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Respondents, In Pro Per

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
STATE OF CALIFORNIA

In the Matter of	) FPPC No.: 15/003
	) OAH No.: 2019030096
SUSAN G. SHELLEY, SUSAN SHELLEY	)
FOR ASSEMBLY 2013 and SUSAN	) RESPONDENTS' BRIEF IN OPPOSITION TO
SHELLEY FOR ASSEMBLY 2014	) THE PROPOSED DECISION
	)
Respondents.	)
	) <i>Hearing Judge: Deena R. Ghaly</i>
	) <i>Hearing Date: June 19, 2019</i>
	) <i>Hearing Place: 320 W. Fourth Street, # 630,</i>
	) <i>Los Angeles, Calif. 90013</i>
	)

Respondents submit this brief in opposition to the proposed decision of Administrative Law Judge Deena R. Ghaly, dated August 9, 2019, in the above-captioned matter. Respondents ask that the Commission reject the proposed decision because it contains inaccurate statements, inaccurately applies the law and regulations, is based on incomplete evidence and fails to provide a reasonable analysis of the basis for the proposed penalties.

**INTRODUCTION**

Susan Shelley was a first-time state candidate in a 2013 special election for the Assembly in District 45. The campaign was an all-volunteer effort that employed no paid staff, and Shelley served as treasurer. She finished second in the primary and advanced to the general election, which was held two months later. The candidacy was unsuccessful.

1 The special election in District 45 arose because the incumbent Assemblymember, Robert  
2 Blumenfield, ran for and won a seat on the Los Angeles City Council while serving in the  
3 Assembly in 2012 and 2013. Publicly available newspaper stories (Los Angeles Daily News,  
4 August 6, 2012; copy attached) reported that Blumenfield had decided to run for the City  
5 Council seat in early August 2012. He was elected to the City Council on March 5, 2013, when  
6 he won more than 50 percent of the vote in the primary. He delayed his resignation from the  
7 Assembly until June 30, 2013.

8 “Candidates wishing to raise funds before July 2013 to campaign for Blumenfield’s vacated  
9 Assembly seat were instructed to first establish 2014 campaign committees, then transfer the  
10 funds to 2013 campaign committees once Blumenfield officially vacated the seat,” the  
11 Enforcement Division of the Fair Political Practices Commission (“the Complainant” or “the  
12 Enforcement Division”) stated in the “General Facts” section of the Accusation in this case,  
13 dated July 27, 2018, and signed by Chief of Enforcement Galena West. (Accusation, page 4,  
14 lines 22-23, page 5, lines 1-2.)

15 “The circumstances in this case where candidates had two committees open for the 45th  
16 Assembly District were unique,” the Enforcement Division stated in the Accusation,  
17 acknowledging “potential confusion that may have occurred due to the multiple committees.”  
18 (Accusation, page 10, lines 7-9.)

19 As a citizen desiring to participate in the political process by running in the anticipated special  
20 election, and in a good-faith effort to be fully compliant with the law, Shelley filed a candidate  
21 intention statement and opened a 2014 committee to raise funds (Exhibits 5, 6), made two  
22 personal loans to the committee, and timely filed campaign finance reports on Form 460 for the  
23 quarterly periods ending March 31 and June 30, 2013. (Exhibits 14.1, 14.2)

24 Following Blumenfield’s resignation from the Assembly, the governor called a special  
25 election to be held on September 17, with a general election to be held on November 19 if no  
26 candidate won more than 50 percent of the vote in the primary.

1 As required by law, Shelley opened a 2013 committee and a second bank account in order to  
2 legally spend the money already raised for the 2013 election as well as to take over the  
3 fundraising for it.

4 In the Amended Probable Cause report dated April 18, 2017 (Exhibit 2.2, p. 12; Exhibit A),  
5 the Enforcement Division wrote, “The evidence shows that Shelley was a first-time candidate for  
6 state office acting as her own campaign treasurer, and she made a good-faith effort to familiarize  
7 herself with and comply with the complex and compressed reporting requirements for special  
8 elections. Additionally, the evidence demonstrates Shelley consulted Commission staff  
9 throughout her campaign regarding disclosure issues. Shelley and the 2013 and 2014  
10 Committees have no history of enforcement action. A review of the audit report and supporting  
11 papers indicates no evidence of deliberate concealment or intent to deceive the public. The  
12 Enforcement Division confirmed the FTB’s audit findings showing that Shelley and the 2013  
13 and 2014 Committees substantially complied with the Act’s campaign reporting requirements  
14 during the audit period, as well as in campaign statements for reporting periods between January  
15 1, 2014 and June 30, 2015.”

16 As a first-time treasurer who was also fulfilling the schedule and obligations of a candidate,  
17 Shelley’s good-faith effort to comply with the law included searching for information on what  
18 was required of candidates. This campaign took place before the FPPC launched its online  
19 “Candidate Toolkit” to provide a “one site, one stop” place for new candidates to find the  
20 information needed “to improve compliance.” (Exhibit Y)

21 As Complainant’s witness Luz Bonetti testified, the filing schedule for a special election is set  
22 only after the special election is called: “The dates change, when the due dates are, and also  
23 when the ending of the closing period will end.” (Certified Transcript, page 67, lines 3-4). At the  
24 time Shelley researched the requirements to run for a state legislative office before filing a  
25 statement of intention, the filing schedule for the 2013 special election did not exist.

26 After the special election was called, the Secretary of State’s office released a 4-page Special  
27 Election Calendar of important dates. The pre-election report filing periods and deadlines were  
28 not on it. (Exhibit 31, Z).

1 Throughout the campaign, Shelley was in contact with the Commission staff seeking help to  
2 comply with the law (Exhibit B), asking for help to correctly report loans and transfers using the  
3 Cal-Access system (Exhibit C), and after the general election was over, writing in an email, “I  
4 acted as my own treasurer and would like to make sure the campaign’s reporting is in full  
5 compliance. I made every effort during the campaign to file all required reports as completely  
6 and accurately as possible. Please let me know if anything is missing or incorrect.” (Exhibit D,  
7 page 2)

8 She did not receive an answer from the FPPC staff.

9 In letters dated January 27, 2014, the Secretary of State’s office notified Shelley of late filings  
10 of pre-election reports for the special primary election. Taking responsibility immediately,  
11 Shelley paid fines of \$10 per day for the late filing of electronic reports and paper hardcopies in  
12 the amounts of \$110, \$270, \$660 and \$550. (Exhibit F, G, S)

13 In letters dated March 21, 2014, the Secretary of State’s office notified Shelley of late filings  
14 of pre-election reports for the general election. Shelley had filed year-end semi-annual reports on  
15 January 31, 2014, disclosing all activity for the two committees between the dates of October 6  
16 and December 31, 2013, not knowing that a report had been due on November 7 for the period  
17 between October 6 and November 2. The Secretary of State assessed late fees of \$10 a day for  
18 each format of the November 7 report from each committee through the date of filing of the  
19 semi-annual report, January 31, 2014.

