



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Germond, and Commissioners Cardenas, Hatch, and Hayward

From: Loressa Hon, Acting Executive Director
Galena West, Chief of Enforcement
Dave Bainbridge, Assistant Chief of Enforcement

Date: September 10, 2018

RE: Assignment of Hearing to Administrative Law Judge

Case Name: In the Matter of Susan G. Shelley, Shelley for Assembly 2013, and Shelley for Assembly 2014, FPPC No. 15/003

I. INTRODUCTION

Respondent Susan G. Shelley was a successful candidate for California State Assembly, 45th District, in the September 17, 2013 special primary election and an unsuccessful candidate in the November 19, 2013 special general election. Shelley was also a successful candidate for the 45th Assembly District in the June 3, 2014 primary election and an unsuccessful candidate in the November 4, 2014 general election. Respondent Susan Shelley for Assembly 2013 was Shelley's candidate controlled committee for the 2013 special elections. Respondent Susan Shelley for Assembly 2014 was Shelley's candidate controlled committee for the 2014 elections. At all relevant times, Shelley was treasurer for both the 2013 and 2014 committees.

Shelley and her controlled committees failed to timely file numerous campaign statements as detailed in the Accusation attached to this memo. Shelley filed a notice of defense in response to the Accusation and requested an administrative hearing.

II. COMMISSION ACTION ONLY REQUIRED IF THE COMMISSION DESIRES TO PARTICIPATE IN THE ADMINISTRATIVE HEARING

The Acting Executive Director and the Chief of Enforcement are recommending an administrative law judge ("ALJ") conducted the hearing pursuant to Government Code section 11512, subdivision (a). The ALJ will then make a recommendation to the Commission on the findings of fact, law and penalty, if applicable, in the matter. The Commission will then make the final determination on the case.

This memorandum is submitted to each member of the Commission pursuant to California Code of Regulation section 18361.5, subdivision (b), which provides:

If the Executive Director determines that a hearing on the merits should be conducted before an administrative law judge alone pursuant to Government Code section 11512(a),

he or she shall provide a copy of the accusation as well as a memorandum describing the issues involved to each member of the Commission. If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, the matter will be scheduled for a hearing before the Commission when an administrative law judge is available.

Thus, no Commission action is required if the Commission approves the recommendation that the administrative hearing in this matter should be conducted before an ALJ. However, two or more Commissioners may vote to keep the matter with the Commission if so desired.

III. PROCEDURAL HISTORY

The Enforcement Division initiated this administrative action against Shelley, and her committees by serving her with a Report in Support of a Finding of Probable Cause (“PC Report”) on or before October 17, 2016. The Enforcement Division subsequently issued an Amended Report in Support of a Finding of Probable Cause (“Amended PC Report”) dated April 18, 2017. In response to the Amended PC Report, Shelley requested discovery pursuant to Regulation §18361.4, subd. (c)(2). The Enforcement Division provided documents to Shelley in response to her discovery request by certified mail received by Shelley on or before April 28, 2017.

On or about May 18, 2017, Shelley submitted a written response to the Amended PC Report. The Enforcement Division issued a rebuttal to Shelley’s response on or about May 26, 2017. On August 7, 2017, the Fair Political Practices Commission conducted a probable cause conference on the matter. Senior Commission Counsel Angela Brereton appeared on behalf of the Enforcement Division and Shelley appeared on behalf of herself, and her committees. The hearing officer for the probable cause conference, Senior Commission Counsel Sukhi Brar, determined probable cause existed to believe Shelley, and her committees violated the Act as alleged in the Amended PC Report. As a result, Ms. Brar issued an order dated August 7, 2017 finding probable cause and instructing the Enforcement Division to issue an accusation against Shelley and her committees.

On July 27, 2018, the Commission’s Chief of Enforcement Galena West, issued an Accusation against the Shelley and her committees. Shelley submitted a signed notice of defense dated August 18, 2018 requesting an administrative hearing on this matter.

