# FAIR POLITICAL PRACTICES COMMISSION

### STIPULATION, DECISION AND ORDER

**Advertising and Mailing Disclosure Violations** (Streamline Program)

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent(s) hereby agree that this stipulation will be included on the next regularly scheduled meeting, or as soon thereafter as the matter can be heard, of the Fair Political Practices Commission. Once presented and approved by the Chief of Enforcement, the parties agree that this stipulation will be the final disposition of the violation(s) described herein.

<b>FPPC CASE NO.:</b> 20/909					
RESPONDENT(S): Chuck Fisher for El	Centro E	lementary Scl	nool Board 20	020 and Ch	uck Fisher
REPRESENTATION: X N/A					
GOV'T CODE SECTION VIOLATED:	× 84305	84310	8450	2 8	4503
		84504	84504.1	84504.2	× 84504.4
Total Penalty: \$510					
STATEMENT BY RESPONDENT(S): I acknowledge that the violation(s) of the Porequest that the Fair Political Practices Compared above. I acknowledge receipt of the procedural rights to contest this matter in an connection with these violations have now be understand that I must also pay any potential	mission re e <i>Statemen</i> administra een filed.	solve this matt nt of Responder ative hearing. A I have paid the	er by imposition in the standard standard and Any required or amount of the	on of the mo voluntarily utstanding repenalty des	netary penalty waive any and all eports in
Dated:	Sign: _	··········	· · · · · · · · · · · · · · · · · · ·		
Prin	nt Name: _				
Dated:	Sign: _				
Prin	nt Name: _				
ORDER OF THE COMMISSION: I have reviewed this stipulation, taken into c executing this agreement under the authority Regulation 18360.2. This agreement is effective to the company of the	of the Fa	ir Political Prac	ctices Commis		
IT IS SO ORDERED.					
Dated:	ANGI	ELA J. BRERE	TON, ENFOR	CEMENT (	CHIEF

# FAIR POLITICAL PRACTICES COMMISSION STATEMENT OF RESPONDENT'S RIGHTS

The Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent, both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for notice at the next regularly scheduled Fair Political Practices Commission meeting, or as soon as the matter can be heard.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondent.

Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under California Government Code sections 83115.5, 11500, et seq., and 2 California Code of Regulations sections 18361.4 through 18361.11, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that Respondent has violated the Political Reform Act as described herein.

Respondent agrees to the issuance of the Decision and Order and imposition by the Commission through the Chief of Enforcement of a penalty in the amount specified on the Stipulation, and a payment in full has been submitted by Respondent to be held by the State of California until the issuance of the Decision and Order. This will be the final disposition of the violation(s) described herein.

The parties agree that in the event the Chief of Enforcement refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is presented, payments tendered shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the event the Chief of Enforcement rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither a member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

### TIER ONE: DESCRIPTION OF VIOLATION:

Advertising and Mailing Disclosure

ſ	Ct.	Ad Type	Disclosure Issue	Disclosure Issue	Penalty *
	1	Social Media	Missing "Paid for by" and committee name	N/A	\$100

**TOTAL PENALTY:** \$ 100

\* = Base + 1% of each advertisement buy

- X Disclosure violation is not likely to cause confusion regarding the identity of the candidate or committee responsible for the advertisement, or a top contributor, sponsor, controlling candidate, or ballot measure supported or opposed; whether the advertisement is an independent expenditure; or whether the advertisement was authorized by a candidate or candidate-controlled committee.
- **Respondent(s)** has not received a penalty from the Commission for an advertisement/mailer disclosure violation in the past five years.
- X The advertisement or mass mailing does not contain two or more missing or incorrect disclosures and one or more of the missing or incorrect disclosures is: (1) " the committee name requirement, (2) top contributor information, or (3) the statement that the advertisement was "not authorized by a candidate or committee controlled by a candidate."
- X The extent and gravity of the public harm in the aggregate is not more than minimal.
- X Found no evidence of intent to conceal.

#### Filer is a:

Ш	State Candidate Committee.
	State General Purpose Committee.
	State Primarily Formed Committee.
	State Major Donor.
X	<b>Local Candidate Committee.</b>
	<b>Local General Purpose Committee.</b>
	<b>Local Primarily Formed Committee.</b>
	Local Major Donor.

## TIER TWO: DESCRIPTION OF VIOLATION:

Advertising and Mailing Disclosure

Ct.	Ad Type	Disclosure Issue	Disclosure Issue	Disclosure Issue	Penalty *
1	Mailer	Missing "Paid for by" and committee name	Missing/Incorrect Address	N/A	\$410

**TOTAL PENALTY: \$410** 

\* = Base + 1% of each advertisement buy

× The ad or mass mailing contains less than four missing or incorrect disclosures or display requirements in the disclaimer and included in those errors is no more than two of the following: (1) "ad paid for by" or "paid for by" requirement, (2) top contributor information, (3) the statement that the ad was not authorized by a candidate or committee controlled by a candidate, or (4) the committee name requirement.

Respondent(s) has paid a Tier One penalty to the Commission or received a Warning Letter from the Commission for an advertisement/mailer disclosure violation in the past five years.

- X The ad or mass mailing did not have more than one error regarding a top contributor, and the top contributor is substantially correct.
- X The violation resulted from a lack of committee formation through ignorance of the requirements and the committee raised and spent less than \$25,000.
- X The extent and gravity of the public harm in the aggregate is not more than minimal.
- × Found no evidence of intent to conceal.

#### Filer is a:

	<b>State Candidate Committee.</b>
	State General Purpose Committee.
	<b>State Primarily Formed Committee.</b>
	State Major Donor.
X	Local Candidate Committee.
	<b>Local General Purpose Committee.</b>
	Local Primarily Formed Committee.
	Local Major Donor.