20 Shelley appealed to the Secretary of State’s Political Reform Division for a waiver of liability.  
21 In a statement signed under penalty of perjury, Shelley explained the circumstances of the  
22 special election and wrote, “I acknowledge that I did not have a timely understanding of all the  
23 reporting requirements for a state legislative race.”

24 The Secretary of State’s office issued a “good cause” waiver of liability for the late-filed pre-  
25 election reports that correspond to Counts 3 and 5 of this Accusation, a full waiver of liability for  
26 the paper filings and a reduction of liability for the electronic filings. (Exhibits N, R) In addition,  
27 the Secretary of State’s office issued a “good cause” waiver of liability for the late paper filings  
28 of pre-election reports that correspond to Counts 2 and 4 of this Accusation. (Exhibits P, J)

1 The Secretary of State's office noted on the waiver request form the timely filing of Form 497  
2 reports. (Exhibits P, R)

3 During the campaign, Shelley timely filed Form 497 reports for contributions of \$1,000 or  
4 more. (Exhibits T, V, W) In total, these reports disclosed contributions of \$39,500, including  
5 \$28,500 of contributions during the reporting period of 10/6/13 to 11/2/13. Additionally, \$37,343  
6 was disclosed in the Form 460 reports timely filed by the 2014 Committee on 4/22/13 and  
7 7/31/13. (Exhibits 14.1, 14.2) Shelley raised a total of \$99,091 for the special election.

8 In the special election there were 16 pre-election report filing deadlines in the 90-day period  
9 between August 8 and November 7, 2013: two reports in each of two formats for each of two  
10 committees in the primary, and two reports in each of two formats for each of two committees in  
11 the general election, which was 60 days later. Shelley's errors were effectively doubled by the two-  
12 committee circumstance, and she paid a total of \$2,210 in fines to the Secretary of State's office  
13 for the late-filed pre-election reports.

14 The Enforcement Division issued a formal Accusation against Shelley and the 2013 and 2014  
15 Committees on July 27, 2018, charging five counts of Failure to Timely File Pre-Election  
16 Campaign Statements. These are the identical violations for which the Secretary of State's office  
17 has already assessed fines and issued waivers.

18 Although Shelley did eventually run for the Assembly again in 2014, all the charges in this  
19 Accusation pertain to the 2013 special election when she was a first-time state candidate and  
20 treasurer, and when the 2014 committee was used at the instruction of state officials as a vehicle  
21 to legally raise funds for the 2013 election.

### 22 **THE ENFORCEMENT DIVISION'S CONTRADICTION OF THE FACTS**

23 In contradiction of the facts stated in the Accusation, that candidates were "instructed to first  
24 establish 2014 campaign committees, then transfer the funds to 2013 campaign committees once  
25 Blumenfield officially vacated the seat" and that the situation of two committees was "unique,"  
26 the Enforcement Division contended in this Administrative Law proceeding -- in its trial brief,  
27 testimony and arguments -- that Shelley formed the 2014 committee for the purpose of running  
28 for the Assembly seat when Blumenfield termed out in 2014. (Complainant's Brief, p. 12, lines

1 7-11; Certified Transcript, p. 16, lines 20-25; Certified Transcript, p. 46, lines 17-25, p. 47, lines  
2 1-2; Certified Transcript, p. 90, lines 17-25; p. 91, lines 1-2)

3 This is prejudicial because it obfuscated the evidence of a good-faith effort to comply with the  
4 law, to the extent that Respondents understood it. Shelley and the 2014 committee filed two  
5 Form 460 reports for the period through June 30, 2013, disclosing \$37,343 raised for the 2013  
6 election.

7 In its closing argument, Complainant wrote, “While it is true that the 2014 Committee filed  
8 two campaign disclosure statements in early 2013, it was not obvious that it was her intent to  
9 transfer these funds. Shelley filed a candidate statement of intention to run for the 2014 election  
10 and opened a committee for that elective office. Though she asserted that she was instructed to  
11 open the committee in order to raise funds for an anticipated special election in 2013, as required  
12 by law, it was not required by law that Shelley open a committee prior to the calling of a special  
13 election and further, it was not required by law to transfer contributions to fund the 2013  
14 campaign from the 2014 Committee. It was only necessary to open a Committee prior to the call  
15 of the special election if Shelley wanted to fundraise prior to the calling of the special election.”  
16 (Complainant’s Closing Argument, page 17, lines 8-13.)

17 This is prejudicial.

18 First, to use the words, “Though she asserted that she was instructed,” wrongfully implies  
19 dishonesty. The Enforcement Division stated in its own Accusation under “General Facts” that  
20 candidates “were instructed to first establish 2014 campaign committees, then transfer the funds  
21 to 2013 campaign committees once Blumenfield officially vacated the seat.” (Accusation, page  
22 4, lines 22-23, page 5, lines 1-2.)

23 Second, it ignores that Respondents were acting in good faith, trying to understand and  
24 comply with the law to the fullest extent possible. Shelley was a first-time state candidate and  
25 treasurer with no professional staff.

26 When did the Enforcement Division come to the decision to dispute the facts in its own  
27 Accusation?

28

1 Questioned during cross-examination on whether she acknowledged the fact stated in the  
2 Accusation that candidates were “instructed” to open 2014 committees in order to raise money  
3 for the 2013 special election, Complainant’s witness Luzmaria Bonetti testified, “I believe I’ve –  
4 I’ve seen some advice regarding that. I’m not sure if it was an advice letter or some sort of  
5 information, yes....I believe I’ve read something about that fact.” (Certified Transcript, page 77,  
6 lines 17-21)

7 Respondents respectfully request that the Commission investigate the reason that the key fact  
8 related to the formation of the 2014 committee, that candidates were “instructed” to open 2014  
9 committees, was included in the Accusation but then contradicted by the Enforcement Division  
10 during the administrative hearing proceedings. Respondents respectfully request that the  
11 Commission obtain and review the “advice letter or some sort of information” that Bonetti  
12 testified she saw, and that the Commission provide Respondents with a copy of this new material  
13 evidence.

14 If Respondents had been informed that Complainant would deny a fact in the Accusation,  
15 Respondents would have introduced evidence and testimony at the hearing to establish these  
16 facts: that it was generally known as early as August 2012 that there was a high probability of a  
17 special election in District 45; that during the period of time between Blumenfield’s election to  
18 the City Council on March 5, 2013, and his resignation from the Assembly on June 30, 2013, it  
19 was clear to everyone -- candidates, journalists, donors and voters alike -- that the money being  
20 raised in 2014 committees was intended for the 2013 special election. Respondents respectfully  
21 request the opportunity to present this new material evidence to the Commission.

