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Fred H. Jung Jan M. Flory

A former Fullerton councilmember filed a Petition for Writ of Mandate on 16. March 2026 to compel the Orange County Registrar of Voters, Bob Page, to modify Fred Jung’s ballot designation. Jung is the mayor of Fullerton running for county supervisorial district 4, whose occupation is currently designated as “Fullerton mayor / businessowner”. His ballot designation also includes two statements claiming that he has “turned around a 9 \$ million deficit” and “built 9 new parks”. Jan M. Flory, the fmr. councilwoman who filed this Petition, wants these elements stricken from Jung’s ballot designation.

Chad D. Morgan, representing Jung, and Brett M. Murdock, representing Flory, were present at the hearing on Thursday before the Hon. Kimberly A. Knill, whose tentative ruling was to grant the Petition on the grounds that Jung’s designated occupation was false and that his statements were both misleading. Morgan argued that Jung is indeed a businessowner, regardless of whether his business, a.k.a. The Gatsby LLC, was still in operation because he had owned the business during its existence. Morgan continued by describing The Gatsby LLC as “part of his [Jung’s] identity”, and that the claim that Jung lied about being a businessowner was “harsh” and “inaccurate”. According to Morgan, the burden falls upon the petitioner (Flory) to prove that the claims are *objectively* false. He asserts that they did not reach that burden.

As for the parks, Morgan attempted to clarify that “new can mean different things”.

**MORGAN:** *“New is not inherently misleading when you have completely revitalised parks that were build in the 70s, and old and dilapidated and outdated by modern standards.”*

**MORGAN:** *“It feels obvious to me that it’s indisputable that the parks were upgraded. We’re having a discussion about whether the interpretation of new, and an updated park is a new park, or whether new must mean the exact same thing as brand new.”*

**MORGAN:** *“It should be beyond doubt that those improvements were done, and to simply say that they’re not new solely because a built-out city had an existing park that was forty years old is somewhat preposterous to say, and that is an objectively probably false fact.”*

Murdock argued that Jung is not a businessowner because he does not own any businesses. The Gatsby LLC was dissolved on 24. August 2014.

**MURDOCK:** *“There’s no evidence in the record to support that he’s a businessman.”*

**MURDOCK:** *“You yourself, your Honor, have stated that the objections are sustained. There’s nothing in the record. All you have are the four corners of his worksheet that say, ‘I’m a*



*business owner of an LLC that was terminated in 2014. 'That's all you have.'*

**Hon. KNILL:** *"Well, it sounds like he has a startup. (unintelligible, overlap talk) doesn't that make him a businessman?"*

**MURDOCK:** *"But your Honor, you know about a startup from evidence that you yourself have sustained objections. They aren't even in the record. So, we can't accept Mr Morgan's statements verbally here as evidence."*

The worksheet Murdock was referring to is the Form 700, a ballot worksheet that public officials and candidates are required to annually file. It discloses personal financial interests, including investments, real property, and income.

Hon. Knill noted a startup in paragraph 6 of Jung's case declaration, a South Carolina retail store in paragraph 7, and a new California business venture in paragraph 8. Murdock said that Hon. Knill had sustained his objection to the declaration, but she refuted, saying that Murdock has only objected to paragraph 6. Since paragraph 7 and 8 were not objected to, they would not need to be on Jung's Form 700 submitted in the Petition in order to be considered evidence.

Murdock argued that the facts provided by Jung's case declaration does not comply with the requirements of the Form 700, which is "the whole crux of this case". He stated that Jung's ballot designation must be proven by the information filed with the Form 700, and that Jung couldn't simply prove it in a case declaration (to which the public does not have access) after the fact. According to Murdock, this type of situation would allow other candidates to get away with the same thing, by lying on their ballot designation and then getting "an opportunity to ... prove a different direction". He asserted that this Petition was only about The Gatsby LLC because that was the only financial interest filed in Jung's Form 700.

**MURDOCK:** *"What did he say in his ballot worksheet? 'I own an LLC called Gatsby LLC'. That's all he said. He didn't say anything about Florida. He didn't say anything about Canada or all these other ventures that he supposedly has going on. He said, 'I own a business and it's Gatsby LLC'. And that is marketably false."*

**MURDOCK:** *"All of a sudden, we have a business in Canada and Florida and all these things that are just sort of wishes and dreams, right?"*

**Hon. KNILL:** *"... your point is ... for purposes of this designation, this hearing is designed to expand on The Gatsby LLC, not other business ventures."*

**MURDOCK:** *"Way better said than I could ever say it, obviously(?)."*

Morgan rejected this, on the basis that it is up to the Registrar to verify the information presented in the Form 700. The candidate, Jung, is only obligated to "present enough evidence to satisfy election officials' review of the materials". If they deem it not acceptable, then it "opens the door to additional verification". He further argued that Flory should have submitted a complaint with the Registrar before filing the Petition, after which the Registrar would have investigated and demanded additional information from Jung, who Morgan says assumed that his prior involvement with The Gatsby LLC would be sufficient evidence. Hon. Knill further recalled that Jung's ballot designation was "businessman / non-profit director" when he first ran for Fullerton City Council in 2020.