IV. HEARING OPTIONS

Every hearing in a contested case must be presided over by an ALJ. The agency itself shall determine whether the ALJ is to hear the case alone or whether the agency itself is to hear the case with the ALJ.¹

When the agency itself hears the case, the ALJ shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the ALJ. When the ALJ hears a case, he or she shall exercise all powers relating to the

¹ See Gov’t Code § 11512, subd. (a).

conduct of the hearing. A rule of the ALJ admitting or excluding evidence is subject to review in the same manner and to the same extent as the ALJ's proposed decision in the proceeding.²

V. SUMMARY OF THE ACCUSATION

The Accusation alleges Shelley and the committees violated the Political Reform Act as follows:

Count 1: Failure to Timely File Pre-election Campaign Statement

Shelley and the 2013 committee had a duty to file electronic and paper versions of a pre-election campaign statement for the reporting period of January 1, 2013 through August 3, 2013 on or before August 8, 2013. Shelley and the 2013 committee filed the pre-election statement for the January 1, 2013 through August 3, 2013 period in paper format on October 2, 2013, and in electronic format on August 19, 2013. By failing to timely file this pre-election statement, Shelley and the 2013 committee violated Government Code sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

Count 2: Failure to Timely File Pre-election Campaign Statement

Shelley and the 2013 committee had a duty to file electronic and paper versions of a pre-election campaign statement for the reporting period of September 1, 2013 through October 5, 2013 on or before October 10, 2013. Shelley and the 2013 committee filed the pre-election statement for the September 1, 2013 through October 5, 2013 period in paper format on February 6, 2014 and electronically on October 21, 2013. By failing to timely file this pre-election statement, Shelley and the 2013 committee violated Government Code sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

Count 3: Failure to Timely File Pre-election Campaign Statement

Shelley and the 2013 committee had a duty to file electronic and paper versions of a pre-election campaign statement for the reporting period of October 6, 2013 through November 2, 2013 on or before November 7, 2013. Shelley and the 2013 committee filed the pre-election statement for the October 6, 2013 through November 2, 2013 period in paper format on February 6, 2014 and electronically on January 31, 2014, 2013. By failing to timely file this pre-election statement, Shelley and the 2013 committee violated Government Code sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

Count 4: Failure to Timely File a Pre-election Campaign Statement

Shelley and the 2014 committee had a duty to file electronic and paper versions of a pre-election campaign statement for the reporting period of September 1, 2013 through October 5, 2013 on or before October 10, 2013. Shelley and the 2014 committee filed the pre-election statement for the September 1, 2013 through October 5, 2013 period in paper format on February 6, 2014 and electronically on October 21, 2013. By failing to timely file this pre-election statement, Shelley and the 2014 committee violated Government Code sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

Count 5: Failure to Timely File a Pre-election Campaign Statement

² See Gov't Code § 11512, subd. (b).

Shelley and the 2014 committee had a duty to file electronic and paper versions of a pre-election campaign statement for the reporting period of October 6, 2013 through November 2, 2013 on or before November 7, 2013. Shelley and the 2014 committee filed the pre-election statement for the October 6, 2013 through November 2, 2013 period in paper format on February 6, 2014 and electronically on January 31, 2014. By failing to timely file this pre-election statement, Shelley and the 2014 committee violated Government Code sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

VI. CONCLUSION

If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, the matter will be scheduled for a hearing before the Commission when an ALJ is available.³ Otherwise, hearing of this matter will be conducted before an ALJ alone pursuant to Section 11512, subdivision (a).

³ Reg. § 18361.5, subd. (b).

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7
8

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

9
10
11 In the Matter of) FPPC No. 15/003
12)
13 SUSAN G. SHELLEY, SUSAN) **ACCUSATION**
14 SHELLEY FOR ASSEMBLY 2013 and)
SUSAN SHELLEY FOR ASSEMBLY)
15 2014,) (Gov. Code §11503)
16)
17 Respondents.)

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, after a finding
19 of probable cause pursuant to Government Code section 83115.5, alleges the following:

20 **JURISDICTION**

21 1. Complainant is the Enforcement Division of the Fair Political Practices Commission and
22 makes this Accusation in its official capacity and in the public interest.