## 22 FPPC’S ACCUSATIONS

### 23 Count 1

24 Pertains to the 2013 Committee’s pre-election report for the first reporting period in the special  
25 primary election. On her own initiative, Shelley emailed the Commission staff on August 16 to  
26 say that she had looked to find the due date of the “pre-primary” report and discovered that it  
27 was August 8. She asked a question about the two-committee filing requirements and asked for  
28 help “to comply with everything.” She filed the pre-election reports electronically on the same

1 day the staff answered her email, August 19. (Exhibit B) In an email at 11:27 p.m. that night,  
2 Shelley wrote to the staff to say the transfers seemed to be double-counted and she could not  
3 “locate the correct information on how to report this transfer accurately.” She offered to file an  
4 amended report or reports and stated, “Your help would be most appreciated.” (Exhibit C)  
5 Shelley paid fines to the Secretary of State of \$10 per day for these late electronic and paper  
6 filings (Exhibits F, G) as well as for the parallel filings by the 2014 committee (Exhibit S), a total  
7 of \$1,590.

### 8 **Count 2**

9 Pertains to the 2013 Committee’s pre-election report for the first reporting period in the special  
10 general election. The Secretary of State’s office found “good cause” to issue a full waiver of  
11 liability for the late paper filing. (Exhibit J) Shelley paid a fine of \$110 for the late electronic  
12 filing. (Exhibit K) The original contributors of transferred funds had been reported in Form 460  
13 filings by the 2014 Committee before the special election was called. (Exhibits 14.1, 14.2)

### 14 **Count 3**

15 Pertains to the 2013 Committee’s pre-election report for the second reporting period in the  
16 special general election. Shelley reported the activity for this period on a semi-annual report filed  
17 on January 31, 2014. Shelley was notified of the omission of the November 7 pre-election report  
18 in a letter from the Secretary of State’s office dated March 21, 2014. The Secretary of State  
19 found “good cause” to issue a full waiver of liability for the late paper filing and a partial waiver  
20 of liability for the late electronic filing. (Exhibit N) Shelley paid a fine of \$300. During this  
21 reporting period (10/6/13 through 11/2/13), Shelley filed timely 24-hour reports on Form 497  
22 for all monetary contributions of \$1,000 or more; these totaled \$28,500. (Exhibit W) The  
23 contributions disclosed in Form 497 reports were 78% of the total monetary contributions during  
24 this reporting period and were disclosed to the public before the November 7 deadline.

### 25 **Count 4**

26 Parallel to Count 2, pertains to the 2014 Committee’s pre-election report for the first reporting  
27 period in the special general election. The Secretary of State’s office found “good cause” to issue  
28 a full waiver of liability for the late paper filing. (Exhibit P) Shelley paid a fine of \$110 for the



1 late electronic filing. The 2014 Committee was no longer accepting monetary contributions and  
2 reported only a \$330 in-kind contribution during this period.

3 **Count 5**

4 Parallel to Count 3, pertains to the 2014 Committee's pre-election report for the second reporting  
5 period before the special general election. The Secretary of State's office found "good cause" to  
6 issue a full waiver of liability for the late paper filing and reduce liability for the late electronic  
7 filing. (Exhibit R) Shelley paid a fine of \$100. During this period, the 2014 Committee had total  
8 contributions of \$266, which was the result of a good-faith effort to comply with the law by  
9 making sure the early expenditure for campaign buttons that had been paid by the 2014  
10 Committee was reimbursed by the 2013 Committee, which was supposed to pay all the campaign  
11 expenses. The \$266 was a transfer from the 2013 Committee to the 2014 Committee for this  
12 purpose.

13 **THE ALJ INACCURATELY ANALYZED FACTORS TO BE**  
14 **CONSIDERED UNDER REGULATION 18361.5(d)**

15 The ALJ failed to accurately analyze the circumstances as required by Regulation 18361.5(d),  
16 which states that the Commission and the ALJ "shall consider all the surrounding  
17 circumstances."

18 These include but are not limited to: "(1) The seriousness of the violation; (2) the presence or  
19 absence of any intention to conceal, deceive or mislead; (3) whether the violation was deliberate,  
20 negligent or inadvertent; (4) whether the violator demonstrated good faith by consulting the  
21 Commission staff or any other government agency in a manner not constituting a complete  
22 defense under Section 83114(b); (5) whether the violation was isolated or part of a pattern and  
23 whether the violator has a prior record of violations of the Act or similar laws; and (6) whether  
24 the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full  
25 disclosure."

26 **"All the Surrounding Circumstances"**

27 The Accusation states, "The circumstances in this case where candidates had two committees  
28 open for the 45th Assembly District were unique," and the Enforcement Division then stated that

1 it had “reduced the number of violations charged in this case in light of any potential confusion  
2 that may have occurred due to the multiple committees.” (Accusation, page 10, lines 7-9.)

3 The confusion applied equally to all the charged violations.

4 With two committees for the same candidate for the same office in the same election, a first-  
5 time candidate and treasurer was attempting to file all required reports while campaigning in a  
6 primary and general election that were 60 days apart. On September 17, when Shelley learned  
7 that she had finished second in the primary, the start of vote-by-mail balloting for the general  
8 election was only six weeks away. While this does not lessen the obligation to comply with the  
9 law, it is a surrounding circumstance that contributed to the confusion and frequent sleep  
10 deprivation that led to inadvertent filing errors.

11 The significance of this unique circumstance, as it pertains to reporting, is that the fundraising  
12 and other reportable activity was split between the two committees before and after the special  
13 election was called in early July.

14 The Enforcement Division wrongfully disputed in the hearing proceedings what the  
15 Accusation stated as a fact, that candidates wishing to raise funds for the 2013 special election  
16 before July 2013 were “instructed” to open and raise funds into 2014 committees in order to be  
17 in compliance with the law. This prejudiced the ALJ, who did not give appropriate weight to the  
18 “unique” circumstances or the significant disclosures to the public that were made in timely  
19 filings by the 2014 Committee.

### 20 **The Seriousness of the Violations**

21 Campaign statement late-filing is less serious than non-filing, and the ALJ inaccurately uses  
22 the term “non-filing” in her proposed decision (page 9). All reports were filed and all campaign  
23 activity was disclosed.

24 The proposed decision belittles the significance of “alternate forms of reporting” filed in  
25 addition to the required pre-election reports, but in this case the dollar amounts in the “alternate  
26 forms of reporting” represent such a large proportion of the total campaign contributions that the  
27 timely filing of other reports should be weighed fairly and with specificity.  
28

1 In this administrative hearing, the Enforcement Division chose to withhold the certified  
2 records of the timely filed Form 497 reports, which showed \$28,500 in large contributions during  
3 the second reporting period of the general election, accounting for 78 percent of the monetary  
4 contributions during that period. Further, the Enforcement Division objected to the introduction  
5 into evidence of Respondents' copies of the reports because they were not the State's certified  
6 records. The copies were admitted only as "administrative hearsay." Respondents contend that  
7 by withholding the certified records of campaign reports that were directly relevant to the issue  
8 of the campaign's timely disclosures to the public before the election, the Enforcement Division  
9 prejudiced these proceedings, prejudiced the ALJ into regarding "alternate forms of reporting" as  
10 insignificant or irrelevant, and prevented this significant mitigating information from being  
11 admitted into evidence for the record. (Certified Transcript, page 114, line 11 through page 116,  
12 line 6)

13 The same is true for the Form 460 reports filed by the 2014 Committee prior to the formation  
14 of the 2013 Committee. (Exhibits 14.1, 14.2) By disputing that the 2014 Committee was created  
15 to raise funds for the 2013 election, the Enforcement Division prejudiced the ALJ into  
16 minimizing the significance of these disclosures.

