008, in the City of San Diego, County of San Diego, State of California, a misdemeanor was committed by said defendant, who, as a City Official, knowingly influenced a municipal decision when it was reasonably foreseeable that the municipal decision would have a material financial effect on any person from whom the City Official or a member of the City Official's immediate family received \$500 or more in income within twelve months prior to the municipal decision, to wit: defendant received at least \$250,000 as a result of a joint venture at Lantana, Florida, between N-K, Lennar, and Related while defendant, as C.O.O. of the Center City Development Corporation [CCDC], was participating in making a contract between CDCC and Related for redevelopment at 7th and Market in San Diego, in violation of San Diego Municipal Code section 27.3561.

THIRD COUNT: SDMC 27.3510

That on or about March 27, 2008, in the City of San Diego, County of San Diego, State of California, a misdemeanor was committed by said defendant, who, as a public official failed to file a statement of economic interest disclosing economic interests required to be disclosed pursuant to the Political Reform Act of 1974, to wit: a payment of \$250,000 from Related, in violation of San Diego Municipal Code section 27.3510.

Based on the information and belief, I declare under penalty of perjury that the foregoing is true and correct.

Dated 9/10/08 at San Diego, California.


Deputy City Attorney

Pursuant to Penal Code section 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by Penal Code section 1054.3.

CRIMINAL COMPLAINT FILED _____

CITY ATTORNEY - CRIMINAL DIVISION
1200 THIRD AVENUE, SUITE 700 SAN DIEGO, CA 92101
SAN DIEGO, CA 92101

NOTICE TO DEFENDANT
EN4776

Violation Date(s): June 2006-March 2008

A complaint has been filed against you charging violations of:

- (1) GC 87100 Misuse of Official Position 1 Count
- (2) MC 27.3561 Improperly Influencing a Municipal Decision 1 Count
- (3) MC 27.3510 Failing to File Statement of Economic Interest 1 Count

It will be necessary for you to appear in the Misdemeanor Arraignment Department of the Superior Court, Room 1001, 220 West Broadway, San Diego, on 10/16/08 at 08:00 a.m. as a defendant in said action prosecuted by the People of the State of California.

NANCY CAROL GRAHAM
509 CASTLE HEIGHTS AVENUE
LEBANON, TN 37087

APPEARANCE IS MANDATORY. Failure to appear as above notified may result in a WARRANT OF ARREST being issued against you.