

ANGELA J. BRERETON
Assistant Chief of Enforcement
MARISSA CORONA
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000
Sacramento, CA 95811
Telephone: (279) 237-5932
Email: MCorona@fppc.ca.gov

Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

FPPC Case No. 22/714

STIPULATION, DECISION AND ORDER

DOUGLAS TREISMAN AND
TREISMAN FOR JUDGE 2020,

Respondents.

INTRODUCTION

Respondent, Douglas Treisman (“Treisman”), was an unsuccessful candidate for Fresno County Superior Court Judge in the March 3, 2020 Primary Election. Respondent, Treisman for Judge 2020 (“the Committee”), was Treisman’s controlled committee. At all relevant times, Melissa Allen (“Allen”), served as the Committee’s treasurer.¹

The Committee was the subject of a Franchise Tax Board Audit (“FTB Audit”) that covered the period of January 1, 2019 through March 23, 2020. During the audit period the Committee reported \$66,645 in contributions and \$66,645 in expenditures.

The FTB Audit revealed the Committee and Treisman violated the Political Reform Act (the “Act”).²). The Committee and Treisman violated the Act by causing Edward Treisman to make a

¹ Allen is not being charged as a respondent in this matter because Treisman did not disclose to Allen where the money originated until the Franchise Tax Board Audit occurred, but told Allen that he, Treisman, was loaning himself the money.

² The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references

1 \$30,000 contribution to the Committee under the name of a person who was not the true source of the
2 contribution.

3 **SUMMARY OF THE LAW**

4 The Act and its regulations are amended from time to time. The discussion below regarding
5 jurisdiction, the standard for finding probable cause, and the contents of the probable cause report
6 include references to the Act's provisions as they existed at the time of the violation. Unless otherwise
7 noted, all other legal references and discussions of law pertain to the Act's provisions as they existed at
8 the time of the violations in this case.

9 **Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act**

10 When enacting the Act, the people of California found and declared that previous laws regulating
11 political practices suffered from inadequate enforcement by state and local authorities.³ Thus, it was
12 decreed the Act "should be liberally construed to accomplish its purposes."⁴

13 A central purpose of the Act is to promote transparency by ensuring that receipts and
14 expenditures in election campaigns are fully and truthfully disclosed so that voters are fully informed
15 and improper practices are inhibited.⁵ Timely and truthful disclosure of the source of campaign
16 contributions is an essential part of the Act's mandate. Another purpose of the Act is to provide adequate
17 enforcement mechanisms so that the Act will be "vigorously enforced."⁶

18 **Prohibition on Making Contributions in the Name of Another**

19 No contribution shall be made, directly or indirectly, by any person in the name of another.⁷
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25 are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18104 through 18998 of Title 2
26 of the California Code of Regulations, and all regulatory references are to this source.

27 ³ Section 81001, subd. (h).

⁴ Section 81003.

⁵ Section 81002, subd. (a).

28 ⁶ Section 81002, subd. (f).

⁷ Section 84301.

1 **Joint and Several Liability of Committee, Candidate, and Treasurer**

2 It is the duty of a committee treasurer and the candidate to ensure that the committee complies
3 with the Act.⁸ A treasurer and candidate may be held jointly and severally liable with the committee for
4 violations committed by the committee.⁹

5 **Liability for Violations**

6 Any person who violates any provision of the Act, who purposely or negligently causes any
7 other person to violate any provision of the Act, or who aids and abets any other person in the violation
8 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹⁰

9 **PROCEDURAL HISTORY**

10 An administrative action for a violation of the Act has a five-year statute of limitations.¹¹ The
11 statute of limitations is tolled upon the service of a probable cause report, as required by Section
12 83115.5.¹² In this matter, a probable cause report was served on Respondent Treisman via certified mail
13 on or around February 8, 2025 and on Melissa Allen on March 28, 2025, effectively tolling the statute of
14 limitations.

15 **SUMMARY OF THE FACTS**

16 During the reporting period of July 1, 2019 through December 31, 2019, the Committee
17 reported receiving \$41,430 in contributions and making \$13,891 in expenditures. According to
18 Treisman's personal bank records, a check dated December 9, 2019 for \$30,000 from Treisman's
19 father, Edward Treisman, was deposited into Treisman's personal bank account on December 26, 2019.
20 The check indicated "loan" in the memo line. Treisman then issued a personal check for \$30,000, dated
21 December 26, 2019, made payable to Treisman for Judge 2020. According to the Committee's bank
22 records, the funds were deposited into the campaign bank account on January 10, 2020. The true source
23 of the funds, Edward Treisman, was not disclosed on the Committee's semiannual campaign statement
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27 ⁸ Sections 81004 and 84100; Regulation 18427.

