

By JOSEPH G. LARIOSA

(Journal Group Link International)

CHICAGO, Illinois (JGLi) – The civil case filed by the City of San Jose in California against Filipino-American community leader Ben B. Menor was dismissed “with prejudice” Thursday (Sept. 24) after Mr. Menor agreed to the conditional settlement offered by City Attorney Richard Doyle.

The City agreed to dismiss the complaint after Mr. Menor paid \$48,500 to his former office, the Jacinto Tony Siquig Northside Community Center, part of the “City of San Jose Parks, Recreation and Neighborhood Services Department resulting from the felony criminal court proceedings held in the criminal division of the Santa Clara County Superior Court in People v. Benny Benedicto Menor case.”

Deputy City Attorney Daisy Nishigaya said because the parties have entered into “settlement agreement, (t)he case has been dismissed.”

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Judge William Elfing presided over the hearing of the conditional settlement after the City offered the settlement last March 2, 2009.

In the civil case, the City of San Jose City initially asked the Superior Court of California, monetary damage of at least “\$219,414, plus interest” from the Mr. Menor and other defendants and asked them to pay “treble damages,” “civil penalties of up to \$10,000 for each false claim,” “legally recoverable interest,” “punitive and exemplary damages,” “damages for time and money properly expended in pursuit of the converted property,” other costs, including “attorney’s fees.”

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In the criminal case, Mr. Menor, chair of the Fifth National Federation of the Filipino-American Associations (NaFFAA) National Convention in San Jose in 2002, was charged with two counts of grand thefts and one count of violation of California Corporation Code or making false financial statement by the Santa Clara Grand Jury.

Conviction of one of these three felonies would have ranged from probation to four years and four months imprisonment and restitution of approximately \$45,000.

{xtypo_quote} “A no-contest plea has the same legal effect as a guilty plea. – Deputy District Attorney Steve Lowney of Santa Clara County, California {/xtypo_quote}

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Last October, Judge David A. Cena of the Superior Court of Santa Clara dismissed all the criminal cases against Mr. Menor during the sentencing hearing of the case after Menor complied with the “conditional offer” to him by Judge Ray Cuningham to pay the \$48,400 restitution.

Of the amount, \$32,400 went to the Jacinto Tony Siquig Northside Community Center while the \$16,000 went to the Filipino American Senior Opportunities Development Council (FilAm SODC).

Mr. Menor made the payment as restitution to stay out of jail.

Menor’s lawyer, Charles Hendrickson, Deputy Public Defender, said last October, “Legally, there is no conviction for Mr. Menor. This is a better resolution of the case. He can start over.”

A No-contest Plea

Mr. Menor had earlier pleaded “no contest” to count one – a felony – filing false financial statements – that could have landed him in jail or three years probation.

This felony was reduced to a misdemeanor “with no jail term and would be immediately expunged.”

“In effect,” Hendrickson said, “it would be as if the cases were just being initiated and the defendant were to enter a plea of not guilty.”

The cases against Menor arose from the charges filed by the City of San Jose in Mr. Menor’s capacity as president and CEO of the Filipino American Senior Opportunities Development Council (FilAm SODC) and as Executive Director of the Jacinto Tony Siquig Northside Community Center that he had used funds and facilities of the City and of the Center for unauthorized and illegal purposes, and that he had submitted false financial reports concerning payment of services rendered by the Center.

One of the charges for grand theft alleged that Mr. Menor had used City and Center funds for the August 2002 national conference of the NaFFAA (National Federation of Filipino-American Associations), a national organization, of which Mr. Menor is a member and officer.

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Editor’s Note: Mr. Menor was the chairman of the NaFFAA San Jose chapter and one of the federation’s national executive officers (NEOs). He was not reappointed as a NEO in September 2006.

A nother grand theft charge accuses Mr. Menor of arranging for services that benefited his parents at the expense of the Center.

According to court records, the District Attorney’s office offered to have the two grand-theft cases dismissed provided Mr. Menor paid restitution amounting to about \$14,000 for the case involving the NaFFAA and around \$32,000 for the case involving his parents or a total of \$46,862.

The other condition was for Mr. Menor to plead “No Contest” to the third case, which alleged that Menor had unlawfully over-charged the City for services rendered to the Center’s clients. He was accused of overstating by 24,000 hours the amount of time he and his agency worked under contract with the city to run the Center, a senior housing and community center on North Sixth Street
in
San Jose

Civil Case vs. Fil-Am Leader Dismissed as a Result of “Settlement Agreement” - MabuhayRadio

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Earlier, Deputy District Attorney Steve Lowney said, “A no-contest plea has the same legal effect as a guilty plea.”

The dismissal of the civil case ends the controversial role of Mr. Menor among NaFFAA members that became very long running episode online that divided the national organization. (jariosa_jos@sbcglobal.net) # # #

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