17 The Enforcement Division and the ALJ inaccurately assessed "public harm" by discussing the  
18 harm from late filing in general, instead of determining, based on all the surrounding  
19 circumstances, whether there was public harm in this specific case. Respondents respectfully  
20 request that the Commission take notice of the fundraising and expenditure totals for the  
21 candidates in the 2013 election. In this specific case, in which an underfunded candidate was  
22 unsuccessful, the public harm from "the lost opportunities to receive timely statements and  
23 compare them with filings of the same type by other candidates" (Proposed Decision, page 16,  
24 paragraph 12) is de minimus.

25 **Intention to Conceal, Deceive or Mislead**

26 None.

27 **Whether the Violation was Deliberate, Negligent or Inadvertent**

28

1 The ALJ inaccurately declared Shelley to be “negligent” by ignoring significant evidence to  
2 the contrary. The evidence shows that Shelley worked late into the night struggling to get the  
3 campaign’s statements filed on Cal-Access, even sending an emailed question to the  
4 Commission staff that was time-stamped 11:27 p.m. (Exhibit C) Respondents’ witness, campaign  
5 finance expert Attorney Amber Maltbie, testified that many of the electronic reports were filed  
6 between the hours of 12:30 a.m. and 4:30 or 5:00 a.m. (Certified Transcript, p. 148, lines 7-8)

7 These are not the actions of someone who is careless or negligent. These are the actions of a  
8 candidate acting as her own treasurer in an all-volunteer campaign with two active committees,  
9 in primary and general elections that were 60 days apart.

10 The ALJ made an inaccurate assumption that Shelley’s August 16 email to the Commission  
11 staff, in which she said she had discovered that she had missed the August 8 pre-election report  
12 filing deadline, indicated full knowledge of the complete filing schedule. (Proposed Decision,  
13 page 17, paragraph 2) This is contradicted by the evidence in this case. (See below, in section  
14 titled “Inaccuracies in the ALJ’s Decision”)

#### 15 **Whether Shelley Demonstrated Good Faith by Consulting the Commission Staff**

16 The Proposed Decision acknowledges that Shelley demonstrated good faith by consulting the  
17 Commission staff. (Page 17)

#### 18 **Whether Shelley’s Violations Were Isolated or Part of A Pattern** 19 **and Whether Shelley Has A Prior Record of Violations** 20 **of the Political Reform Act or Similar Laws**

21 The ALJ inaccurately characterizes the cluster of errors that are the subject of this  
22 enforcement action as a “pattern.” All the violations pertain to filings that were due during a 90-  
23 day period, between August 8 and November 7, 2013, when Shelley was a first-time candidate  
24 and treasurer in an all-volunteer campaign, with no professional staff and two active committees.  
25 All the errors stemmed from the same lack of timely knowledge of the filing schedule. Shelley  
26 voluntarily sought to correct all errors and omissions, but when she asked the Commission staff  
27 in December 2013 if anything was missing or incorrect, they did not answer. (Exhibit D) Shelley  
28

1 was first notified of errors or omissions in letters from the Secretary of State's office dated  
2 January 27, 2014, and she acted immediately to file everything correctly.

3 Respondents respectfully ask the Commission to independently consider whether the  
4 violations in this case constitute a "pattern" as the Commission uses the term in enforcement  
5 decisions.

6 Shelley and the Committees have no prior record or enforcement history.

### 7 **Whether Shelley Voluntarily Filed Amendments to Provide Full Disclosure**

8 The ALJ's proposed decision states that this is not applicable because no amendments were  
9 required. The Committees filed all required reports and everything was disclosed.

10 It is evidence of good faith that Shelley voluntarily inquired of the Commission staff in  
11 December 2013 whether anything was missing or incorrect, stating that she wanted to make sure  
12 the campaign was in full compliance.

### 13 **INACCURACIES IN THE ALJ'S PROPOSED DECISION**

14 The ALJ's proposed decision inaccurately states, "Shelley's initial communication to the  
15 FPPC (Factual Finding 13) demonstrates that, even before receiving advice, she was aware of the  
16 filing schedule and that she had already missed one deadline. Her continued late filings  
17 constitute negligence." (Page 17)

18 There is no evidence that Shelley was aware of the filing schedule, and much evidence that  
19 she was not. Specifically:

20 Shelley stated to the Secretary of State's office, on a request for waiver of liability form that  
21 was signed under penalty of perjury, "I acknowledge that I did not have a timely understanding  
22 of all the reporting requirements for a state legislative race" and further stated that she "thought  
23 she had met all the legal requirements" until early 2014, when she was notified by the Secretary  
24 of State's office of "errors and omissions" in filings for the September 17 primary. (Exhibits J,  
25 R, N, P)

26 After the special general election but before the end of the year, on December 20, 2013,  
27 Shelley wrote in an email to the Commission staff, "I acted as my own treasurer and would like  
28 to make sure the campaign's reporting is in full compliance. I made every effort during the

1 campaign to file all required reports as completely and accurately as possible. Please let me  
2 know if anything is missing or incorrect.” (Exhibit D)

3 Factual Finding 13 is Exhibit B, an email Shelley sent on August 16, 2013, in which she  
4 stated, “I’m a candidate in the AD 45 special election on September 17 and serving as my own  
5 Treasurer. I just checked online to find the pre-primary filing deadline and discovered that it was  
6 August 8. Sorry about that, I’m on it now.”

7 It is inaccurate to conclude from that statement that Shelley knows the filing schedule.  
8 Shelley had been a federal candidate in a congressional primary in 2012, when there had been  
9 one “pre-primary” report due. On her own initiative, she searched for information to find out  
10 when a similar report was due in the state race. “I just checked online” can refer to any results  
11 from a Google search, including news reports and blog posts about other candidates’ fundraising  
12 totals. “I’m on it now” clearly refers only to the report that was due on August 8. She wrote,  
13 “Should I file form 460 for each committee for the period ending 8/3/13, or is there a different  
14 schedule for the 2014 committee?”

15 This is evidence of knowledge of one filing deadline, not the entire filing schedule.

16 Shelley concluded that August 16 email by writing, “Thank you for your assistance. I’m  
17 making every effort to comply with everything, and it’s a daunting task.”

18 The ALJ’s unsupported conclusion that Shelley was negligent is further contradicted by the  
19 evidence of the total number of campaign reports that were filed.

20 Here the prejudicial effect of the Enforcement Division’s denial of the key fact stated in the  
21 Accusation – candidates were “instructed to first establish 2014 campaign committees, then  
22 transfer the funds” – is evident. Respondents were at all times making a good-faith effort to  
23 comply with the law. That was the purpose of opening the 2014 committee and filing every  
24 possible report, even filing a “quarterly” report that Shelley thought was required but wasn’t.

