

FAIR POLITICAL PRACTICES COMMISSION

**STIPULATION, DECISION AND ORDER
Advertising and Mailing Disclosure Violations
Campaign Statement/Report Late Filer 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: 2018-00159

RESPONDENT(S): Oceanside SOAR – Save Open Space and Agricultural Resources, Suzy Martinek, and Dennis Martinek

REPRESENTATION: N/A

GOVERNMENT CODE SECTION(S) VIOLATED: Advertising Violations: 84502, 84504.2, 84107; Campaign Statement/Report Late Filer Violations: 84200, 84203

Total Penalty: \$1,311

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: Suzy Martinek

Dated: _____ Sign: _____

Print Name: Dennis Martinek

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: _____
ANGELA J. BRERETON, 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:

Advertising and Mailing Disclosure – Tier One

Count	Ad Type	Disclosure Issue	Disclosure Issue	Penalty ¹
1	Mailer	Incorrect Name		\$164
2	Mailer	Incorrect Name		\$189
3	Yard Signs	Incorrect Name		\$118

TOTAL PENALTY: \$471

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/mailed 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 Primarily Formed Committee.

¹ Base + 1% of each advertisement buy.

DESCRIPTION OF VIOLATION:

Campaign Statement/Report Late Filer – Tier One

Count	Statement/Report	Reporting Period	Due Date	Date Filed	Describe Reportable Activity	Penalty²
1	24-Hour Contribution Report	09/17/18	09/18/18	N/A	\$2,000	\$260

TOTAL PENALTY: \$260

Filer has filed all pertinent statements.

Respondent(s) has not received a penalty from the Commission for failing to timely file in the past five years.

The committee did not have more than the amount prescribed in Regulation 18360.1(d)(1)(C)(ii)(a) for its jurisdiction in contributions received or expenditures made per campaign statement.

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 Primarily Formed Committee.

² 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:

Campaign Statement/Report Late Filer – Tier Two

Count	Statement/Report	Reporting Period	Due Date	Date Filed	Describe Reportable Activity	Penalty³
1	Quarterly (Ballot Measure)	10/01/17-12/31/17	1/31/18	04/30/18	\$18,077 in contributions and \$3,568 in expenditures	\$580

TOTAL PENALTY: \$580

Filer has filed all pertinent statements.

The committee had more than the amount prescribed in Regulation 18360.1(d)(1)(C)(ii)(a) for its jurisdiction in contributions received or expenditures made per campaign statement but did not exceed \$100,000.

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 Primarily Formed Committee.

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