⁹ Sections 83116.5 and 91006.

¹⁰ Sections 83116 and 83116.5.

¹¹ Section 91000.5.

¹² Section 91000.5, subd. (a).

1 covering the period of July 1, 2019 through December 31, 2019. The candidate, Treisman, was reported
2 as the lender.¹³

3 The loan was reported as outstanding on the preelection campaign statement covering the
4 reporting periods of January 1, 2020 through January 18, 2020,¹⁴ and January 19, 2020 through
5 February 15, 2020. Treisman was disclosed as the lender on both statements. The Committee filed the
6 semi-annual campaign statement covering the reporting period of February 16, 2020 through June 30,
7 2020 on March 31, 2020.¹⁵ This semi-annual campaign statement reported the loan as forgiven. The
8 Committee terminated effective March 23, 2020.

9 Treisman stated that Edward Treisman wanted to assist with the campaign efforts. According to
10 Treisman, Edward Treisman told his son that the loan could be repaid at a later date if Treisman was
11 successful in the election, which is why the check was written as a “loan.” Treisman stated that the loan
12 had not been repaid as of the date of the FTB Audit report.

13 Allen stated that Treisman told Allen he was loaning himself the money, and Treisman did not
14 disclose to Allen where the money originated until the FTB Audit occurred.

15 VIOLATIONS

16 Count 1: Contributions Made in the Name of Another

17 In or around March 2020, the Committee and Treisman caused Edward Treisman to make a
18 \$30,000 contribution to the Committee in the name of the candidate, Treisman, in violation of
19 Government Code Section 84301.

20 PROPOSED PENALTY

21 This matter consists of one count. The maximum penalty that may be imposed is \$5,000 per
22 count. Thus, the maximum penalty that may be imposed here is \$5,000.¹⁶ These types of violations are
23 not eligible for the Streamline Programs.¹⁷

24 ¹³ This violation is not included because the statute of limitations has expired.

25 ¹⁴ This violation is not included because the statute of limitations has expired.

26 ¹⁵ This campaign statement covered the reporting period of February 16, 2020 through December 31, 2020. The
27 statement should have covered through June 30, 2020. The Committee terminated on March 23, 2020.

28 ¹⁶ Section 83116, subd. (c).

¹⁷ Regulations 18360.1, subd. (a), and 18360.3, subd. (a).

1 In determining the appropriate penalty for a particular violation of the Act, the Enforcement
2 Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an
3 emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division
4 considers the facts and circumstances of the violation in the context of the following factors set forth in
5 Regulation 18361.5 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused
6 by the specific violation; (2) The level of experience of the violator with the requirements of the
7 Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The
8 presence or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was
9 deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the
10 Commission staff or any other governmental agency in a manner not constituting complete defense
11 under Government Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern
12 and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and
13 (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide
14 full disclosure.¹⁸

15 Making campaign contributions in the name of another is one of the most serious violations of
16 the Act. Such violations cause serious public harm, as these violations deceive the public as to the true
17 source of the contributions and undermine the public's trust in the transparency of campaign reporting.
18 Here, Treisman caused his father, Edward Treisman, to make a contribution in the name of someone
19 other than the true source of the contribution. Treisman contends that he was negligent in his reporting
20 and did not intend to conceal information or deceive voters concerning the true source of the loan. The
21 Enforcement Division found no evidence that Treisman intended to conceal the true source of the loan,
22 although due to Treisman's failure to report accurate information to the Committee's treasurer and on
23 the Committee's campaign statements, concealment of the true source of the loan occurred prior to the
24 relevant election.

25 The Committee, Treisman and Allen did not consult with Commission staff or any other
26 governmental agency regarding campaign contributions or how to report them. The violations at issue
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¹⁸ Regulation 18361.5, subd. (e).

1 here were isolated and not part of a pattern. The Committee, Treisman, and Allen do not have prior
2 Enforcement history.

3 The Commission considers penalties in prior cases with the same or similar violations and
4 comparable facts. A comparable case includes *In the Matter of Andrew Stein for Superior Court Judge*
5 *2014*; FPPC No. 17/75. The matter arose from an audit performed by the FTB audit. Andrew Stein was a
6 successful candidate for Los Angeles County Superior Court Judge in the June 3, 2014 Primary
7 Election, but was defeated in the November 4, 2014 General Election. Stein, the Committee, and
8 Miranda, among other violations, caused a third-party business, Betty Boo's Car Care, Inc., to make a
9 \$100,000 contribution to the Committee in the name of Stein, in violation of Government Code Section
10 84301 (1 count). On September 15, 2022, the Commission approved a penalty of \$5,000 for the count
11 related to making a contribution in the name of another.