23 2. The authority to bring this action is derived from Title 2, California Code of Regulations,
24 Sections 18361 and 18361.4, subdivision (e), and the statutory law of the State of California, specifically
25 including, but not limited to, Government Code sections 83111, 83116, and 91000.5, which assign to the
26 Enforcement Division the duty to administer, implement, and enforce the provisions of the Political
27 Reform Act, found at Government Code sections 81000 through 91014.
28

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2 **B. Duty to Timely File Pre-election Statements**

3 11. In 2013, all candidates for offices being voted upon in elections not held in June or
4 November of an even-numbered year, and their controlled committees, must file pre-election statements
5 as follows: 1) For the period ending 45 days before the election, the statement must be filed no later than
6 40 days before the election; 2) For the period ending 17 days before the election, the statement must be
7 filed no later than 12 days before the election.⁶

8 12. For the September 17, 2013 Special Primary Election, the first pre-election statement was
9 due on August 8, 2013 for the reporting period of January 1 through August 3, 2013, and the second pre-
10 election statement was due on September 5, 2013 for the reporting period of August 4 through August 31,
11 2013.

12 13. For the November 19, 2013 Special General Election, the first pre-election statement was
13 due on October 10, 2013 for the reporting period of September 1 through October 5, 2013, and the second
14 pre-election statement was due on November 7, 2013 for the reporting period of October 6 through
15 November 2, 2013.

16 14. When a candidate controls multiple committees, each of those committees must file pre-
17 election statements when the candidate is on the ballot in an upcoming election.⁷

18 **C. Duty to File Statements Online**

19 15. A candidate for state elective office and his or her controlled committee must file campaign
20 statements, reports, or other documents online or electronically when the total cumulative reportable
21 amount of contributions received, expenditures made, loans made, or loans received is \$25,000 or more.⁸
22 In determining the cumulative reportable amount, all controlled committees, as defined by Section 82016,
23 must be included.⁹ Once a person meets the \$25,000 threshold and qualifies as an electronic filer, the
24
25
26

27 ⁶ §§8400.5, subd. (c) (amended in 2016) and 84200.8, subd. (a) and (b).

⁷ Reg. 18405.

⁸ § 84605, subd. (a)(1).

⁹ § 84605, subd. (a)(1).

1 person must file all following reports online or electronically.¹⁰ Electronic filers must continue to file
2 statements and reports in paper format, which is the official filing for audit and other legal purposes.¹¹

3 **D. Candidate and Treasurer Liability**

4 16. Every committee must have a treasurer.¹² It is the duty of a committee's candidate and
5 treasurer to ensure that the committee complies with all of the requirements of the Act concerning the
6 receipt and expenditure of funds and the reporting of such funds.¹³ A committee's candidate and treasurer
7 may be held jointly and severally liable with the committee for any reporting violations.¹⁴

8 **E. Factors to be Considered by the Fair Political Practices Commission**

9 17. In framing a proposed order following a finding of a violation pursuant to section 83116,
10 the Fair Political Practices Commission ("Commission") and the administrative law judge shall consider
11 all the surrounding circumstances including but not limited to: (1) The seriousness of the violation; (2) the
12 presence or absence of any intention to conceal, deceive or mislead; (3) whether the violation was
13 deliberate, negligent or inadvertent; (4) whether the violator demonstrated good faith by consulting the
14 Commission staff or any other government agency in a manner not constituting a complete defense under
15 Section 83114(b); (5) whether the violation was isolated or part of a pattern and whether the violator has
16 a prior record of violations of the Act or similar laws; and (6) whether the violator, upon learning of a
17 reporting violation, voluntarily filed amendments to provide full disclosure.¹⁵

18 **GENERAL FACTS**

19 18. Robert Blumenfield, a member of the California State Assembly, representing the 45th
20 District, was scheduled to term out of office in 2014. In March 2013, Blumenfield won election to the Los
21 Angeles City Council, 3rd District. Blumenfield's term on the LA City Council began in July 2013, so he
22 vacated his Assembly office effective June 30, 2013. Candidates wishing to raise funds before July 2013
23 to campaign for Blumenfield's vacated Assembly seat were instructed to first establish 2014 campaign
24

25
26 ¹⁰ § 84605, subd. (d).

27 ¹¹ § 84605, subd. (f).

28 ¹² § 84100.

¹³ § 84100; Reg. 18427.

¹⁴ §§ 83116.5 and 91006; Reg. 18316.6.

