

## Sasha Linker

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**From:** Jay L. Stern [REDACTED]  
**Sent:** Thursday, October 17, 2019 11:48 AM  
**To:** CommAsst  
**Subject:** case #15/003

TO: The FPPC Commissioners

REF: Susan Shelley, Case #15/003

Commissioners:

The law is being used as a sledgehammer to flatten a mosquito! Shelley was advised after the fact to obtain a professional campaign treasurer for her campaign for CA Assembly 45<sup>th</sup> District. Please refer to the following website:

<https://www.salary.com/research/salary/posting/campaign-treasurer-salary/ca,>

This website lists the typical salaries for professional campaign treasurers nationwide. In cities within the California 45<sup>th</sup> Assembly District, such as Northridge, CA the average salary for a professional campaign manager is approximately \$232,000. Based upon the information in the findings in her case as decided by Administrative Judge Deena R. Ghaly, Shelley's campaign apparently needed the services of a professional campaign treasurer for at least a year, if not longer. However, in her campaign for California Assembly, District 45, Shelley raised just under \$100,000. This amount was needed to cover contact with potential voters, fees associated with running for political office, etc. It is noted that during her hearing, Shelley's expert witness stated that she should have hired a professional campaign treasurer. It is clear that the campaign could not afford to do so. Even half a year would have cost more than the campaign raised in total funding.

**Therefore, Shelley had no recourse but to act as her own campaign treasurer in order to remain a viable candidate for public office.**

It must be remembered that advice from knowledgeable persons can be valuable, but if there are no means to implement that advice, then it is worthless.

It appears that the intent of the Fair Political Practices Commission and its enabling laws is to assure transparency in politics, a laudable goal. What is overlooked is that instead of widening the base of potential candidates, such draconian and heavy-handed punishment for innocent errors by well-meaning candidates is actually narrowing opportunity and restricting access for political office to individuals who already have accumulated wealth. Is this the true intent of the law?

All parties agreed that Shelley attempted to follow the FPPC regulations by contacting agency staff for instruction and providing required reports. There was transparency. Her alleged sin was that she did not conform to the schedule of reporting. Even in that, it appears that Shelley made good-faith attempts to comply.

Shelley was admonished for tardiness in report submittal by the Secretary of State's office. She paid a fine. The effort now mounted to fine her again, by a different state government agency, is said not to be "double-jeopardy" because it is not a criminal case. This is a distinction without a difference. Regardless of definition, it is exactly double-jeopardy. Now there is a proposed \$12,500 penalty being assessed against her, which she cannot afford to pay and which she should not be required to pay. **What would be appropriate is to waive the fine and merely issue a warning regarding future political ambitions.**

I casually asked Susan Shelley if she would again seek office. She glared at me, and then with a half-hearted laugh said, "I thought you were my friend!" I understand exactly what she meant. The very laws meant to protect the people from corrupt political practices are having a chilling effect upon those ordinary citizens of modest means who would seek office for the benefit of the state and its constituents.

I urge the commissioners to waive payment by Shelley of any actual fine in the interest of fairness and for the benefit of both she and other political aspirants caught in similar circumstances.

Respectfully submitted,

Jay L. Stern  