25 And here the prejudicial effect of the Enforcement Division’s decision to withhold the  
26 certified records of the Form 497 reports can be seen.

27 The Filing History for the 2014 Committee (Exhibit U) shows that Respondents filed 11  
28 reports between 4/22/13 and 10/27/13 for the 2013 special primary and general elections. The

1 Filing History for the 2013 Committee (Exhibit T) shows that Respondents filed 19 reports  
2 between 8/15/13 and 11/6/13. That's a total of 30 separate filings for two committees in two  
3 elections that were 60 days apart by a first-time treasurer who was also a candidate with a highly  
4 demanding schedule.

5 The ALJ inaccurately concluded that Shelley was negligent. The Enforcement Division  
6 prejudiced this Proposed Decision by withholding the certified records of the Form 497 reports  
7 and stating that they "have no relevance" (Complainant's Closing Reply Brief, page 4, lines 17-  
8 18) when in fact they constitute significant mitigating evidence, and by disputing the fact stated  
9 in the Accusation, that candidates were "instructed" to open 2014 committees, thereby obscuring  
10 what was entirely a good-faith effort to comply with the law for the 2013 special election, timely  
11 reporting all campaign activity before the special election was officially called.

12 Respondents respectfully request that the certified records of the Form 497 reports filed by  
13 Respondents in 2013 be obtained by the Commission and entered into evidence for the record in  
14 this case.

#### 15 **THE ALJ FAILED TO ANALYZE THE FACTS IN PROPOSING PENALTIES**

16 In recommending penalties (Proposed Decision, page 5), the ALJ writes, "Each violation of  
17 the PRA carries a penalty of up to \$5,000. In the course of the hearing, Shelley demonstrated  
18 important mitigating factors supporting a reduced penalty. The mitigating factors, balanced  
19 against equally important public interests in protecting the democratic process, warrant a penalty  
20 amount at the mid-point of the range, \$2,500 per violation."

21 The FPPC website states that the list of violations the Commission regularly enforces  
22 includes:

- 23 • Financial conflicts of interest
- 24 • Laundered campaign contributions
- 25 • Over-the-limit gifts and contributions
- 26 • Improper use of campaign funds, including personal use
- 27 • Campaign mass mailings at public expense

28

- 1       • False, inadequate, or inaccurate reporting on statements of economic interests, campaign  
2       statements and reports

3 Below those on the same list:

- 4       • Non-filing or late filing of such statements and reports  
5       • Anonymous or cash contributions of \$100 or more

6       According to the ALJ's analysis, the maximum penalty of \$5,000 is appropriately assessed for  
7       late filing of campaign statements, and all the "important mitigating factors" demonstrated by  
8       Respondents in this case warrant a "penalty amount at the mid-point." (Page 5) Further, the ALJ  
9       recommends that the penalty should be the same for each of the five counts, disregarding even  
10      the evidence and recommendations presented by the Enforcement Division and her own view  
11      that some of the violations were more "troubling" than others. (Proposed decision, p. 16, number  
12      12)

13      The ALJ failed to provide a reasonable basis or analysis for the proposed penalties.

14                   **THE ALJ FAILED TO CONSIDER ALL THE PURPOSES OF THE ACT**

15      The ALJ writes in the proposed decision, under Applicable Statutes and Regulations (page  
16      14), "When enacting the PRA, the people of California determined that previous laws regulating  
17      political practices were not adequately enforced, that therefore, the PRA must be construed  
18      liberally to achieve its purposes, and that it be vigorously enforced. Among its purposes, the  
19      PRA seeks to ensure that receipts and expenditures in election campaigns are fully and truthfully  
20      disclosed to the benefit of the voters."

21      The Act has more than one purpose.

22      In the case of Howard Jarvis Taxpayers Association et al v. Edmund G. Brown, Jr., Governor  
23      of the State of California, and Fair Political Practices Commission, Case No. C086334, the  
24      attorneys representing the FPPC state in the Introduction (page 10) of the Appellants' Opening  
25      Brief dated October 10, 2018, "The overriding purposes of the Political Reform Act of 1974,  
26      passed by the voters in the wake of Watergate and other political corruption scandals, are to  
27      combat the pernicious influence of money in politics and government, and to ensure that all  
28      citizens have an opportunity to participate in the political process. (Gov. Code, §§ 81001,



1 81002.) Although the Act has been amended four times by the voters, and more than 200 times  
2 by the Legislature, these core purposes remain unchanged.”

3 The brief was signed by the Attorney General of the State of California, Xavier Becerra,  
4 Thomas S. Patterson, Senior Assistant Attorney General, Paul Stein, Supervising Deputy  
5 Attorney General and Emmanuelle S. Soichet, Deputy Attorney General, Attorneys for  
6 Appellants Edmund G. Brown Jr. and Fair Political Practices Commission.

7 In the Table of Contents and on page 20 of that brief, the officials state, “Four Core Purposes  
8 of the Act Are Reining in Campaign Spending and the Influence of Large Contributors,  
9 Reducing the Advantages of Incumbency, and Ensuring That All Citizens Have Access to the  
10 Political Process Regardless of Their Wealth.”

11 Respondent Susan Shelley, an individual citizen who sought access to the political process,  
12 raised and spent a relatively small amount of money by the standards of California Assembly  
13 races, \$99,091 for the special primary and general election combined. Respondents disclosed  
14 large contributions in timely Form 497 reports. The campaign employed no professional staff  
15 and was an all-volunteer, grassroots effort. Shelley made a good-faith effort throughout the  
16 campaign to learn and comply with the law. There was no intent to deceive or conceal. All  
17 reports were filed, although some were filed late. Nearly all contributor information was  
18 disclosed timely on other, earlier reports.

19 The ALJ’s proposed decision states, “Respondents’ violations are serious. Compliance with  
20 campaign finance laws is essential to fair elections. Alternate forms of reporting cannot provide  
21 full redress for lost opportunities to receive timely statements and compare them with filings of  
22 the same type by other candidates.”

23 Respondents do not dispute that compliance with campaign finance laws is important, and  
24 that is why Shelley searched for information, contacted the Commission staff with questions,  
25 asked if anything was missing or incorrect, promptly paid late fees to the Secretary of State, and  
26 made a good-faith effort to comply with the law throughout the campaign.

1                                   **IMPROPER BARRIER TO ENTRY: THE NECESSITY OF**  
2                                   **A PROFESSIONAL TREASURER AND POLITICAL ATTORNEY**  
3                                   **TO ACCESS THE POLITICAL PROCESS**

4           The ALJ cited a portion of the testimony of Respondents' witness Attorney Amber Maltbie in  
5           which she stated that she advises first-time candidates to "absolutely" hire a professional  
6           treasurer and notes that she knows a number of political treasurers who will not work with a  
7           candidate unless they have a political attorney because of the liability imposed on the Political  
8           Reform Act. (Proposed Decision, page 12-13; Certified Transcript pages 144-145.)