¹⁵ Reg. 18361.5, subd. (d).

1 committees, then transfer the funds to 2013 campaign committees once Blumenfield officially vacated the
2 seat.

3 19. In January 2013, Shelley filed a statement of intention to run for the 45th Assembly District
4 seat in the 2014 election. She filed a statement of organization for the 2014 Committee on February 20,
5 2013, with a qualifying date of February 8, 2013. Following Blumenfield vacating the seat, Shelley filed
6 a new statement of intention on July 10, 2013 for the 2013 special elections, and a statement of
7 organization for the 2013 Committee on July 11, 2013, with a qualifying date of July 8, 2013.

8 20. The following table details statements filed by the 2013 Committee for 2013:

Election Date	Reporting Period	Date Due	Date Paper Statement Filed	No. Days Late (paper)	Date Electronic Statement Filed	No. Days Late (electronic)	Approx. Total Contrib. Reported	Approx. Total Expend. Reported
2013 Committee								
09/17/2013 Special Primary	01/01 – 08/03/2013	08/08/2013	10/02/2013	55	08/19/2013	11	\$18,155	\$10,147
09/17/2013 Special Primary	08/04 – 08/31/2013	09/05/2013	10/02/2013	27	09/06/2013	1	\$5,479	\$9,696
11/19/2013 Special General	09/01 – 10/05/2013	10/10/2013	02/06/2014	119	10/21/2013	11	\$23,212	\$20,294
11/19/2013 Special General	10/06 – 11/02/2013	11/07/2013	02/06/2014	91	01/31/2014	85	\$36,580	\$28,663
Post-election Semi-annual	11/03 – 12/31/2013	01/31/2014	02/06/2014	6	01/31/2014	0	\$15,665	\$36,139
Total :							\$99,091	\$104,939

23 21. Because Shelley was the controlling candidate for the 2014 Committee, and she was on the
24 ballot in the 2013 special primary and general elections, the 2014 Committee was required to file pre-
25 election statements for the 2013 elections. The following table details statements filed by the 2014
26 Committee for 2013:

Election Date	Reporting Period	Date Due	Date Paper Statement Filed	No. Days Late (paper)	Date Electronic Statement Filed	No. Days Late (electronic)	Approx. Total Contrib. Reported	Approx. Total Expend. Reported
09/17/2013 Special Primary	07/01 – 08/03/2013	08/08/2013	10/02/2013	55	08/19/2013	11	\$3,225	\$19,007
09/17/2013 Special Primary	08/04 – 08/31/2013	09/05/2013	10/02/2013	27	09/06/2013	1	\$50	\$83
11/19/2013 Special General	09/01 – 10/05/2013	10/10/2013	02/06/2014	119	10/21/2013	11	\$330	\$13,597
11/19/2013 Special General	10/06 – 11/02/2013	11/07/2013	02/06/2014	91	01/31/2014	85	\$266	\$0
Post-election Semi-annual	11/03 – 12/31/2013	01/31/2014	02/06/2014	6	01/31/2014	0	\$6,198	\$440
Total :							\$10,069	\$33,127

22. In the 2013 Special Primary Election, Shelley received the second most votes out of ten candidates, which qualified her for the 2013 Special General Election. She lost the 2013 Special General Election by 319 votes, a margin of approximately 1% of voters. In the 2014 Primary Election, Shelley was one of two candidates so both qualified for the 2014 General Election. Shelley lost the general election to the incumbent by 11,266 votes, a margin of approximately 14% of voters.

PROCEDURAL HISTORY

23. The Enforcement Division initiated this administrative action against Shelley, the 2013 Committee, and the 2014 Committee by serving Shelley with a packet containing a cover letter, a Report in Support of a Finding of Probable Cause (“PC Report”), a fact sheet regarding probable cause proceedings, selected sections of the Government Code regarding probable cause proceedings for the Commission, and selected regulations of the Commission regarding probable cause proceedings.

24. Shelley was served with the PC Report individually and on behalf of the 2013 Committee and the 2014 Committee by certified mail on or before October 17, 2016. The information contained in the PC Report packet advised Shelley she had 21 days in which to request a probable cause hearing and/or to file a written response to the PC Report.

