

FAIR POLITICAL PRACTICES COMMISSION

STIPULATION, DECISION AND ORDER

**Advertising and Mailing Disclosure and 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: 2022-00764

RESPONDENT(S): Paul Courtney

REPRESENTATION: N/A

GOVERNMENT CODE SECTION(S) VIOLATED: 84200, 84204, 84502, 84506.5

Total Penalty: \$1,506

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:

Campaign Statement/Report Late Filer – Tier One

Count	Statement/Report	Reporting Period	Due Date	Date Filed	Describe Reportable Activity	Penalty ¹
1	Independent Expenditure Campaign Statement	1/1/22 – 12/31/22	1/31/23	N/A	\$1,334 in expenditures	\$240

TOTAL PENALTY: \$240

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 Independent Expenditure Committee.

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.² Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.³ This resolution may not be used as a comparable case for other enforcement matters.⁴

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

² <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

³ Regulations 18360.1 and 18360.3.

⁴ See Regulation 18361.5, subdivision (e)(3).

DESCRIPTION OF VIOLATION:

Campaign Statement/Report Late Filer – Tier Two

Count	Statement/Report	Reporting Period	Due Date	Date Filed	Describe Reportable Activity	Penalty ⁵
2	24-hour Independent Expenditure Report	9/9/22	9/10/22	N/A	\$1,334 in expenditures	\$440

TOTAL PENALTY: \$440

Filer has filed all pertinent statements.

Respondent(s) has paid a Tier One penalty to the Commission or received a Warning Letter from the Commission for failing to timely file in the past five years.

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 timely reporting of a contribution would not have required a change to the disclosure of the committee's top contributors.

A late-filed 24 Hour Report under Regulation 18360.3(d)(1)(C)(i)(c) in which the subject contribution or expenditure would have disclosed an advertisement or mass mailing paid for or sent by the committee, properly disclosed the name of the committee in the advertisement or mass mailing in accordance with Section 84502 or 84305.

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 Independent Expenditure Committee.

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.⁶ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁷ This resolution may not be used as a comparable case for other enforcement matters.⁸

⁵ Base + 1% of contributions received or expenditures made if filed 7 days prior to the election or 3% if filed after that time.

⁶ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁷ Regulations 18360.1 and 18360.3.

⁸ See Regulation 18361.5, subdivision (e)(3).

DESCRIPTION OF VIOLATION:

Advertising and Mailing Disclosure – Tier Two

Count	Ad Type	Disclosure Issue	Disclosure Issue	Disclosure Issue	Penalty ⁹
3	Yard Sign	N/A	Missing “Ad paid for by”	Missing “Not authorized” disclaimer	\$413
4	Yard Sign	N/A	Missing “Ad paid for by”	N/A	\$413

TOTAL PENALTY: \$826

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.

The ad or mass mailing did not have more than one error regarding a top contributor, and the top contributor is substantially correct.

The violation resulted from a lack of committee formation through ignorance of the requirements and the committee raised and spent less than \$25,000.

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 Independent Expenditure Committee.

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.¹⁰ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.¹¹ This resolution may not be used as a comparable case for other enforcement matters.¹²

⁹ Base + 1% of each advertisement buy.

¹⁰ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

¹¹ Regulations 18360.1 and 18360.3.

¹² See Regulation 18361.5, subdivision (e)(3).