

FAIR POLITICAL PRACTICES COMMISSION

**STIPULATION, DECISION AND ORDER
Behested Payment 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: 2018-00140

RESPONDENT(S): Michael Tubbs

POSITION: Mayor

REPRESENTATION: Not applicable

JURISDICTION: City of Stockton

GOVERNMENT CODE SECTION(S) VIOLATED: 84224

Total Penalty: \$3,800

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: _____

JAMES M. LINDSAY, 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:

Behested Payment Report Late Filer – Tier One

Count	Report	Due Date	Date Filed	Payor	Describe Reportable Activity	Penalty
1	Form 803	3/6/2020	9/1/2020	Silicon Valley Community Foundation	\$30,000 to Reinvent Stockton Foundation	\$200

TOTAL PENALTY: \$200

Filer has filed all relevant reports.

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

There was no perceived or actual personal benefit to the official or family member resulting from the payment.

The maker of the payment is not a named party in, or the subject of, a governmental decision before the behestor or behestor's agency while the decision is pending and within three months before or after the decision was rendered.

The amount reported late was less than \$50,000 for a single report.

The amount required to be reported, when divided by the number of public officials participating in the behest, was less than \$50,000.

The extent and gravity of the public harm in the aggregate is not more than minimal.

Found no evidence of intent to conceal.

DESCRIPTION OF VIOLATION:

Behested Payment Report Late Filer – Tier Two

Count	Report	Due Date	Date Filed	Payor	Describe Reportable Activity	Penalty
1	Form 803	1/8/2020	3/2/2020	Jerry Yang	\$50,000 to Reinvent Stockton Foundation	\$600
2	Form 803	1/9/2020	3/2/2020	CA Community Foundation	\$4,000,000 to Reinvent Stockton Foundation	\$600
3	Form 803	1/16/2020	3/2/2020	PG&E	\$50,000 to Reinvent Stockton Foundation	\$600
4	Form 803	2/6/2020	3/2/2020	Steven Denning	\$50,000 to Reinvent Stockton Foundation	\$600
5	Form 803	2/13/2020	3/2/2020	Carol Tolan	\$61,000 to Reinvent Stockton Foundation	\$600

TOTAL PENALTY: \$3,00

Filer has filed all relevant reports.

There was no perceived or actual personal benefit to the official or family member resulting from the payment.

The maker of the payment is not a named party in, or the subject of, a governmental decision before the behestor or behestor’s agency while the decision is pending and within three months before or after the decision was rendered.

The amount reported late was less than \$150,000 for a single report.

The amount required to be reported, when divided by the number of public officials participating in the behest, was less than \$150,000.

The extent and gravity of the public harm in the aggregate is not more than minimal.

Found no evidence of intent to conceal.

This Stipulation is presented in accordance with the merits of the case, the age of the violations, the Enforcement Division’s resources, and the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division’s annual carryover caseload.¹ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.² This resolution may not be used as a comparable case for other enforcement matters.³

¹ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

² Regulations 18360.1 and 18360.3.

³ See Regulation 18361.5, subdivision (e)(3).

Behested Payment Report Late Filer – Discretion Used

6	Form 803	3/15/2020	9/1/2020	Harry and Jeanette Weinberg Foundation	\$1,025,000 to Reinvent Stockton Foundation	\$600
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This Stipulation is presented in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all appropriate actions within their discretion to decrease the Division’s annual carryover caseload.⁴ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁵ Additionally, discretion was used for violations that caused minimal public harm when lack of experience or knowledge of the Act’s requirements caused multiple violations with minimal public harm that were corrected upon contact.⁶ This resolution may not be used as a comparable case for other enforcement matters.⁷

⁴ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁵ Regulations 18360.1 and 18360.3.

⁶ Regulation 18360.2.

⁷ See Regulation 18361.5, subdivision (e)(3).