

1 GALENA WEST
Chief of Enforcement
2 BRIDGETTE CASTILLO
Senior Commission Counsel
3 Fair Political Practices Commission
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 323-6424
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of:

12 COMMITTEE TO ELECT SANDRA
BROWN FOR SHERIFF 2014, SANDRA
13 BROWN and EDWARD MURRAY,
14 Respondents.

FPPC Case No. 17/071
STIPULATION, DECISION AND ORDER

15
16 INTRODUCTION

17 Sandra Brown was an unsuccessful candidate for Sheriff of Santa Barbara in the June 3, 2014
18 Primary Election. Committee to Elect Sandra Brown for Sheriff 2014 (“Committee”) was Brown’s
19 candidate controlled committee. At all relevant times, Edward Murray was the treasurer of the
20 Committee.

21 This case arose from an audit performed by the Political Reform Audit Program of the Franchise
22 Tax Board. The period covered by the audit was from January 1, 2012, through June 30, 2014. During
23 the audit period, the Committee received approximately \$130,187 in contributions and made
24 approximately \$129,887 in expenditures. The audit found, and the Enforcement Division of the Fair
25 Political Practices Commission confirmed, that Brown, the Committee and Murray accepted 12
26 contributions totaling approximately \$1,750 in cash, in violation of the Political Reform Act (the “Act”).¹
27

28 ¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices Commission

1 **SUMMARY OF THE LAW**

2 The violations in this case occurred in 2013 and 2014. For this reason, all legal references and
3 discussions of law pertain to the Act's provisions as they existed at that time.

4 **Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act**

5 When enacting the Political Reform Act, the people of California found and declared that
6 previous laws regulating political practices suffered from inadequate enforcement by state and local
7 authorities.² Thus, it was decreed that the Act "should be liberally construed to accomplish its
8 purposes."³

9 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
10 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
11 practices are inhibited.⁴ Along these lines, the Act includes a comprehensive campaign reporting system.⁵
12 Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be
13 "vigorously enforced."⁶

14 **Prohibited Cash Contributions of \$100 or More**

15 No contribution of \$100 or more may be made or received in cash.⁷ All contributions of \$100 or
16 more must be made in the form of a written instrument containing the name of the contributor and the
17 name of the payee, and drawn from the account of the contributor.⁸

18 **Joint and Several Liability of Candidate, Committee and Treasurer**

19 It is the duty of a committee treasurer to ensure that the committee complies with the Act.⁹ A
20 treasurer may be held jointly and severally liable, along with the candidate and the committee, for
21

22
23 are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references
are to this source.

24 ² Section 81001, subdivision (h).

25 ³ Section 81003.

26 ⁴ Section 81002, subdivision (a).

27 ⁵ Sections 84200, et seq.

28 ⁶ Section 81002, subdivision (f).

⁷ § 84300, subd. (a).

⁸ § 84300, subd. (c).

⁹ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

1 violations committed by the committee.¹⁰

2 **SUMMARY OF THE FACTS**

3 Brown was an unsuccessful candidate for Sheriff of Santa Barbara in the June 3, 2014 Primary
4 Election. The Committee was Brown's candidate controlled committee. At all relevant times, Murray
5 was the treasurer of the Committee.

6 **VIOLATION**

7 **Count 1**

8 Brown, the Committee and Murray received 12 cash contributions of \$100 or more totaling
9 approximately \$1,750. The Committee accepted the following cash contributions of \$100 or more:

10

Contribution date	Amount	Contributor
5/7/13	\$150	Darren Gee
6/19/13	\$200	Robert Ibsen DDS
7/22/13	\$100	Lynn Compton
7/22/13	\$100	Peter Compton
4/4/14	\$100	Unknown
4/15/14	\$100	Dominick Barry
4/15/14	\$200	Doug Nagy
4/15/14	\$200	John/Terri Patino
4/15/14	\$200	Jim/Barbara Ramos
4/15/14	\$100	Tom Sumner
4/15/14	\$100	Jodi Williams
5/7/14	\$200	Robert Lovegreen
	Total Contributions in Cash: \$1,750	

11
12
13
14
15
16
17
18

19 According to Murray, he did not realize the Committee could not accept these cash contributions.

20 In this way, Brown, the Committee and Murray violated Section 84300, subdivisions (a) and (c).

21 **PROPOSED PENALTY**

22 This matter consists of one count. The maximum penalty that may be imposed is \$5,000.¹¹

23 In determining the appropriate penalty for a particular violation of the Act, the Commission
24 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the
25 Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of
26

27 ¹⁰ Sections 83116.5 and 91006.

28 ¹¹ Section 83116, subdivision (c).

1 any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or
2 inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective
3 amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior
4 record of violations.¹² Additionally, the Commission considers penalties in prior cases with comparable
5 violations.

6 A stated purpose of the Act is to ensure that receipts and expenditures in election campaigns are
7 fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited.
8 Accepting cash contributions over \$100 is prohibited, in part, to ensure contributions can be verified. In
9 this case, the Enforcement Division did not find evidence of intentional concealment or deception.
10 Rather, it appears the violation was the result of negligence. According to Murray, this was the first time
11 he served as a political treasurer and Brown was unfamiliar with running a campaign. Murray stated he
12 did not realize the Committee could not accept cash contributions over \$100. The Committee did retain a
13 copy of contributor cards with a copy of the cash contributions for the contributions received over \$100.

14 The Commission recently considered a settlement involving a similar violation. *In the Matter of*
15 *Patricia Lopez, Patty Lopez for Assembly 2014 and Caroline Perez*, FPPC Nos. 15/313 and 15/314. In
16 this case, in March 2016, the Commission approved a penalty of \$1,500 for the acceptance of cash
17 contributions totaling \$1,300 and making cash expenditures totaling \$1,220, along with some additional
18 violations. In mitigation, Lopez fully cooperated with the Enforcement Division investigation, was a
19 first-time candidate with a first-time treasurer, and the evidence did not reveal an intent to conceal. In this
20 case, similar to Lopez, Brown was a first-time candidate and her treasurer was a first-time political
21 treasurer.

22 Under these circumstances, it is respectfully submitted that imposition of an agreed upon penalty
23 in the amount of \$2,000 is justified.
24
25
26
27

28 ¹² Regulation 18361.5, subdivision (d).

1 **CONCLUSION**

2 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
3 Respondents Brown, the Committee and Murray hereby agree as follows:

4 1. Respondents violated the Act as described in the foregoing pages, which are a true and
5 accurate summary of the facts in this matter.

6 2. This stipulation will be submitted for consideration by the Fair Political Practices
7 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.

8 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose
9 of reaching a final disposition without the necessity of holding an administrative hearing to determine the
10 liability of Respondents pursuant to Section 83116.

11 4. Respondents have had the opportunity to consult with an attorney. Respondents
12 understand and hereby knowingly and voluntarily waive, any and all procedural rights set forth in
13 Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9. This includes, but is not
14 limited to the right to appear personally at any administrative hearing held in this matter, to be
15 represented by an attorney at Respondents' own expense, to confront and cross-examine all witnesses
16 testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
17 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
18 reviewed.

19 5. Respondents agree to the issuance of the decision and order set forth below. Also,
20 Respondents agree to the Commission imposing against them an administrative penalty in the amount of
21 \$2,000. One or more cashier's checks or money orders totaling said amount—to be paid to the General
22 Fund of the State of California—is/are submitted with this stipulation as full payment of the
23 administrative penalty described above, and same shall be held by the State of California until the
24 Commission issues its decision and order regarding this matter.

25 6. If the Commission declines to approve this stipulation—then this stipulation shall become
26 null and void, and within fifteen business days after the Commission meeting at which the stipulation is
27 rejected, all payments tendered by Respondents in connection with this stipulation shall be reimbursed to
28 Respondents. If this stipulation is not approved by the Commission, and if a full evidentiary hearing

1 before the Commission becomes necessary, neither any member of the Commission, nor the Executive
2 Director, shall be disqualified because of prior consideration of this Stipulation.

3 7. The parties to this agreement may execute their respective signature pages separately. A
4 copy of any party's executed signature page—including a hardcopy of a signature page transmitted via
5 fax or as a PDF email attachment—is as effective and binding as the original.

6
7
8 Dated: _____

Galena West, Chief of Enforcement
Fair Political Practices Commission

9
10
11 Dated: _____

Sandra Brown, individually, and on behalf of
Committee to Elect Sandra Brown Sheriff 2014,
Respondents

12
13
14
15 Dated: _____

Edward Murray, Treasurer

16
17
18 The foregoing stipulation of the parties "In the Matter of Committee to Elect Sandra Brown
19 Sheriff 2014, Sandra Brown and Edward Murray," FPPC Case No. 17/071, is hereby accepted as the
20 final decision and order of the Fair Political Practices Commission, effective upon execution below by
21 the Chair.

22
23 IT IS SO ORDERED.

24
25 Dated: _____

Joann Remke, Chair
Fair Political Practices Commission