12 The Commission also previously heard *In the Matter of Vicky Santana, Santana for Senate 2018,*
13 *and David Gould*; FPPC No. 20/614. The Santana matter also arose from a FTB Audit. Santana was an
14 unsuccessful candidate for California State Senate, District 32, in the June 5, 2018 Primary Election.
15 The Committee, Santana, and Gould, among other violations, caused Santana's parents to make a
16 \$60,000 campaign contribution in the name of another, in violation of Government Code Section 84301
17 (1 count). On April 10, 2025, the Commission approved a penalty of \$5,000 for the count related to
18 making a contribution in the name of another.

19 Here, like in both *Stein* and *Santana*, the candidate received a contribution made in the name of
20 another and the cases both stemmed from an FTB Audit. However, the amount contributed in the name
21 of another in the current case, \$30,000, is substantially less than the amount involved in both *Stein*,
22 \$100,000 and *Santana*, \$60,000. The facts in the current case and *Santana* are similar in that both
23 contributions in the name of another were from a family member, unlike in *Stein* where the true source
24 of the contribution was a business. However, in *Santana* there was some circumstantial evidence that
25 Santana intended to violate the Act, given the applicable contribution limits in *Santana*, and the fact that
26 incorrect information was initially provided to the Enforcement Division regarding the violations. These
27 facts are not present here.

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1 **Recommended Number of Counts and Penalty**

2 In aggravation, the Committee and Treisman disclosed the contributor as the candidate,
3 Treisman, on the campaign statements that reported the loan, failing to disclose the true source of the
4 contribution.

5 In *Stein*, the penalty of \$15,000 equated to 15% of the funds contributed in the name of another.
6 In *Santana*, a penalty of \$15,000 equated to 25% percent of the funds contributed in the name of
7 another. *Santana* resulted in 25% as opposed to 15% due to the aggravating factors found in *Santana*,
8 i.e., some evidence of intent to conceal. This case is more in line with *Stein*, so a penalty that is 15% of
9 the amount of the loan is appropriate. Here, a comparable penalty for one count is \$4,500, which is 15%
10 of the funds contributed in the name of another.

11 **CONCLUSION**

12 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
13 Respondents, Treisman for Judge 2020 and Douglas Treisman hereby agree as follows:

- 14 1. Respondents violated the Act as described in the foregoing pages, which are a true and accurate
15 summary of the facts in this matter.
- 16 2. This stipulation will be submitted for consideration by the Fair Political Practices Commission at
17 its next regularly scheduled meeting – or as soon thereafter as the matter may be heard.
- 18 3. This stipulation resolves all factual and legal issues raised in this matter – for the purpose
19 of reaching a final disposition without the necessity of holding an administrative hearing to
20 determine the liability of Respondent pursuant to Section 83116.
- 21 4. Respondents understand and hereby knowingly and voluntarily waive any and all
22 procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through
23 18361.9. This includes, but is not limited to the right to appear personally at any administrative
24 hearing held in this matter, to be represented by an attorney at Respondents' own expense, to
25 confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to
26 testify at the hearing, to have an impartial administrative law judge preside over the hearing as a
27 hearing officer, and to have the matter judicially reviewed.
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5. Respondents agree to the issuance of the decision and orders set forth below. Also, Respondents agree to the Commission imposing against them an administrative penalty in the amount of \$4,500. One or more cashier's checks or money orders totaling said amount – to be paid to the General Fund of the State of California – is/are submitted with this stipulation as full payment of the administrative penalty described above, and same shall be held by the State of California until the Commission issues its decision and order regarding this matter.

6. If the Commission refuses to approve this stipulation – then this stipulation shall become null and void, and within fifteen business days after the Commission meeting at which the stipulation is rejected, all payments tendered by Respondents in connection with this stipulation shall be reimbursed to Respondents. If this stipulation is not approved by the Commission, and if a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this stipulation.

7. The parties to this agreement may execute their respective signature pages separately. A copy of any party's executed signature page, including a hardcopy of a signature page transmitted via fax or as a PDF email attachment, is as effective and binding as the original.

Dated: _____

Angela J. Brereton, Assistant Chief of Enforcement
Fair Political Practices Commission

Dated: _____

Douglas Treisman, individually and on behalf of
Treisman for Judge 2020, Respondents

1 The foregoing stipulation of the parties “In the Matter of Treisman for Judge 2020 and Douglas
2 Treisman,” FPPC Case No. 22/714, is hereby accepted as the final decision and order of the Fair
3 Political Practices Commission, effective upon execution by the Chair.

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5 IT IS SO ORDERED.

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7 Dated: _____

8 Adam E. Silver, Chair
9 Fair Political Practices Commission
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