1 25. The Enforcement Division subsequently issued an Amended Report in Support of a
2 Finding of Probable Cause (“Amended PC Report”) dated April 18, 2017. In response to the Amended
3 PC Report, Shelley requested discovery pursuant to Regulation §18361.4, subd. (c)(2). The Enforcement
4 Division provided documents to Shelley in response to her discovery request by certified mail received
5 by Shelley on or before April 28, 2017.

6 26. On or about May 18, 2017, Shelley submitted a written response to the Amended PC
7 Report. The Enforcement Division issued a rebuttal to Shelley’s response on or about May 26, 2017.

8 27. On August 7, 2017, the Fair Political Practices Commission conducted a probable cause
9 conference on the matter. Senior Commission Counsel Angela Brereton appeared on behalf of the
10 Enforcement Division and Shelley appeared on behalf of herself, the 2013 Committee, and the 2014
11 Committee.

12 28. The hearing officer for the probable cause conference, Senior Commission Counsel Sukhi
13 Brar, determined probable cause existed to believe Shelley, the 2013 Committee, and the 2014 Committee
14 violated the Act as alleged in the Amended PC Report. As a result, Ms. Brar issued an order dated August
15 7, 2017 finding probable cause and instructing the Enforcement Division to issue an accusation against
16 Shelley, the 2013 Committee, and the 2014 Committee.

17 **VIOLATIONS**

18 Shelley and the 2013 Committee committed the following violations of the Act:

19 **Count 1**

20 **Failure to Timely File Pre-election Campaign Statement**

21 29. Complainant incorporates paragraphs 1 – 28 of this Accusation, as though completely set
22 forth herein.

23 30. As a result of Shelley appearing on the ballot in the September 17, 2013 Special Primary
24 Election for the 45th Assembly District, Shelley and the 2013 Committee had a duty to file electronic and
25 paper versions of a pre-election campaign statement for the reporting period of January 1, 2013 through
26 August 3, 2013 on or before August 8, 2013.

1 31. Shelley and the 2013 Committee filed the pre-election statement for the January 1, 2013
2 through August 3, 2013 period in paper format on October 2, 2013, and in electronic format on August
3 19, 2013.

4 32. By failing to timely file this pre-election statement, Shelley and the 2013 Committee
5 violated sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

6 **Count 2**

7 Failure to Timely File Pre-election Campaign Statement

8 33. Complainant incorporates paragraphs 1 – 32 of this Accusation, as though completely set
9 forth herein.

10 34. As a result of Shelley appearing on the ballot in the November 19, 2013 Special General
11 Election for the 45th Assembly District, Shelley and the 2013 Committee had a duty to file electronic and
12 paper versions of a pre-election campaign statement for the reporting period of September 1, 2013 through
13 October 5, 2013 on or before October 10, 2013.

14 35. Shelley and the 2013 Committee filed the pre-election statement for the September 1, 2013
15 through October 5, 2013 period in paper format on February 6, 2014 and electronically on October 21,
16 2013.

17 36. By failing to timely file this pre-election statement, Shelley and the 2013 Committee
18 violated sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

19 **Count 3**

20 Failure to Timely File Pre-election Campaign Statement

21 37. Complainant incorporates paragraphs 1 – 36 of this Accusation, as though completely set
22 forth herein.

23 38. As a result of Shelley appearing on the ballot in the November 19, 2013 Special General
24 Election for the 45th Assembly District, Shelley and the 2013 Committee had a duty to file electronic and
25 paper versions of a pre-election campaign statement for the reporting period of October 6, 2013 through
26 November 2, 2013 on or before November 7, 2013.

1 39. Shelley and the 2013 Committee filed the pre-election statement for the October 6, 2013
2 through November 2, 2013 period in paper format on February 6, 2014 and electronically on January 31,
3 2014, 2013.

4 40. By failing to timely file this pre-election statement, Shelley and the 2013 Committee
5 violated sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

6
7 Shelley and the 2014 Committee committed the following violations of the Act:

8 **Count 4**

9 Failure to Timely File a Pre-election Campaign Statement

10 41. Complainant incorporates paragraphs 1 – 40 of this Accusation, as though completely set
11 forth herein.