9           In selecting this portion of the testimony to highlight, the ALJ seems to be suggesting that by  
10          not hiring a professional treasurer, Respondents are more deserving of blame, which would  
11          certainly be an improper application of the law.

12          The highlighted testimony calls attention to the fact that small, all-volunteer campaigns in  
13          California that do not have the resources to hire a professional treasurer and a political attorney  
14          are infeasible unless the candidate and treasurer are willing to risk personal legal jeopardy, and  
15          enormous fines, to participate in the political process.

16          In furtherance of one of the core, overriding purposes of the Act, "ensuring that all citizens  
17          have access to the political process regardless of their wealth," the penalties for unintentional  
18          reporting violations should be proportionate and reasonable so as not to chill the running for  
19          office or access to the political process by citizens, and important mitigating factors should  
20          reduce or eliminate monetary penalties entirely.

21          Respondents respectfully ask the Commission to consider whether the staff's decision to  
22          charge five counts of the Act and recommend a penalty of \$12,500 for the violations in this case,  
23          given all the circumstances, furthers the core purposes of the Act, or whether it is contrary to  
24          them.

25                                   **THE PROPOSED DECISION IS INCONSISTENT WITH CHANGES TO THE**  
26                                   **COMMISSION'S POLICIES AND PRACTICES**

27          In February 2015, the FPPC issued a news release announcing the launch of an online  
28          "Candidate Toolkit" to assist new candidates who did not have the resources to hire a

1 professional treasurer, and to provide a “one site, one stop toolkit” to help new candidates find  
2 the “various rules and laws involved in running for office.” (Exhibit Y) In 2013, Shelley was a  
3 new candidate looking for that information and having exactly the problem finding everything  
4 that the online Candidate Toolkit was developed to address. The Commission was aware of the  
5 degree of difficulty for new candidates prior to 2015. This is something that should weigh  
6 heavily in mitigation.

7 An FPPC Enforcement Manual was created in 2018, in connection with a review of the  
8 Enforcement Division. In a Case Resolution Flow-Chart, the manual states that after an  
9 investigation, there is a case evaluation by a Commission Counsel: “(1) Is there sufficient  
10 evidence of violation(s)? (2) If yes, does the harm justify a fine?” (Exhibit DD, page 29) The  
11 manual states, “If the public harm is low, a warning letter may be issued to resolve the case.”  
12 (Exhibit DD, page 21) The public harm is low in this case, as Respondent’s witness Amber  
13 Maltbie testified, in which a candidate filed many campaign finance statements throughout the  
14 campaign for two committees and then lost the election.

15 Posted on the FPPC’s website as of 9/8/19, Proposed Streamline Regulation 183603.1 lists  
16 “Late Statements and Reports” at the top of the list of types of violations eligible for a streamline  
17 penalty, with mitigating circumstances resulting in “consideration of a Warning Letter being  
18 issued instead of a Streamline Penalty.”

19 Respondents respectfully ask the Commission to consider whether the Enforcement  
20 Division’s decision to seek large monetary penalties in this case, considering all the surrounding  
21 circumstances, is consistent with the Commission’s present policy.

22  
23 **THE PROPOSED PENALTY IS NOT CONSISTENT WITH**  
24 **THE COMMISSION’S RESOLUTION OF OTHER CASES**  
25 **WITH SIMILAR VIOLATIONS**

26 Respondents respectfully ask the Commission to consider whether the charges and the  
27 monetary penalties sought in this case are inconsistent with the resolution of other cases in which  
28

1 there were similar audit findings or violations, and similar mitigating circumstances that were  
2 considered sufficient to close the cases with Warning Letters.

3 According to publicly available information on the website of the FPPC, the following cases  
4 were closed with Warning Letters or no further action:

5 **FPPC No. 2018-00177; Chad Mayes for Assembly 2016, Chad Mayes and Bryan Burch**

6 Excerpt: “The FTB audit report concluded that the Committee substantially complied with the  
7 Act’s disclosure and recordkeeping provisions, except that the Committee did violate the Act by  
8 receiving four contributions that exceeded the contribution limits, in violation of Section 85301,  
9 and by failing to timely file four 24-hour contribution reports (Form 497) for seven late  
10 contributions, in violation of Section 84203. After conducting our own review, we are closing  
11 this case with this warning letter.”

12 **FPPC No. 16/470: Charles Calderon for Assembly 2010 Officeholder and**  
13 **Charles Calderon for Secretary of State 2014**

14 Excerpt: “This letter is in response to the Franchise Tax Board audit reports issued for the  
15 above reference committees for the period 1/1/12 — 12/31/13. Based on a review of the  
16 violations noted in the audit reports, the Enforcement Division will not pursue enforcement  
17 action.”

18 **FPPC No. 15/2073 Mary Farrell, Andrew Taylor, No on Measure V 2015**

19 Excerpt: “The pre-election statements, while late, were filed before the election, which greatly  
20 reduces the public harm. The late contribution report was filed well before the  
21 election....Further, there is no evidence the Committee filed the statements and report late  
22 intentionally to deprive the public of the information, and the Committee members appear to  
23 have been relatively inexperienced with the Act’s filing requirements.”

24 **FPPC Case No. 2018-01014; Association of Cannabis Professionals PAC (ACP PAC) (ID#**  
25 **1402861) and Matthew Weido**

26 Excerpt: “You and the Committee violated the Act by failing to timely file a 24-hour  
27 contribution report for a late contribution in the amount of \$1,500 made on August 29, 2018.  
28 Additionally, on September 27, 2018, you and the Committee filed a semi-annual campaign

1 statement for the reporting period of July 1, 2018 through December 31, 2018, instead of a pre-  
2 election campaign statement for the reporting period of July 1, 2018 through September 22,  
3 2018. However, the Enforcement Division has decided to close this case with a warning letter  
4 because you disclosed the late contribution in question well before the election on the campaign  
5 statement filed on September 27, 2018. Additionally, after being contacted by the Enforcement  
6 Division, you filed the required 24-hour contribution report and a pre-election campaign  
7 statement for the correct reporting period. Moreover, you and the Committee timely filed six  
8 other 24-hour contribution reports and the second pre-election campaign statement, and the  
9 Committee does not have a history of violating the Act.”

10 **FPPC No. 16/106; Rothman for Assembly 2013; Jason A. Rothman, Respondent(s)**

11 Excerpt: “As a result of that audit, the enforcement Division found that you failed to attribute  
12 17 contributions transferred into your 2014 election from your 2013 committee to specific  
13 contributors to your committee 2013....Your actions violated the Act because you and your  
14 committee failed to attribute contributions transferred from your 2013 committee to specific  
15 contributors to your 2014 committee. However, since the contributors were specifically itemized  
16 on the 2013 committee reports and those contributions did not exceed the contribution limit at  
17 that time, we are closing our file on this matter.”

