

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.

FPPC CASE NUMBER: 2020-00908

RESPONDENT(S): Montanez for WMWD Director, Division 5 2020; Eugene Montanez

REPRESENTATION: Not Applicable

GOVERNMENT CODE SECTION(S) VIOLATED: 84504.7; 84211

Total Penalty: \$223

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Political Reform Act described above have occurred and voluntarily request that the Fair Political Practices Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. Any required outstanding reports in connection with these violations have now been filed. I have paid the amount of the penalty described above. I understand that I must also pay any potential late filing penalties assessed by my filing officer.

Dated: _____

Sign: _____

Print Name: _____

Dated: _____

Sign: _____

Print Name: _____

ORDER OF THE COMMISSION:

I have reviewed this stipulation, taken into consideration any comments made regarding this item, and am executing this agreement under the authority of the Fair Political Practices Commission granted to me by Regulation 18360.2. This agreement is effective upon execution below.

IT IS SO ORDERED.

Dated: _____

CHRISTOPHER B. BURTON, ACTING ENFORCEMENT 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.

DESCRIPTION OF VIOLATION:

Campaign Statement/Report Late Reporter – Tier One

| Count | Statement/Report | Reporting Period | Describe Reportable Activity Not Timely Reported | Penalty ¹ |
|-------|------------------|-------------------------------|--|----------------------|
| 1 | 2nd Pre-Election | 09/20/2020 – 10/17/2020 | \$596 for text messaging campaign | \$117 |

TOTAL PENALTY: \$117

Filer has amended all pertinent statements.

Filer has not received a penalty from the Commission for failing to timely report campaign information in the past five years.

The total amount unreported was not more than the applicable population based limit per reporting period on the committee as described in Regulation 18360.1(d)(1)(C)(ii)(a).

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 Local Candidate Committee.

¹ Base + 1% of contributions received or expenditures made if filed 7 days prior to the election or 3% if filed after that time.

DESCRIPTION OF VIOLATION:

Advertising and Mailing Disclosure – Tier One

| Count | Ad Type | Disclosure Issue | Disclosure Issue | Penalty² |
|--------------|----------------|-------------------------|-------------------------|----------------------------|
| 2 | Robocall/Text, | N/A | Missing “paid for by” | \$106 |

TOTAL PENALTY: \$106

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.

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.”

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 Local Candidate Committee.

² Base + 1% of each advertisement buy.