

FAIR POLITICAL PRACTICES COMMISSION

**STIPULATION, DECISION AND ORDER Banni
Campaign Statement/Report Late Filer, Campaign Statement/Report Late Reporter,
and 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: 2019-01672

RESPONDENT(S): WIT – Whatever it Takes for Student Achievement Banning Teachers Association, Emilio Murillo, Robert Walden

REPRESENTATION: Not applicable

GOVERNMENT CODE SECTION(S) VIOLATED: 84200, 84200.5, 84203, 84211, 84502

Total Penalty: \$3,233

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. 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 18360.3. 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 Title 2 of the 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	Base Penalty	Penalty ¹
1	Form 497 Support L. Sattler, M. Anguiano, & L. Troutman	9/5/2019	9/6/2019	Not Filed	\$3,525	\$200	\$235
2	Pre-Election	07/01/2019- 09/21/2019	9/26/2019	Not Filed	\$8,001	\$200	\$280
3	Form 497 Support L. Sattler, M. Anguiano, & L. Troutman	9/30/2019	10/1/2019	12/19/2019	\$10,314	\$200	\$303
4	Pre-Election	09/22/2019- 10/19/2019	10/24/2019	Not Filed	\$12,525	\$200	\$325
5	Semiannual	10/20/2019- 12/31/2019	1/31/2020	Not Filed	\$7,609	\$0	\$0
6	Semiannual	07/01/2020- 12/31/2020	1/31/2021	7/4/2021	\$130	\$0	\$0
7	Semiannual	07/01/2021- 12/31/2021	1/31/2022	7/14/2022	\$0	\$0	\$0
8	Semiannual	01/01/2022- 06/30/2022	7/31/2022	8/25/2022	\$394	\$0	\$0
9	Form 497 Support L. Novalis	8/11/2022	8/12/2022	Not Filed	\$1,840	\$200	\$218
10	Form 497 Support L. Novalis & S. Ruiz	9/16/2022	9/17/2022	Not Filed	\$2,778	\$200	\$228
11	Form 497 Support S. Ruiz	9/23/2022	9/24/2022	Not Filed	\$1,500	\$200	\$215
12	Pre-Election	07/01/2022- 09/24/2022	9/29/2022	3/29/2023	\$6,532	\$200	\$265
13	Pre-Election	09/25/2022- 10/22/2022	10/27/2022	3/29/2023	\$11,595	\$200	\$316
14	Form 497 Support S. Ruiz	10/18/2022	10/19/2022	Not Filed	\$3,000	\$200	\$230
15	Semiannual	10/23/2022- 12/31/22	1/31/2023	3/29/2023	\$2,616	\$0	\$0
16	Semiannual	01/01/2023- 06/30/2023	7/31/2023	7/8/2024	\$96	\$0	\$0
17	Semiannual	07/01/2023- 12/31/2023	1/31/2024	7/8/2024	\$0	\$0	\$0

¹The base penalty is \$200-\$600, plus 1% of contributions received or expenditures made, whichever is greater, per late statement or report. The base penalty can vary in \$100 increments based on the extent and the gravity of the public harm caused by the specific violation, the level of experience the respondents have with the Political Reform Act, the level of diligence to come into compliance, and the level of cooperation during investigation and in reaching settlement.

TOTAL PENALTY: \$2,616

Chief discretion was used in this matter.

This matter is eligible for a streamline resolution under the criteria provided in Regulation 18360.1.

Filer is a Local General Purpose Committee.

DESCRIPTION OF VIOLATION:

Campaign Statement/Report Late Reporter – Tier One

Count	Statement/Report	Reporting Period	Describe Reportable Activity Not Timely Reported	Base Penalty	Penalty²
1	Pre-Election	07/01/2019-09/21/2019	C: \$6,705 Schedule D re: candidates supporting	\$0	\$0
2	Pre-Election	09/22/2019-10/19/2019	C: \$10,314 Schedule D re: candidates supporting	\$100	\$167
3	Pre-Election	07/01/2022-09/24/2022	C: \$6,119 Schedule D re: candidates supporting	\$0	\$0
4	Pre-Election	09/25/2022-10/22/2022	C: \$3,000 Schedule D re: candidates supporting	\$0	\$0

TOTAL PENALTY: \$167

Chief discretion was used in this matter.

This matter is eligible for a streamline resolution under the criteria provided in Regulation 18360.1.

Filer is a Local General Purpose Committee.

² The base penalty is \$100-\$500, plus 1% of the unreported contributions or expenditures per statement or report. The base penalty can vary in \$100 increments based on the extent and the gravity of the public harm caused by the specific violation, the level of experience the respondents have with the Political Reform Act, the level of diligence to come into compliance, and the level of cooperation during investigation and in reaching settlement.

DESCRIPTION OF VIOLATION:

Advertising and Mailing Disclosure – Tier One

Count	Ad Type	Disclosure Issue	Ad Buy	Base Penalty	Penalty³
1	Electronic	Incorrect Name; Missing "Paid for by"	\$2,000	\$200	\$220
2	Electronic	Incorrect Name	\$1,177	\$0	\$0
3	Flyer	Incorrect Name	\$913	\$0	\$0
4	Sign/Billboard	Incorrect Name	\$2,147	\$0	\$0
5	Electronic	Incorrect Name; Missing "Paid for by"	\$3,000	\$200	\$230
6	Electronic	Incorrect Name	\$1,840	\$0	\$0

TOTAL PENALTY: \$450

Chief discretion was used in this matter.

This matter is eligible for a streamline resolution under the criteria provided in Regulation 18360.1.

Filer is a Local General Purpose Committee.

³ The base penalty is \$200-\$600, plus 1% of each advertisement buy. The base penalty can vary in \$100 increments based on the extent and the gravity of the public harm caused by the specific violation, the level of experience the respondents have with the Political Reform Act, the level of diligence to come into compliance, and the level of cooperation during investigation and in reaching settlement.