18 **RESPONDENTS OBJECT TO COMPLAINANT’S REQUEST TO**  
19 **AMEND THE LANGUAGE OF THE PROPOSED DECISION**

20 In Complainant’s Opening Brief in Support of the Proposed Decision, Complainant requests  
21 what it asserts are “technical and minor changes” to the proposed decision.

22 Complainant seeks to amend page 12, paragraph 8. The Proposed Decision currently reads,  
23 “Its auditors found that Respondents had substantially complied with the PRA’s disclosure and  
24 record-keeping requirements....”

25 Complainant seeks to amend the sentence to read: “Its auditors found that Shelley and the  
26 2013 Committee had not substantially complied with the PRA’s disclosure and record-keeping  
27 requirements and found that Shelley and the 2014 Committee had substantially complied with  
28 the PRA’s disclosure and record-keeping requirements but also noted findings of non-filings, late

1 filings, and failure to attribute certain contributions to their contributors by the 2013 Committed  
2 and of non-filings and late filings by the 2014 Committee. (See Exh. 16 and 17.)

3 Respondents object to this change, which is contradicted by evidence in this case.

4 Respondents introduced into evidence a highlighted page from the Amended Report in  
5 Support of a Finding of Probable Cause, dated April 18, 2017, in which the Enforcement  
6 Division wrote, "The Enforcement Division confirmed the FTB's audit findings showing that  
7 Shelley and the 2013 and 2014 Committees substantially complied with the Act's campaign  
8 reporting requirements during the audit period, as well as in campaign statements for reporting  
9 periods between January 1, 2014 and June 30, 2015." (Exhibit A)

10 Respondents respectfully request that the Commission independently assess the audit reports  
11 for both committees together to determine whether Respondents were in substantial compliance  
12 with the Act's campaign reporting requirements.

13 Complainant seeks to amend the Proposed Decision on page 17, paragraph 1, in which a  
14 sentence fragment reads: "There was no committed the violations with an intent to conceal,  
15 deceive or mislead." Complainant asks to change it to, "There was no evidence admitted that the  
16 Respondents committed the violations with an intent to conceal, deceive or mislead."

17 Respondents object to this change. There was no evidence at all that Respondents committed  
18 the violations with an intent to conceal, deceive or mislead. To change the sentence to "There  
19 was no evidence admitted..." implies that such evidence may have been presented. It was not.  
20 Respondents respectfully request that the sentence be amended to read, "There was no evidence  
21 presented..."

## 22 CONCLUSION

23 The four core purposes of the Political Reform Act, wrote the California Attorney General on  
24 behalf of the Governor and the FPPC in an appellate brief (Case No. C086334) in October 2018,  
25 "are reining in campaign spending and the influence of large contributors, reducing the  
26 advantages of incumbency, and ensuring that all citizens have access to the political process  
27 regardless of their wealth."

28 The law is to be liberally construed to achieve its purposes.

1 Respondents respectfully request that in evaluating the Proposed Decision, the Commission  
2 also consider:

- 3 • Whether in this case the FPPC adequately fulfilled its mission to educate as well as  
4 enforce;
- 5 • Whether the charges and proposed penalty in this case are consistent with the  
6 Commission's current policies.
- 7 • Whether the core purposes of the Act are furthered by a Proposed Decision that  
8 recommends a monetary penalty of \$12,500 against a defeated first-time state candidate  
9 with an all-volunteer campaign, who made an acknowledged good-faith effort to comply  
10 with the law, had no intent to conceal, deceive or mislead, filed all required reports,  
11 timely disclosed all large contributions, substantially complied with the law, and has no  
12 prior record or enforcement history.

13 Respondents respectfully ask that the Commission reject the Proposed Decision and issue its  
14 own decision after taking such new evidence and testimony as requested above or as it considers  
15 necessary or appropriate.

16 Dated: September 10, 2019

17 SUSAN G. SHELLEY

18  
19 BY: 

20 SUSAN G. SHELLEY, SUSAN  
21 SHELLEY FOR ASSEMBLY 2013,  
22 AND SUSAN SHELLEY FOR  
23 ASSEMBLY 2014  
24  
25  
26  
27  
28

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

**HOWARD JARVIS TAXPAYERS  
ASSOCIATION, a California nonprofit public  
benefit corporation, and QUENTIN L. KOPP,  
a California Taxpayer,**

Case No. C086334

Plaintiffs and Respondents,

v.

**EDMUND G. BROWN, JR., Governor of the  
State of California, and FAIR POLITICAL  
PRACTICES COMMISSION, an agency of  
the State of California,**

Defendants and Appellants.

Sacramento County Superior Court, Case No. 34-2016-80002512-CU-WM-GDS  
The Honorable Timothy M. Frawley, Judge

**APPELLANTS' OPENING BRIEF**

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## INTRODUCTION

The overriding purposes of the Political Reform Act of 1974, passed by the voters in the wake of Watergate and other political corruption scandals, are to combat the pernicious influence of money in politics and government, and to ensure that all citizens have an opportunity to participate in the political process. (Gov. Code, §§ 81001, 81002.) Although the Act has been amended four times by the voters, and more than 200 times by the Legislature, these core purposes remain unchanged.

In 1988, the voters amended the Act by passing Proposition 73, which contained a package of inter-related reforms aimed at reining in campaign spending and the influence of large donors on political campaigns. Specifically, it imposed strict limits on campaign contributions and a ban on public funding of political campaigns. The ban was not presented to voters as an end in itself, but rather as a means—in conjunction with the contribution limits—of carrying out the Act’s express purpose of reducing the influence of large contributors and limiting campaign spending.

In 2016, the Legislature passed Senate Bill 1107, which amended the ban to permit public funding of political campaigns in California under limited, specified conditions. The Legislature acted in accordance with a grant of authority in the Act itself, which permits legislative amendments that further the Act’s purposes. The Legislature made detailed findings, supported by empirical studies, that permitting limited public funding of political campaigns will promote the Act’s core purposes of reducing the influence of money in politics and empowering ordinary citizens.

The trial court, however, held that the Legislature exceeded its authority, and granted declaratory and injunctive relief barring the implementation of Senate Bill 1107. It determined, essentially, that the Legislature cannot amend a specific provision or mandate of the Act without violating its purposes.

there is no basis on this record to second-guess the Legislature's findings, which "are given great weight and will be upheld unless they are found to be unreasonable and arbitrary." (*Foundation, supra*, 132 Cal.App.4th at p. 1365, citing *Amwest, supra*, 11 Cal.4th at p. 1252.)

In sum, SB 1107 preserves and promotes the Act's purposes. The trial court reached a contrary result only by misconstruing those purposes and by misreading existing case law to hold, essentially, that the Legislature may never alter a "specific provision" or "specific mandate" of the Act. Its decision should be reversed.

### CONCLUSION

For the reasons stated above, this Court should reverse the trial court's order granting the writ of mandate and direct the trial court to enter judgment for Appellants.