Murdock reaffirmed that the evidence provided by Jung's case declaration still did not comply with the requirements of the Form 700. He notes that Jung has not provided any contact information for the South Carolina retail store, in the event that the existence of the business needs to be proven. Morgan countered,



stating that Jung's case declaration, under penalty of perjury, should have more weight than the Form 700 because Jung has sworn that he owns this business and that he's provided copies of redacted confidential information from his tax returns. Murdock continued to reiterate the significance of the Form 700 after Hon. Knill questioned whether Jung was still engaged in his prior "non-profit director" activities. He argued that nobody in supervisorial district 4 would know whether Jung was still engaged in those activities because "the information wasn't placed on the worksheet [Form 700]". In the end, Hon. Knill granted the "businessman" designation as an alternative to the original "businessowner".

**MURDOCK:** *"... my point is, if he wanted the non-profit to be used as evidence to prove the fact he's a businessman, he should have referenced it on the worksheet [Form 700]."*

**Hon. KNILL:** *"Well, I'm going to allow businessman. It seems as though that's fair."*

Morgan returned to the issue of the parks, asking to see whether the "build 9 new parks" statement could be changed to "updated 9 new parks". Hon. Knill rejected this request on the basis that there has not been provided evidence on the record that the parks have been updated. As for the budget, Hon. Knill remarked that she "does not need an expert to see that there's a deficit".

**Hon. KNILL:** *"I looked at the City Manager's conclusion. I conclude that the City Manager's conclusion was not supported by the evidence in the budget."*

**Hon. KNILL:** *"That's why I said it was misleading and not false. It might be false, but at a minimum, it's misleading because there's still a deficit."*

Morgan continued to push for at least a modification, instead of striking the entire statement. He proposed that the statement be changed to the following: "As Mayor of Fullerton, we invested in infrastructure and public safety", to which Murdock objected and Hon. Knill denied.

Finally, Hon. Knill asked Murdock to prove under CCP (Code of Civil Procedure) § 1110b, which prevents an appeal filed by Jung/Morgan from halting the execution of this Petition, that Flory would suffer irreparable harm to her business or profession if Hon. Knill's ruling is stayed (a.k.a. halted), in which case the ruling would take effect immediately, in spite of an appeal. Murdock admitted that there was no business or profession of Flory's involved in this Petition. He attests that another judge frequently makes the order to invoke CCP § 1110b, to which Hon. Knill responded that it was not persuasive to tell her what other judges have done.

Murdock ends up "appealing to the court's ego". He explains that Morgan would file an appeal the next morning and Hon. Knill's ruling would be "rendered useless" if she did not invoke CCP § 1110b for the Petition. He describes it as an injustice to the voters and Hon. Knill herself. He also reminds Hon. Knill that her tentative ruling "would make it so an appeal would not stay the matter".

**MURDOCK:** *"... it's an injustice to the voters and the ego of the court. Your ruling, your work here that you've done. Tomorrow morning, it's erasable and there's nothing anybody can do."*

**MURDOCK:** *"Because, practically speaking, your Honor, we've got voters to think of. We've got false and misleading statements that are going to be in front of the voters, that you agree are false and misleading unless you invoke 1110."*

Hon. Knill did not make a final ruling on CCP § 1110b, and ordered both attorneys to file a brief no longer than five pages by 12:00 on the same day, after which she would rule on the stay.



## naertnahte

Judge grants Flory petition, ruling Jung's statements misleading and false

Posted Sunday, 29. March 2026

Recorded 13:30 PST on Thursday, 26. March 2026

Central Justice Center in Santa Ana, California

Suzanne E. Shoai, the Orange County Registrar Senior Deputy Counsel, confirmed with Hon. Knill that the statements regarding the budget and parks were to be stricken, and the occupation designation modified to "Fullerton mayor / businessman". In the final minutes of the hearing, Morgan was able to get the budget statement modified instead of stricken.

**MORGAN:** *"That was the reason I tried to propose 'As Mayor of Fullerton, we proposed...' but another alternative would be to cut with a broader stroke and eliminate the rest of the first sentence starting at 'we' and combine the first and second sentence. So, 'As Mayor of Fullerton, we've hired 66 new police officers', so on and so forth, while still deleting the nine new parks."*

**Hon. KNILL:** *"Okay, that seems more reasonable."*

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