



**DRAWS PRISON TERM**—Thomas D. Shepard, former city councilman, just after being sentenced to prison on bribery conviction. Times photo by George R. Fry

# Ex-Councilman Shepard Gets 1 to 14 Years on Bribery Count

Will Appeal November Conviction in Land Zoning Case; Judge Says Term May Serve as Deterrent to Others

BY RON EINSTOSS

Times Staff Writer

Former City Councilman Thomas D. Shepard was sentenced to state prison Thursday for one to 14 years.

He was convicted in November of accepting an \$11,000 bribe in a Canoga Park zoning case.

In sentencing the 44-year-old Shepard, Superior Judge Pearce Young said he believed a prison term would serve as a deterrent to others who hold offices of public trust and confidence.

The jurist explained that in considering his decision he was taking into account his own experience as an elected public official.

Judge Young served two terms in the State Legislature as an assemblyman until his appointment to the bench in 1966.

Attorney Phill Silver, who unsuccessfully argued for a new trial for Shepard, did win his client a stay of execution pending the posting of a \$5,000 appeal bond.

## Appeal on Several Grounds

Silver said he would appeal on several grounds but primarily that the evidence was insufficient to justify a conviction for the crime of bribery.

Shepard, who did not seek reelection last year to his West San Fernando Valley seat on the City Council, was found guilty of one count of bribery by a jury on Nov. 5.

It was his second trial. The first ended a year ago this month when another jury was unable to agree on a unanimous verdict.

The crime of bribery also carries the penalty of permanent disbarment from holding public office.

Shepard could have been placed on probation, but only with the consent of the prosecutors—Dep. Dist. Atty.

Michael J. Montagna and Dep. Atty. Gen. Gordon Rose.

Montagna told the court his office agreed with the recommendation of Dep. Probation Officer Clifford Clarke that probation should be denied.

Clarke said Shepard failed to meet his obligation as a public official "to adhere to a required code of ethics and behavior."

Shepard also, according to Clarke,

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# SHEPARD SENTENCE

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did "irreparable harm not only to himself but to the community as a whole."

Although Shepard would be an "excellent" candidate for probation (based on his background), Clarke said, such a sentence would serve to condone his activities.

Shepard, who is now in the import business, declined to offer any comment after he was sentenced.

Silver said he instructed his client not to make any statements.

Shepard was indicted in September, 1968, along with former Recreation and Park Commissioner Mel Pierson on charges of conspiracy and bribery in connection with zoning matters in the San Fernando Valley.

His case later was severed from Pierson's.

Pierson, meanwhile, sought an order barring his prosecution and still is awaiting a decision from the State Court of Appeal.

Pierson, who later was indicted on other bribery charges relating to the awarding of city architectural contracts, contended in his appeal that he was not in a position to take official action on zoning matters.

## Monday Hearing

His bribery case involving city contracts was submitted to Superior Judge Harold J. Ackerman, who is scheduled to hear arguments on the matter Monday.

During his trial, Shepard was charged with receiving \$16,700 in three separate transactions involving:

1—The rezoning in 1964 of seven acres in Canoga Park from agriculture to R-3 (multiple dwellings).

2—The rezoning in 1965 of nine acres in Reseda, also to permit the construction of multiple dwellings.

3—The granting of a conditional use permit in 1964 for the construction of a condominium complex on 92 acres in Chatsworth.

## One Acquittal

He was acquitted on the Reseda matter and the jury was unable to reach a verdict on the Chatsworth case. The charge was dismissed Thursday.

He was accused of accepting a \$1,500 campaign contribution and \$1,200 loan in the Reseda case and a \$3,000 campaign contribution in the Chatsworth matter.

At the time of Shepard's conviction, Silver said it was "the greatest miscarriage of justice in the state's history."

In court Thursday, however, in arguing for a new trial, Silver conceded that Shepard's action in the Canoga Park case may have constituted a conflict of interest—which is punishable at least in part by removal from office.

The Canoga Park matter involved land adjacent to the then-Big A discount store near Canoga Ave. and Parthenia St.

Arthur Toll, an attorney and one of the four owners of the property along with Joe M. Arnoff, Gerald

Chase and Wallace White, applied for rezoning on Feb. 21, 1964.

The City Planning Commission voted to recommend denial of the rezoning, but the matter was appealed to the City Council and approved by its Planning Committee in August, 1964.

According to grand jury and trial testimony:

—Shepard approached Arnoff for a \$10,000 loan, just after the Planning Commission recommended the rezoning be denied.

—He received a \$10,000 check, plus an additional \$1,000 to pay the first year's interest, on Aug. 15, 1964.

—Shepard made no attempt to repay either the principal or interest until after he learned of the investigation many months later.

Montagna and Rose contended that money Shepard received from Arnoff's group constituted a bribe.

## Vetoed by Yorty

After the City Council voted to approve the rezoning, the matter was vetoed by Mayor Sam Yorty.

Yorty's objection, however, was withdrawn after Arnoff and his partners paid an additional \$21,000 — or \$3,000 per acre.

The money allegedly was passed on to Pierson and it is that transaction which is the basis of part of the prosecution's case against the former city commissioner.

There is no evidence that Yorty received any of the money.

Although the mayor's action in withdrawing his objection was characterized in testimony as unprecedented, Yorty said he did so because he realized he had made a mistake in vetoing the matter.

## 'Mercy' Denied

Before Shepard was sentenced, Silver urged Judge Young to avoid the "pound of flesh doctrine" in deciding how to handle his client's case.

"Be lenient and hold out the hand of mercy," Silver pleaded.

Judge Young denied the request, however, stating that he believes a prison sentence for the crime of bribery will serve to deter others.

The power to rezone, he said, is the power to create great wealth.

Using that power wrongfully, according to Judge Young, "is just as bad as stealing public money."

The jurist explained that ordinarily he would consider probation for a man with Shepard's background, but said he believes that anyone who accepts a position of public trust and confidence has a greater responsibility than other citizens.

He made the comment in answer to a statement by Silver in which the attorney said that Shepard, just because he was a public official, should not be treated any differently in considering probation than anyone else.

Shepard has until Monday morning to post bail.

When asked for his reaction to the case, Mayor Yorty replied, "I have no comment at this time."