

FPPC Public Comment Submission

To: Members of the Fair Political Practices Commission
Via email: CommAsst@fppc.ca.gov

From: Constance V. Conley

Meeting Date: December 15, 2016 FPPC Meeting Public Comment

Re: Consent Items #3 Mann and #4 Peterson

In consent items #3, In the Matter of Scott Mann FPPC No. 14/193, and #4, In the Matter of Mark Peterson; FPPC No. 16/007, both cases concern the misuse of campaign funds for personal use. In the Mann complaint, the alleged amount used for personal use is \$44,894. In the Peterson complaint, the alleged amount misused for personal use is \$66,372. The fines proposed by the FPPC Enforcement Division are \$60,000 and \$45,000 respectfully.

I find it very interesting in the stipulations for both Mann and Peterson, when citing previous cases, to justify the proposed fines assessed, there is no mention of FPPC No. 14/130 In the Matter of Steven M. Detrick. In that case, the Respondent was found guilty by the FPPC for misusing over \$95,000 of campaign funds for personal use, yet the fine was only \$3,500. Additionally, in the Detrick complaint, there were at least five counts involved.

In reading public comment submitted regarding the Peterson complaint, public members are correct in that an elected official found guilty of misuse of campaign funds should resign. However, the fact remains the FPPC is tainted by what they allowed to occur in the Detrick matter, taking no responsibility for the breakdown. In my opinion, there was recourse in Detrick matter, but the Commission chose to take none. As evidence, I quote FPPC staff's own words, "Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act," and what occurred in the Shirakawa matter.

FPPC staff only cites as precedent in both current complaints Shirakawa, George Shirakawa for School Board, and Shirakawa for Supervisor; FPPC Case No. 12/662 (approved Apr. 25, 2013), and the personal use of campaign funds totaling approximately \$131,670. Shirakawa was fined \$50,000 and was also criminally prosecuted by the Santa Clara County District Attorney's Office, was found guilty and was sentenced to a year in jail.

It is interesting to note that the Shirakawa complaint was not cited as precedent in the Detrick matter. If the FPPC stands by "vigorous enforcement," why no criminal charges in all three of the aforementioned cases as there was in Shirakawa case? I think that is a fair question given the amount of money misused.

While the FPPC Enforcement Division may have tangible justification for these two current proposed fines, the fact remains that the Commission set a precedent by approving only a \$3,500 fine for the proven misuse of over \$95,000, did you not?