

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18360.3. Penalties in Streamline Cases.

Streamline penalty stipulations are approved by the Chief of Enforcement and are reported to the Commission for discussion only before they are executed. The Chief of Enforcement will include those stipulations in the Commission agenda, as a part of the Executive Staff Report. After the close of the hearing, the Chief of Enforcement may execute all or any of the Streamline penalty stipulations, at their discretion. Penalties in streamline cases are not to exceed the prescribed maximum fine amount per violation found in Government Code Section 83116, subdivision (c) and the total Streamline penalty should not exceed the amount that would be paid in a Mainline Settlement.

The base penalties below can vary in \$100 increments based on the extent and gravity of the public harm caused by the specific violation, the level of experience of the respondent(s) with the requirements of the Political Reform Act, the level of diligence to come into compliance, and the level of cooperation during investigation and in reaching settlement. The Enforcement Chief has the discretion to include and exclude violations but must specifically report out inclusion or exclusion in the Executive Staff Report.

(a) Late Statement of Economic Interests.

(1) Tier One Penalty Amount. The penalty for failing to timely file a Statement of Economic Interests is \$200-\$600.

(2) Tier Two Penalty Amount. The penalty for failing to timely file a Statement of Economic Interests is \$800-\$1,200.

(b) Unreported Economic Interest(s) on a Statement of Economic Interests.

(1) Tier One Penalty Amount. The penalty for failing to timely report an economic interest on a Statement of Economic Interests is \$100-\$500.

(2) Tier Two Penalty Amount. The penalty for failing to timely report an economic interest on a Statement of Economic Interests is \$600-\$1,000.

(c) Late Campaign Statements and Reports.

(1) Tier One Penalty Amount. The penalty for failing to timely file a campaign statement or report is \$200-\$600 plus 1% of contributions received or expenditures made, whichever is greater per late statement or report.

(2) Tier Two Penalty Amount. The penalty for failing to timely file a campaign statement or report is \$800-\$1,200 plus 2% of contributions received or expenditures made, whichever is greater, per late statement or report.

(d) Unreported Contributions and Expenditures.

(1) Tier One Penalty Amount. The penalty for failing to timely report contributions or expenditures is \$100-\$500 plus 1% of the unreported contributions or expenditures per statement.

(2) Tier Two Penalty Amount. The penalty for failing to timely report contributions or expenditures is \$600-\$1,000 plus 2% of the unreported contributions or expenditures per statement.

(e) Late Lobbying Reports.

(1) Tier One Penalty Amount. The penalty for failing to timely file a lobbying report is \$200-\$600 plus 1% of all payments received or payments made for lobbying activity, whichever is greater, per report.

(2) Tier Two Penalty Amount. The penalty for failing to timely file a lobbying report \$800-\$1,200, plus 2% of all payments received or payments made for lobbying activity, whichever is greater, per report.

(f) Unreported Lobbying Activity.

(1) Tier One Penalty Amount. The penalty for failing to timely report lobbying activity is \$100-\$500 plus 1% of all unreported payments received or payments made for lobbying activity per report.

(2) Tier Two Penalty Amount. The penalty for failing to timely report lobbying activity is \$600-\$1,000 plus 2% of all unreported payments received or payments made for lobbying activity per report.

(g) Cash Contribution(s) or Expenditure(s) of \$100 or More.

(1) Tier One Penalty Amount. The penalty for receiving a contribution or making an expenditure of \$100 or more in cash is an amount equal to 50% of the contribution or expenditure.

(2) Tier Two Penalty Amount. The penalty for receiving a contribution or making an expenditure of \$100 or more in cash is an amount equal to 75%-100% of the contribution or expenditure.

(h) Campaign Bank Account.

(1) Tier One Penalty Amount. The penalty for failing to deposit a contribution into the campaign bank account or failing to make an expenditure from the campaign bank account is \$100-\$500 plus 1% of the amount not processed through the campaign bank account per statement period.

(2) Tier Two Penalty Amount. The streamline penalty for failing to deposit a contribution into the campaign bank account or failing to make an expenditure from the campaign bank account is \$600-\$1,000 plus 2% of the amount not processed through the campaign bank account per statement period.

(i) Committee Naming.

(1) Tier One Penalty Amount. The penalty for failing to name the committee properly is \$200-\$600 per reporting period.

(2) Tier Two Penalty Amount. The penalty for failing to name the committee properly is \$800-\$1,200 per reporting period.

(j) Advertising and Mass Mailing Disclosures.

(1) Tier One Penalty Amount. The penalty for failing to include all required advertisement or mass mailing requirements is \$200-\$600 plus 1% of each advertisement buy.

(2) Tier Two Penalty Amount. The penalty for failing to include all required advertisement or mass mailing requirements is \$800-\$1,200 plus 2% of each advertisement buy.

(k) Slate Mailer Organization Filing Issues.

(1) Penalty Amount. The penalty for failing to properly file slate mailer organization statements is \$400-\$800 per reporting period.

(l) Recordkeeping.

(1) Tier One Penalty Amount. The penalty for failing to maintain adequate records is \$200-\$600 per calendar year.

(2) Tier Two Penalty Amount. The streamline penalty for failing to maintain adequate records is \$800-\$1,200 per calendar year.

(m) Gift Limit.

(1) Tier One Penalty Amount. The penalty for a gift limit violation is \$200-\$600 per gift received over the limit.

(2) Tier Two Penalty Amount. The penalty for a gift limit violation is \$800-\$1,200 per gift received over the limit.

(n) Proper Recusal for a Conflict of Interest.

(1) Penalty Amount. The penalty for failing to properly recuse for a conflict of interest is \$400-\$800 per incident.

(o) Major Donor Notifications.

(1) Penalty Amount. The penalty for failing to properly notify a potential major donor is \$200-\$600 per reporting period.

(p) Late Campaign Statements and Reports (Major Donor Filers).

(1) Tier One Penalty Amount. The penalty for failing to timely file a campaign statement or report as a major donor committee is \$200-\$600 per late statement or report.

(2) Tier Two Penalty Amount. The penalty for failing to timely file a campaign statement or report as a major donor committee is \$800-\$1,200 per late statement or report.

(q) Behested Payment Reports.

(1) Tier One Penalty Amount. The penalty for failing to properly file behested payment reports is \$200-\$600 per report.

(2) Tier Two Penalty Amount. The penalty for failing to properly file behested payment reports is \$800-\$1,200 per report.

(r) Contribution Limits.

(1) Tier One Penalty Amount. The penalty for receiving contributions over the limit or prohibition for violations including Sections 85301, 85302, 85303, 85316, and 85702 is \$500-\$1,000 per contribution over the limit.

(2) Tier Two Penalty Amount. The penalty for receiving contributions over the limit or prohibition for violations including Sections 85301, 85302, 85303, 85316, and 85702 is \$1,200-\$2,000 per contribution over the limit.

(s) Section 84308.

(1) Tier One Penalty Amount. The penalty for violations of Section 84308 is \$400-\$800 per contribution or disclosure.

(2) Tier Two Penalty Amount. The penalty for violations of Section 84308 is \$1,000-\$1,400 per contribution or disclosure.

(t) Recurring Contributions.

(1) Tier One Penalty Amount. The penalty for receiving unlawful recurring contributions is \$400-\$800.

CREDITS

NOTE: Authority cited: Section 83112, Government Code. Reference: Section 83116, Government Code.

HISTORY

1. New section filed 2-22-2021; operative 3-24-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative

Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 9).

2. Repealer and new section heading and section filed 5-13-2024; operative 6-12-2024 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2024, No. 20).