12 42. As a result of Shelley appearing on the ballot in the November 19, 2013 Special General
13 Election for the 45th Assembly District, Shelley and the 2014 Committee had a duty to file electronic and
14 paper versions of a pre-election campaign statement for the reporting period of September 1, 2013 through
15 October 5, 2013 on or before October 10, 2013.

16 43. Shelley and the 2014 Committee filed the pre-election statement for the September 1, 2013
17 through October 5, 2013 period in paper format on February 6, 2014 and electronically on October 21,
18 2013.

19 44. By failing to timely file this pre-election statement, Shelley and the 2014 Committee
20 violated sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

21 **Count 5**

22 Failure to Timely File a Pre-election Campaign Statement

23 45. Complainant incorporates paragraphs 1 – 44 of this Accusation, as though completely set
24 forth herein.

25 46. As a result of Shelley appearing on the ballot in the November 19, 2013 Special General
26 Election for the 45th Assembly District, Shelley and the 2014 Committee had a duty to file electronic and
27 paper versions of a pre-election campaign statement for the reporting period of October 6, 2013 through
28 November 2, 2013 on or before November 7, 2013.

1 47. Shelley and the 2014 Committee filed the pre-election statement for the October 6, 2013
2 through November 2, 2013 period in paper format on February 6, 2014 and electronically on January 31,
3 2014.

4 48. By failing to timely file this pre-election statement, Shelley and the 2014 Committee
5 violated sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

6 **MITIGATING OR EXCULPATORY FACTORS**

7 49. The circumstances in this case where candidates had two committees open for the 45th
8 Assembly District were unique. The Enforcement Division has reduced the number of violations charged
9 in this case in light of any potential confusion that may have occurred due to the multiple committees.
10 Specifically, Shelley and the 2014 Committee are not charged for its first late campaign statement in the
11 event Shelley and the 2014 Committee were not aware prior to this filing of their obligation to file
12 campaign statements for the 2013 election. Further, the respondents have not been charged for any late
13 statements if the respondents filed either electronically or on paper within 10 days of the filing deadline
14 despite the requirement that committees and candidates file both paper and electronic statements timely.

15 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

16 50. Shelley had knowledge of her duty to file campaign statement on paper in addition to the
17 electronically filed statements, but continued to file paper statement several months late. And for the
18 preelection period immediately before the 2013 Special General election, Shelley and the 2013 and 2014
19 Committees did not file any campaign statements in any format, so no disclosure was available to the
20 public immediately before the Special General election.

21 **PRAYER**

22 WHEREFORE, Complainant prays as follows:

23 1. That the Commission hold a hearing pursuant to section 83116 and regulation 18361.5, and
24 at such hearing find that Shelley, the 2013 Committee, and the 2014 Committee violated the Act as alleged
25 herein;

26 2. That the Commission, pursuant to section 83116, subdivision (c), order Shelley and the
27 2013 Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in

28 **Count 1;**

1 3. That the Commission, pursuant to section 83116, subdivision (c), order Shelley and the
2 2013 Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in

3 **Count 2;**

4 4. That the Commission, pursuant to section 83116, subdivision (c), order Shelley and the
5 2013 Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in

6 **Count 3;**

7 5. That the Commission, pursuant to section 83116, subdivision (c), order Shelley and the
8 2014 Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in

9 **Count 4;**


10 6. That the Commission, pursuant to section 83116, subdivision (c), order Shelley and the
11 2014 Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in

12 **Count 5;**

13 7. That the Commission, pursuant to regulation 18361.5, subdivision (d), consider the
14 following factors in framing a proposed order following a finding of a violation pursuant to section 83116:
15 (1) the seriousness of the violation; (2) the presence or absence of any intention to conceal, deceive or
16 mislead; (3) whether the violation was deliberate, negligent or inadvertent; (4) whether the violator
17 demonstrated good faith by consulting the Commission staff or any other government agency in a manner
18 not constituting a complete defense under section 83114(b); (5) whether the violation was isolated or part
19 of a pattern and whether the violator has a prior record of violations of the Act or similar laws; and (6)
20 whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full
21 disclosure;

22 8. That the Commission grant such other and further relief as it deems just and proper.

23
24 Dated: 27 July 18



Galena West
Chief of Enforcement
Fair Political Practices Commission