Dated: October 10, 2018

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
THOMAS S. PATTERSON  
Senior Assistant Attorney General  
PAUL STEIN  
Supervising Deputy Attorney General

/s/ Emmanuelle S. Soichet

EMMANUELLE S. SOICHET  
Deputy Attorney General  
*Attorneys for Appellants Edmund G.  
Brown Jr. and Fair Political Practices  
Commission*

August 6, 2012

## 'Mr. Blumenfield, have you no shame?' – Daily News

Bob Blumenfield's [decision to run for two offices at once](#) has drawn a double-barreled [blast from blogger and activist Ron Kaye](#).

Kaye, a former Daily News editor, writes in part:

"Mr. Blumenfield, have you no shame?"

"What kind of arrogant jerk are you to dare to seek re-election to a third term in the state Assembly and at the same time to run for election to the Los Angeles City Council in CD 3 in the Southwest San Fernando Valley?"

"Of course, you can't serve in both offices simultaneously so you are showing your utter contempt for voters and democracy by intending to resign from the Legislature in June, forcing a costly special election and leaving your constituents without representation for many months."

Blumenfield is not the first politician to do something like this, especially in the era of term limits. But Kaye's criticism is not likely to be the last Blumenfield faces as he campaigns for re-election to the Assembly in a race against Republican Chris Kolski.

— Opinion page staff

http://ronkayela.com/ Go JUN AUG SEP  
193 captures 06  
1 May 2008 - 18 Apr 2018 2011 2012 2013 About this capture

## Blumenfield's Dirty Double Play: A Failed Politician Shows His Contempt for Voters by Running for Two Offices at Once

Posted on [August 5, 2012](#) by [Ron](#)

[6 Comments](#) - [Add yours](#)

**EDITOR'S NOTE:** *Shortly after I posted my views on Bob Blumenfield running for two offices simultaneously, challenger Steve Presberg issued a press release ([PRESBERG](#)) denouncing the Assemblyman's "double-dipping" and in a letter to Blumenfield accusing him of a "cynical violation of the public trust." Hopefully, the other candidates will join in this demand for Blumenfield to man up and decide which office he wants to serve the public in, rather than holding two offices in which he intends to continue doing what he has done in the past, to serve special interests.*

Mr. Blumenfield, have you no shame?

What kind of arrogant jerk are you to dare to seek re-election to a third term in the state Assembly and at the same time to run for election to the Los Angeles City Council in CD 3 in the Southwest San Fernando Valley?

Of course, you can't serve in both offices simultaneously so you are showing your utter contempt for voters and democracy by intending to resign from the Legislature in June, forcing a costly special election and leaving your constituents without representation for many months.

But what do you care?

You get paid twice as much, get 20 staffers to boss around, 12 more years toward a lucrative public employee pension and the chance to be one of 15 voting unanimously without even knowing what they're doing instead of one of 80 gridlocked in the Assembly.

It's not like you are just one of the 80. You are one of the most important Assembly members, the architect of the state's enduring financial crisis as chairman of the Budget Committee where you have succeeded in putting together a spending plan based on phony revenue and phony cuts year after year.

You couldn't even find the \$52 million sitting in accounts for state parks, preferring instead just to shut them down and forcing the public to reach into their pockets to key vital open spaces and recreational areas in operation.

Have you ever gone back and looked at where the hundreds of thousands you raised for the Assembly race came from?

Indian casinos, labor unions, doctors and lawyers and numerous other special interests, all of them confident you will cater to their needs. Look a little deeper and you will see you raised barely one percent of your campaign war chest in your Assembly or Council districts.

Have you looked at how you spent \$373,047.14 in the June primary when you faced no Democratic opposition and only a last-minute Republican entrant who reported he didn't raise or spend a single cent.

193 captures  
1 May 2008 - 18 Apr 2018

Go JUN AUG SEP  
06  
2011 2012 2013

About this capture

What the records show is that you spent nearly \$100,000 in support of the Democratic Party and other party causes and candidates, including a Compton City Council candidate.

The rest of the money could easily be seen as pre-payment to various campaign consultants and operatives for the dual campaign you launched on Friday when you finally came clean and filed for the City Council, which was your intention all along.

What was left you used to buy friends with other people's money by doling various community groups, many actually in the Southwest Valley, checks usually of \$100.

You were far most generous with the Liberty Hill Foundation, which got \$1,000 in your political money. But then more than friendship was involved, since your wife Kafi Blumenfield is the president and CEO of Liberty Hill, a non-profit that describes itself as "one of the nation's most admired social change foundations."

I guess that the nexus point at which we meet: Change. We need social, economic and political change and that can't happen as long as people like you think they can fail in their responsibilities to the public and then run for two offices as if voters are too dumb to notice.

You are on notice, Mr. Blumenthal, drop out of one of the races by Labor Day or you will be the poster child for fighting the political corruption that you and all the other legislators will escalate at City Hall if you win the city elections next year as is likely.

Council District 03 Totals:

Candidates	Reported through	Contributions	Expenses	Cash on Hand	Personal Funds
<b>Totals as of "Reported through" Date:</b>					
<a href="#">Elizabeth Badger</a>	06/30/12	\$22,037.72	\$9,211.98	\$12,825.74	\$6,500.00
<a href="#">Bob Blumenfield</a>		\$0.00	\$0.00	\$0.00	\$0.00
<a href="#">Cris Canchola</a>		\$0.00	\$0.00	\$0.00	\$0.00
<a href="#">Julian J. Chavez</a>		\$0.00	\$0.00	\$0.00	\$0.00
<a href="#">Cary T. Iaccino</a>	06/30/12	\$17,636.88	\$17,726.32	\$1,708.20	\$500.00
<a href="#">Joseph Anthony Mauro II</a>	06/30/12	\$100.00	\$0.00	\$100.00	\$0.00
<a href="#">Joyce J. Pearson</a>	06/30/12	\$33,688.03	\$12,725.06	\$22,212.97	\$15,000.00
<a href="#">Steven Presberg</a>	06/30/12	\$3,347.00	\$1,147.60	\$2,199.40	\$0.00
<a href="#">Scott Silverstein</a>		\$0.00	\$0.00	\$0.00	\$0.00
<b>CD03 Totals:</b>		<b>\$76,809.63</b>	<b>\$40,810.96</b>	<b>\$39,046.31</b>	<b>\$22,000.00</b>

There already are eight citizen candidates in the CD 3 race and there likely will be more if you don't back out. I support them all and will do whatever it takes to deny you success in this double play you are running, surely one of the most cynical political acts in recent memory.

There is nothing honorable, decent, moral, or virtuous in what you are doing. You are not the political progressive you like to think of yourself as. You are nothing but tool of failed politics of the past with a record of public service that is indefensible.

Have you no shame, Mr. Blumenfield?

Posted in [2012 Election](#), [2013 Election](#), [2013 LA Elections](#), [City Hall](#), [Community Activists](#), [Hot Topics](#), [Los Angeles](#) | Tagged [Assemblyman Bob Blumenfield](#), [CD3](#), [liberty hill foundation](#), [Los Angeles City Council](#), [special interests](#) | 6 Comments

**My Sunday Column: An Issue That Won't Go Away — