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3	Commission Counsel FAIR POLITICAL PRACTICES COMMISSION
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7	Attorneys for Complainant Enforcement Division of the Fair Political Practices Commission
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9	BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
10	STATE OF CALIFORNIA
11	In the Matter of))FPPC No. 16/19921
12))))STIPULATION, DECISION, and ORDER
13 14)) ROHNERT PARK COTATI)) EDUCATORS ASSOCIATION)) POLITICAL ACTION COMMITTEE))
14	POLITICAL ACTION COMMITTEE)) AND KRISTINA (ASHLEY) JUAREZ,))
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17	INTRODUCTION
18 19	Respondent Rohnert Park Cotati Educators Association Political Action Committee
20	("Committee") is a local general purpose committee sponsored by the Rohnert Park Cotati Educators
	Association. Kristina Juarez ("Juarez") serves as the Committee's treasurer, filing as Kristina Ashley at
21	the time of the violations. This case was opened pursuant to a sworn complaint. After an investigation,
22	the Enforcement Division found that the Committee violated the Political Reform Act (the "Act") ¹ by
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24 25	failing to timely file 24-Hour contribution reports.
25 26	¹ The Act is contained in the Government Code sections 81000 through 91014. All statutory references are to the
26	Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in
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SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred in 2016. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

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

When enacting the Political Reform Act, the people of the state of California found and declared previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.² To that end, the Act must be liberally construed to achieve its purposes.³

A central purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring committees to disclose all contributions and expenditures made throughout a campaign.⁴ Another is to provide adequate enforcement mechanisms so that the Act will be "vigorously enforced."⁵

24-Hour Contribution Report

Each committee that makes or receives a late contribution must file a report within 24 hours of making or receiving the contribution.⁶ A "late contribution" includes a contribution aggregating \$1,000 or more that is made or received by a candidate or his or her controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure, during the 90-day period preceding the date of the election, or on the date of the election.⁷

For the November 8, 2016 General Election, the 90-day reporting period commenced on August 10, 2016.

- Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.
 Section 81001, subdivision (h).
 - ³ Section 81003.
 - ⁴ Section 81002, subdivision (a).
 - ⁵ Section 81002, subdivision (f).
 - ⁶ Section 84203.
 - ⁷ Section 82036.

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Joint and Several Liability of Committee, Treasurer, and Principal Officer

Under the Act, it is the duty of the treasurer of a committee to ensure that the committee complies with all the requirements of the Act concerning the receipt, expenditure, and reporting of funds.⁸ It is the duty of the committee's principal officer to authorize the content of communications made by the committee, authorize expenditures made by the committee, and determine the committee's campaign strategy.⁹ The treasurer and principal officer may be held jointly and severally liable, along with the committee, for violations committed by the committee.¹⁰

SUMMARY OF THE FACTS

The Committee was first formed in 2008, filing an initial statement of organization with the Secretary of State on or about March 7, 2008. Filing as the treasurer under the name Kristina Ashley, Juarez assumed the role for treasurer in 2016 and is presently serving as the treasurer, according to the Committee's Statement of Organization. In 2016, the Committee reported receiving \$5,996 in contributions and made \$7,834 in expenditures. The Committee timely filed campaign statements, including pre-election campaign statements in connection with the November 8, 2016 General Election. The Committee made the following expenditures in support of candidates Tim Nonn and Chrissa

	Gillies are	outlined	below:
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24-Hour Contribution Report	Date	Candidate	Amount and Prorated to Each Candidate	Description
1	10/7/16 ¹¹	Tim Nonn and Chrissa Gillies	\$4,261 (Prorated: \$2,130)	7,968 pieces of a mass mailing
2 In aggregate, each candidate received	10/13/16	Tim Nonn and Chrissa Gillies	\$1,784 (Prorated: \$892)	Full page advertisement in a local community paper
\$1,000+ (Prorated: \$1,319)	10/13/16	Tim Nonn and Chrissa Gillies	\$855 (Prorated: \$427)	Web advertisements

⁸ Sections 81004, 84100, 84213, and Regulation 18427.

¹¹ The Committee appears to have used the date November 3, 2016 as the expenditure date because this is when the vendor issued the invoice. However, as the Committee received the benefit of the expenditure on or around October 7, 2016, this is the date of the expenditure.

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⁹ Section 82047.6, Regulation 18402.1, subdivision (b).

¹⁰ Sections 83116.5 and 91006.

The Committee was required to file a 24-Hour Contribution Report on or by October 10, 2016, the first business day after the Saturday deadline, to report the mailer paid for in support of the two candidates. This expenditure should have been reported on the pre-election campaign statement for the period ending October 22, 2016. However, because the Committee used the date off of the invoice as the date the expenditure was made, instead of the date that that the advertisement was actually mailed, October 7, 2016, the Committee did not disclose the advertisement until after the election. Additionally, the Committee reported the expenditure as an independent expenditure, causing confusion as to the nature of the expenditure.

Additionally, the Committee was required to file a 24-Hour Contribution Report on or around October 14, 2016 for the advertisements paid for by the Committee to support the candidates, but the Committee failed to file any report.

VIOLATIONS

Count 1: Failure to Timely File 24-Hour Contribution Reports

The Committee and Ashley failed to timely a 24-Hour contribution report to disclose \$4,261 by the deadline of October 10, 2016 and failed to timely file a 24-hour contribution report to disclose \$2,639 by the deadline of October 14, 2016, in violation of Section 84203.

PROPOSED PENALTY

This matter consists of one count. The maximum penalty that may be imposed is \$5,000.¹²

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 any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective amendments

¹² See Section 83116, subdivision (c).

voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior record of violations.13 2

Here, the violations appear to be negligent. The Committee and Juarez have no prior history of enforcement actions. Timely filing or 24-Hour reports before elections is necessary to ensure transparency in elections and permits the voter to understand the nature and extent of a candidate's supporters or detractors.

The Commission considers penalties in prior cases with the same or similar violations and comparable facts. With respect to Count 1: In the Matter of Robert G. Jones, Robert G. Jones for Los Rios Trustee 2010, and Julianne C. Jones, FPPC No. 16/339 (The Commission approved a settlement at the March 2018 meeting.) The respondents were charged with failure to file two 24-Hour Contribution Reports that would have disclosed \$23,000 in contributions the committee received by the deadline. The reports were filed late but prior to the election and were not timely disclosed on campaign statements. The Commission imposed a penalty of \$1,500.

Here, the amount of funds that were not reported were less, \$6,900 compared to \$23,000. The committee timely filed pre-election statements, unlike Jones, but failed to report some of the activity on the second pre-election statement and therefore delayed disclosure until after the election. Therefore, a penalty of \$1,500 is recommended.

CONCLUSION

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondents Rohnert Park Cotati Educators Association Political Action Committee, and Kristina (Ashley) Juarez 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.

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

¹³ Regulation 18361.5, subdivision (d).

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

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

5. Respondents agree to the issuance of the decision and order set forth below. Also, Respondents agree to the Commission imposing against them an administrative penalty in the amount of \$1,500. One or more payments totaling said amount—to be paid to the General Fund of the State of California—is/are submitted with this stipulation as full payment of the administrative penalty described above, and same shall be held by the State of California until the Commission issues its decision and order regarding this matter.

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

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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 fax		
3	or as a PDF email attachment, is as effective and binding as the original.		
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5	Dated:		
6	Galena West, Chief of Enforcement Fair Political Practices Commission		
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9	Dated: Kristina (Ashley) Juarez, individually and on behalf of		
10	Rohnert Park Cotati Educators Association Political Action Committee		
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28	STIPULATION, DECISION, AND ORDER FPPC Case No. 16/19921		

1	The foregoing stipulation of the parties "Rohnert Park Cotati Educators Association Political
2	Action Committee and Kristina (Ashley) Juarez," FPPC Case No. 16-19921, is hereby accepted as the
3	final decision and order of the Fair Political Practices Commission, effective upon execution below by
4	the Chair.
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6	IT IS SO ORDERED.
7	Dated:
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