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

10  
11 In the Matter of

FPPC Case No. 18/1253

12 PAUL FICKAS, RITA COPELAND, and  
13 CALIFORNIANS FOR BETTER JOBS  
AND EDUCATION COMMITTEE,

**STIPULATION, DECISION AND ORDER**

14 Respondents.  
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16 **INTRODUCTION**

17 This case arises from a proactive investigation, which was commenced by the Enforcement  
18 Division based upon information that was obtained in a separate case (*In the Matter of Art Chacon, Art*  
19 *Chacon for Water Board 2014, and Californians for Clean Water* – FPPC Case No. 14/1236).

20 Hector Chacon was a successful candidate for re-election to the Montebello Unified School  
21 District Board of Directors in the election that was held November 5, 2013. Re-elect Chacon for School  
22 Board 2013 was his candidate controlled committee. (For ease of reference, Hector Chacon is referred to  
23 as Chacon—not to be confused with his brother, Art Chacon.)

24 That same year, the Californians for Better Jobs and Education Committee was a general purpose  
25 committee that purported to make independent expenditures in support of Chacon and other candidates.  
26 (For ease of reference, this committee is referred to as the BJE committee.) Paul Fickas was a principal  
27 officer of the committee, and Rita Copeland was the committee treasurer.

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1 This case involves mailers and robocalls in support of Chacon’s re-election, which were paid for  
2 by the BJE committee. These mailers and robocalls were coordinated with Chacon, and the coordinated  
3 activity was required to be reported as non-monetary contributions from the BJE committee to Chacon on  
4 campaign statements and 24-hour reports. However, this reporting never occurred. Instead, the activity  
5 improperly was reported as independent expenditures on campaign filings—in violation of the campaign  
6 reporting provisions of the Political Reform Act.<sup>1</sup> Also, Chacon and his committee failed to report receipt  
7 of these non-monetary contributions on two different 24-hour reports and on a pre-election campaign  
8 statement. Additionally, this case involves the BJE committee’s failure to file eleven 24-hour reports  
9 regarding independent expenditures that the committee made in support of other candidates.

10 This stipulation encompasses violations by Fickas, Copeland, and the BJE committee. Violations  
11 by Chacon and the Chacon committee are being addressed in a separate case. (As this matter involves  
12 2013 activity, a probable cause report has been issued by the Enforcement Division and served on all  
13 parties to toll the statute of limitations.)

#### 14 **SUMMARY OF THE LAW**

15 The Act and its regulations are amended from time to time. All legal references and discussions  
16 of law are intended to be citations to statutes and regulations as they existed in 2013 and 2014—at the  
17 time of the violations in this case.

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

19 When enacting the Political Reform Act, the people of California found and declared that  
20 previous laws regulating political practices suffered from inadequate enforcement by state and local  
21 authorities.<sup>2</sup> Thus, it was decreed that the Act “should be liberally construed to accomplish its  
22 purposes.”<sup>3</sup>

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26 <sup>1</sup> The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections  
27 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices Commission  
28 are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references  
are to this source.

<sup>2</sup> Section 81001, subdivision (h).

<sup>3</sup> Section 81003.

1 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in  
2 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper  
3 practices are inhibited.<sup>4</sup> Along these lines, the Act includes a comprehensive campaign reporting system.<sup>5</sup>  
4 Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be  
5 “vigorously enforced.”<sup>6</sup>

### 6 **Distinctions Regarding Independent Expenditures and Contributions**

7 The definition of “independent expenditure” includes an expenditure made by any person in  
8 connection with a communication that expressly advocates the election or defeat of a clearly identified  
9 candidate, or taken as a whole and in context, unambiguously urges a particular result in an election—  
10 where the expenditure is not made to or at the behest of the affected candidate or committee.<sup>7</sup>

11 Generally speaking, a “contribution” includes a payment—except to the extent that full and  
12 adequate consideration is received—unless it is clear from the surrounding circumstances that it is not  
13 made for political purposes.<sup>8</sup> When such a payment is made at the behest of a candidate or committee, it  
14 is a contribution to the candidate/committee.<sup>9</sup>

15 “Made at the behest of” means made under the control or at the direction of, in cooperation,  
16 consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior  
17 consent of.<sup>10</sup>

18 The most common type of contribution results in the payment of money to a candidate or  
19 committee. Such contributions are referred to as “monetary contributions,” but sometimes a contribution  
20 of goods or services is made to a candidate or committee—rather than an outright payment to the  
21 candidate or committee. Such contributions are referred to as “in-kind” or “non-monetary” contributions.  
22 For example, if you pay for mailers and robocalls in support of a candidate at the candidate’s behest, you

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25 <sup>4</sup> Section 81002, subdivision (a).

26 <sup>5</sup> Sections 84200, et seq.

27 <sup>6</sup> Section 81002, subdivision (f).

28 <sup>7</sup> Section 82031.

<sup>8</sup> Section 82015, subdivision (a).

<sup>9</sup> Section 82015, subdivision (b).

<sup>10</sup> Regulation 18225.7, subdivision (a). Also, see Regulation 18550.1, subdivision (a).

1 are making in-kind/non-monetary contributions to the candidate because your money is not going  
2 directly to the candidate, but the candidate is receiving the benefit of your money in the form of mailers  
3 and robocalls. The terms “in-kind” and “non-monetary” are interchangeable.<sup>11</sup>

4 An expenditure is not an independent expenditure—and must be treated as a contribution to the  
5 candidate on whose behalf, or for whose benefit, the expenditure is made—if the expenditure is made  
6 under any of the following circumstances:<sup>12</sup>

- 7 1. the expenditure is made with the cooperation of, or in consultation with, the candidate on whose  
8 behalf, or for whose benefit, the expenditure is made, or any controlled committee or any agent of  
9 the candidate;
- 10 2. the expenditure is made in concert with, or at the request or suggestion of, the candidate on whose  
11 behalf, or for whose benefit, the expenditure is made, or any controlled committee or any agent of  
12 the candidate; or
- 13 3. the expenditure is made under any arrangement, coordination, or direction with respect to the  
14 candidate or the candidate’s agent and the person making the expenditure.

15 Along these lines, there is a presumption that an expenditure funding a communication that  
16 expressly advocates the nomination, election or defeat of a clearly identified candidate is *not* independent  
17 of the candidate when the communication:<sup>13</sup>

- 18 1. is based on information about the candidate’s or committee’s campaign needs or plans  
19 provided to the expending person by the candidate or committee; or
- 20 2. is made by or through any agent of the candidate or committee in the course of the agent’s  
21 involvement in the current campaign; or
- 22 3. is made by a person who retains the services of another person who provides the candidate  
23 with professional services related to campaign or fundraising strategy for that same election;  
24 or
- 25 4. replicates, reproduces, republishes or disseminates, in whole or in substantial part, a  
26 communication designed, produced, paid for or distributed by the candidate or his committee.

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<sup>11</sup> See Section 84203.3 as compared to Regulation 18421.1, subdivision (f).

<sup>12</sup> Section 85500, subdivision (b).

<sup>13</sup> Regulations 18225.7, subdivision (c); and 18550.1, subdivision (b).

1 For similar reasons, an expenditure funding a communication that expressly advocates the  
2 nomination, election or defeat of a clearly identified candidate is *not* independent of the candidate when  
3 the communication is created, produced or disseminated:<sup>14</sup>

- 4 1. after the candidate or committee has made or participated in making any decision regarding  
5 the content, timing, location, mode, intended audience, volume of distribution, or frequency  
6 of placement of the communication; or
- 7 2. after discussion between the creator, producer or distributor of a communication, or the  
8 person paying for that communication, and the candidate or committee, regarding the content,  
9 timing, location, mode, intended audience, volume of distribution or frequency of placement  
10 of that communication, the result of which is agreement on any of these topics.

### 11 **Mandatory Filing of Campaign Statements and Reports**

12 At the core of the Act’s campaign reporting system is the requirement that committees must file  
13 campaign statements and reports for certain reporting periods and by certain deadlines.<sup>15</sup>

14 For example, each committee that makes a late independent expenditure must report the  
15 expenditure by filing a Form 496—also known as a 24-Hour Independent Expenditure Report—within  
16 24 hours. A “late independent expenditure” includes any independent expenditure that totals—in the  
17 aggregate—\$1,000 or more and is made for or against any specific candidate involved in an election  
18 within 90 days before the date of the election.<sup>16</sup>

19 Additionally, each committee that makes or receives a late contribution, must file a Form 497—  
20 also known as a 24-Hour Contribution Report (and previously known as a late contribution report)—  
21 within 24 hours.<sup>17</sup> A “late contribution” includes a contribution that totals—in the aggregate—\$1,000 or  
22 more and is made to or received by a candidate, a controlled committee, or a committee formed or  
23 existing primarily to support or oppose a candidate within 90 days before the date of the election.<sup>18</sup>

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27 <sup>14</sup> Regulations 18225.7, subdivision (b); and 18550.1, subdivision (a).

28 <sup>15</sup> Sections 84200, et seq.

<sup>16</sup> See Sections 82036.5 and 84204.

<sup>17</sup> Section 84203, subdivisions (a) and (b).

<sup>18</sup> Section 82036.

1 In the case of a late contribution that is an in-kind or non-monetary contribution, the normal 24-  
2 hour reporting deadline is extended to 48 hours, but only with respect to reporting *receipt* of the  
3 contribution; reporting the *making* of such a contribution is subject to the normal 24-hour deadline.<sup>19</sup>

#### 4 **Place of Filing**

5 In the case of a committee that is controlled by a school board candidate or a water district  
6 candidate, campaign statements and reports must be filed with the local filing officer. Usually, this is the  
7 county elections official. For example, candidates for school and water boards for districts in Los  
8 Angeles County—and their controlled committees—generally are required to file with the Los Angeles  
9 County Registrar-Recorder/County Clerk. Candidates for school districts in Monterey County—and their  
10 controlled committees—are required to file with the Monterey County Registrar of Voters.<sup>20</sup>

11 Any committee that makes a late independent expenditure in support of such a candidate—  
12 aggregating \$1,000 or more—must file its Form 496 24-hour report with the same local elections official  
13 as the candidate.<sup>21</sup>

14 Any state general purpose committee that makes a late contribution—aggregating \$1,000 or  
15 more—must file its Form 497 24-hour report (and its other campaign statements) with the Secretary of  
16 State.<sup>22</sup>

#### 17 **Required Contents of Campaign Statements and Reports**

18 Campaign statements and reports are required to contain truthful and accurate information about  
19 receipts and expenditures, including contributions made, contributions received—as well as independent  
20 expenditures made.<sup>23</sup>

#### 21 **Joint and Several Liability**

22 It is the duty of a committee treasurer to ensure that the committee complies with the Act.<sup>24</sup> Also,  
23 the principal officer of a committee generally bears responsibility for approval of the political activity of  
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25 <sup>19</sup> Sections 84203, subdivisions (a) and (b); and 84203.3, subdivision (b).

26 <sup>20</sup> See Section 84215, subdivision (c).

27 <sup>21</sup> See Sections 84204, subdivision (c), and 84215, subdivision (c).

28 <sup>22</sup> See Sections 84203, subdivision (a), and 84215, subdivision (a).

<sup>23</sup> For example, see Sections 84203, subdivision (a); 84204, subdivision (b); and 84211.

<sup>24</sup> Sections 81004, 84100, and Regulation 18427.

1 the committee.<sup>25</sup> The treasurer and the principal officer may be held jointly and severally liable, along  
2 with the committee, for violations of the Act. Also, consultants who are compensated for services  
3 involving the planning, organizing, or directing of any activity regulated or required by the Act may be  
4 held jointly and severally liable for violations of the Act.<sup>26</sup>

### 5 **SUMMARY OF THE FACTS**

6 Election results from the office of the Los Angeles County Registrar-Recorder/County Clerk  
7 reflect that Hector Chacon was a successful candidate for re-election to the Montebello Unified School  
8 District Board of Directors in the election that was held November 5, 2013. (Candidates were competing  
9 for four seats on the board in the election.) Chacon and his committee were required to file campaign  
10 statements and reports with the Los Angeles County Registrar-Recorder/County Clerk.<sup>27</sup> In 2013,  
11 reported receipts and expenditures for Chacon's committee were approximately \$64,805 and \$65,406,  
12 respectively.

13 That same year, the BJE committee was a general purpose committee that purported to make  
14 independent expenditures in support of Chacon and other candidates. The committee was required to file  
15 campaign statements and reports with the Secretary of State.<sup>28</sup> In 2013, reported receipts and  
16 expenditures for the BJE committee were approximately \$58,071 and \$82,958, respectively. In 2014, the  
17 reported amounts were approximately \$23,135 and \$27,013, respectively.

18 In September 2013, Chacon's 2013 school board committee made a payment in the amount of  
19 \$5,000 to PJF Communications. This was pursuant to an arrangement whereby Chacon hired Fickas as a  
20 campaign consultant. (Fickas is the Vice President of PJF Communications, and he is a co-founder of the  
21 company.) However, after hiring Fickas, Chacon changed plans in order to have the BJE committee send  
22 out a mailer for the Montebello school board, which supported not only Chacon, but three other  
23 candidates as well.

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26 <sup>25</sup> Regulation 18402.1.

27 <sup>26</sup> Sections 83116.5 and 91006.

28 <sup>27</sup> Section 84215, subdivision (c).

<sup>28</sup> Section 84215, subdivision (a).

1 In 2013, 2014, and 2015, Fickas was running multiple committees. These committees reported  
2 making various independent expenditures, all of which were made in cooperation and consultation with  
3 Chacon. One of these committees was the BJE committee—for which Chacon also handled fundraising.  
4 All spending by the BJE committee in support of Chacon was coordinated with Chacon and carried out at  
5 his behest—such that the spending amounted to non-monetary contributions from the BJE committee to  
6 the Chacon committee.<sup>29</sup>

7 This case involves improper reporting of this activity by the BJE committee. Also, this case  
8 involves the BJE committee’s failure to file 11 Form 496’s with local filing officers with respect to  
9 independent expenditures that the committee made in 2013 and 2014 in support of eight candidates for  
10 various school and water district boards. These violations are described in more detail below.

11 **Count 1:**

12 *Montebello Mailers of 10/3/13 and 10/8/13*

13 *BJE’s Non-filing of Form 497’s re: Non-monetary Contributions to Chacon*

14 On or about October 3, 2013, the BJE committee sent a mass mailer that supported Hector  
15 Chacon, Gerri Guzman, Ben Cardenas, and Paul Montoya for Montebello Unified School District. The  
16 cost of the mailer that was attributable to each candidate—after dividing by four—was approximately  
17 \$1,454.

18 The amount attributable to Chacon was a late non-monetary contribution. Within 24 hours of this  
19 activity, the BJE committee was required to report the making of this non-monetary contribution to the  
20 Chacon committee in the approximate amount of \$1,454 by filing a Form 497 with the Los Angeles  
21 County Registrar-Recorder/County Clerk. However, that report was not filed. (Instead, campaign filings  
22 of the BJE committee improperly reported that this spending was an independent expenditure.)

23 On or about October 8, 2013, the BJE committee sent another mailer in support of Hector  
24 Chacon, Gerri Guzman, Ben Cardenas, and Paul Montoya for Montebello Unified School District. Also,  
25 on or about this same date, the BJE committee paid for robocalls in support of each candidate. The cost

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28 <sup>29</sup> See Sections 82015, subdivision (b); 85500; Regulations 18225.7; and 18550.1.

1 of the mailer and robocalls that was attributable to each candidate—after dividing by four—was  
2 approximately \$1,264 (of this amount, approximately \$234 was for the robocalls).

3 The amount attributable to Chacon was a late non-monetary contribution. Within 24 hours of this  
4 activity, the BJE committee was required to report the making of this non-monetary contribution to the  
5 Chacon committee in the approximate amount of \$1,264 by filing a Form 497 with the Los Angeles  
6 County Registrar-Recorder/County Clerk. However, that report was not filed. (Instead, campaign filings  
7 of the BJE committee improperly reported that this spending was an independent expenditure.)

8 In this way, the BJE committee and Fickas (as principal officer of the committee and as a  
9 compensated consultant) violated Section 84203, subdivisions (a) and (b).

10 **Count 2:**

11 *Montebello Mailers of 10/3/13 and 10/8/13*

12 *BJE's Improper Reporting on Pre-election Statement for Period Ending*

13 *October 19, 2013 re: Non-Monetary Contributions to Chacon*

14 On or about October 24, 2013, the BJE committee filed a pre-election campaign statement for the  
15 reporting period of July 1 through October 19, 2013. However, this filing improperly reported that the  
16 non-monetary contributions to the Chacon campaign—which are the subjects of Count 1 above—were  
17 independent expenditures. In this way, the BJE committee and Fickas (as principal officer of the  
18 committee and as a compensated consultant) violated Section 84211, subdivisions (b), (i), and (k).

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**Counts 3 – 4:**

*BJE’s Non-filing of Form 496’s re: Various Candidates for School and Water District Boards*

In October of 2013 and 2014, the BJE committee’s activity included 11 independent expenditures (of \$1,000 or more), totaling approximately \$16,958, as noted in the chart below:

<b>Candidate Supported</b>	<b>Date</b>	<b>Amount</b>
Gerri Guzman for Montebello Unified School District	10/3/13	\$1,454
Ben Cardenas for Montebello Unified School District	10/3/13	\$1,454
Paul Montoya for Montebello Unified School District	10/3/13	\$1,454
Gerri Guzman for Montebello Unified School District	10/8/13	\$1,264
Ben Cardenas for Montebello Unified School District	10/8/13	\$1,264
Paul Montoya for Montebello Unified School District	10/8/13	\$1,264
John Fickas for Santa Rita Union School District*	10/8/13	\$1,614
Irma Lopez for Santa Rita Union School District*	10/8/13	\$1,614
Henry Gonzales for Hacienda La Puente Unified School District	10/31/13	\$3,336
Art Chacon for Central Basin Municipal Water District	10/27/14	\$1,233
Gerardo Rodriguez for Water Replenishment District of Southern California	10/27/14	\$1,007
		<b>Total: \$16,958</b>

Within 24 hours of making each expenditure, the BJE committee was required to report each expenditure by filing a Form 496 with the local filing officer—but the BJE committee failed to do so. (For the two expenditures in the chart above that are denoted with an asterisk, the local filing officer was the Monterey County Registrar of Voters. For all of the other expenditures, the local filing officer was the Los Angeles County Registrar-Recorder/County Clerk.)

In failing to file 11 Form 496’s with the local filing officers, as described above, the BJE committee and Copeland (as the committee treasurer) violated Section 84204. For settlement purposes, two counts are being charged (as discussed in more detail below).

**PROPOSED PENALTY**

This matter consists of four counts. The maximum penalty that may be imposed is \$5,000 per count.<sup>30</sup>

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

<sup>30</sup> See 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.<sup>31</sup> Additionally, the Commission considers penalties in prior cases with comparable  
5 violations.

6 The public harm inherent in campaign reporting violations is that the public is deprived of  
7 important, time-sensitive information regarding political contributions and expenditures. The  
8 Commission has found disclosure to be essential, especially before an election. In this case, the  
9 Enforcement Division found evidence of negligence—at the least—with respect to Counts 1 and 2, and  
10 based on the evidence, cannot rule out (nor conclusively prove) intentional concealment or deception.  
11 Fickas maintains that his violations were not deliberate. With respect to Counts 3 and 4, it appears that  
12 these violations were the result of negligence by the committee's treasurer.

13 Regarding Counts 1 and 2, the Commission recently considered another stipulation involving  
14 non-monetary contributions that were falsely reported as independent expenditures. *In the Matter of*  
15 *Patrick J. Furey, Pat Furey for Mayor 2014, Torrance Voters PAC to Support Pat Furey for Mayor*  
16 *2014, Richard Roesch, and Tina McKinnor*; FPPC Case No. 14/1118 (approved Mar. 17, 2016), the  
17 Commission imposed a penalty in the amount of \$4,500 per count against a PAC and its officers for three  
18 counts involving the same type of scheme and statutory violations as Counts 1 and 2 of the current case.  
19 Both cases involve candidates who failed to report receipt of non-monetary contributions that were  
20 improperly reported by the contributing committees as independent expenditures. Also, in both cases, the  
21 contributing committees—and their responsible officers—have/had no history of prior, similar violations  
22 of the Act.

23 Despite the similarities between these cases, a lower penalty is warranted in the current case  
24 because *Furey* involved more egregious facts, which included a scheme to circumvent local contribution  
25 limits—something not present in the current case. Also, *Furey* involved almost 13 times the spending as  
26 the current case (approximately \$35,174 vs. \$2,718). Additionally, the amount improperly reported in  
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28 <sup>31</sup> Regulation 18361.5, subdivision (d).

1 *Furey* comprised nearly all of the PAC’s spending—but in the current case, the amount improperly  
2 reported by the BJE committee comprised less than six percent of its reported expenditures (for the last  
3 half of 2013). Something else worth considering is the fact that Fickas provided substantial cooperation  
4 as a witness and as a respondent with respect to the Enforcement Division’s investigation of this case and  
5 other matters.

6 Under these circumstances, a penalty in the amount of \$2,000 per count is recommended for  
7 Counts 1 and 2. (The equivalent of Count 1 in the current case, which involves failure to file two Form  
8 497’s, was charged as two separate counts in the more egregious *Furey* case. Charging a single count in  
9 the current case is recommended for settlement purposes due to the mitigating information noted above.)  
10 A lower penalty is not being sought for these counts because Fickas is a professional campaign  
11 consultant with many years of experience—and he had ample reason to be familiar with the requirements  
12 of the Act. Respondents maintain that Copeland was not aware of the coordination in this case. For this  
13 reason, Fickas—and not Copeland—is being charged as a respondent with respect to Counts 1 and 2.

14 Regarding Counts 3 and 4, the Commission recently considered another stipulation involving  
15 negligent failure to file 24-hour independent expenditure reports. *In the Matter of Save Avalon Now, a*  
16 *Committee Supporting Mayor Marshall, Council Candidates Montano and Hernandez, Opposing*  
17 *Council Candidates MacGugan-Cassidy, Olsen and Fertig 2016, Mike Sheehan, and Lysa Ray*; FPPC  
18 Case No. 16/19829 (approved Sep. 20, 2018), the Commission imposed a penalty in the amount of  
19 \$1,500 against a committee and its officers for negligent failure to timely file three Form 496’s, which  
20 were charged as a single count. The expenditures in question—which were not reported by the committee  
21 prior to the election—totaled more than \$3,208. The case involved a professional treasurer with many  
22 years of experience in terms of compliance with the Act—which is true for the current case as well.

23 In *Avalon*, the activity in question comprised at least 36% of the committee’s reported spending.  
24 This is comparable to the current case, which involves roughly one-third of the BJE committee’s reported  
25 expenditures (for the relevant reporting periods).

26 However, the current case does involve greater spending and failure to file almost four times as  
27 many Form 496’s (three reports encompassing at least \$3,208 in *Avalon* vs. 11 reports encompassing  
28 approximately \$16,958 in the current case). Compared to *Avalon*, an equivalent number of counts in the

current case (based on the number of missed filings) would be about four counts—but in the current case, there was at least some disclosure for the public prior to the relevant elections. For example, nearly all of the activity in question was reported on 24-hour reports that mistakenly were filed with the Secretary of State. This is not the same as filing with the local filing officers—as required by law—but it is better than no disclosure. Also, most of the 2013 activity in question was disclosed before the election at the local level—albeit not within 24 hours—on supplemental independent expenditure reports and on a pre-election campaign statement.

Under these circumstances, two counts—and a penalty in the amount of \$1,500 per count are recommended (for Counts 3 and 4). Respondents agree that it was the responsibility of Copeland, as the BJE committee’s treasurer, to file the committee’s Form 496’s with the local filing officers. For this reason, Copeland—and not Fickas—is being charged as a respondent with respect to Counts 3 and 4.

In summary, it is respectfully submitted that imposition of an agreed upon penalty in the amount of \$7,000 is justified, as reflected in the chart below:

Count	Description	Respondents	Penalty
1	Failure to File Form 497’s re: Non-monetary Contributions to Chacon	Paul Fickas and the Californians for Better Jobs and Education Committee	\$2,000
2	Improper Reporting on Pre-election Statement	Paul Fickas and the Californians for Better Jobs and Education Committee	\$2,000
3	Failure to File Form 496’s with Local Filing Officers	Rita Copeland and the Californians for Better Jobs and Education Committee	\$1,500
4	Failure to File Form 496’s with Local Filing Officers	Rita Copeland and the Californians for Better Jobs and Education Committee	\$1,500
<b>Total:</b>			<b>\$7,000</b>

Higher penalties are not being sought because the parties have cooperated by agreeing to a settlement in advance of the probable cause conference that otherwise would have been held.

**CONCLUSION**

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondents Paul Fickas, Rita Copeland, and the Californians for Better Jobs and Education Committee hereby agree as follows:

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

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

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

6           4.       Respondents have consulted with their representative, Marcus Allen Frishman. (Mr.  
7 Frishman is a non-attorney representative.) Respondents understand and hereby knowingly and  
8 voluntarily waive, any and all procedural rights set forth in Sections 83115.5, 11503, 11523, and  
9 Regulations 18361.1 through 18361.9. This includes, but is not limited to the right to appear personally at  
10 any administrative hearing held in this matter, to be represented by an attorney at Respondents' own  
11 expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to  
12 testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing  
13 officer, and to have the matter judicially reviewed.

14           5.       Respondents agree to the issuance of the decision and order set forth below. Also,  
15 Respondents agree to the Commission imposing against them an administrative penalty in the amount of  
16 \$7,000. One or more payments totaling this amount—to be paid to the General Fund of the State of  
17 California—is/are submitted with this stipulation as full payment of the administrative penalty described  
18 above, and they will be held by the State of California until the Commission issues its decision and order  
19 regarding this matter.

20           6.       If the Commission refuses to approve this stipulation—then this stipulation shall become  
21 null and void, and within fifteen business days after the Commission meeting at which the stipulation is  
22 rejected, all payments tendered by Respondents in connection with this stipulation shall be reimbursed to  
23 Respondents. If this stipulation is not approved by the Commission, and if a full evidentiary hearing  
24 before the Commission becomes necessary, neither any member of the Commission, nor the Executive  
25 Director, shall be disqualified because of prior consideration of this Stipulation.

26 ///

27 ///

28 ///

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

6       Dated: \_\_\_\_\_

\_\_\_\_\_  
Galena West, Chief of Enforcement  
Fair Political Practices Commission

7  
8  
9  
10       Dated: \_\_\_\_\_

\_\_\_\_\_  
Paul Fickas, individually, and on behalf of Californians  
for Better Jobs and Education Committee, Respondents

11  
12  
13  
14       Dated: \_\_\_\_\_

\_\_\_\_\_  
Rita Copeland, individually, and on behalf of  
Californians for Better Jobs and Education Committee,  
Respondents

15  
16  
17  
18           The foregoing stipulation of the parties “In the Matter of Paul Fickas, Rita Copeland, and  
19 Californians for Better Jobs and Education Committee,” FPPC Case No. 18/1253, is hereby accepted as  
20 the final decision and order of the Fair Political Practices Commission, effective upon execution below  
21 by the Chair.  
22

23           IT IS SO ORDERED.  
24

25       Dated: \_\_\_\_\_

\_\_\_\_\_  
Alice T. Germond, Chair  
Fair Political Practices Commission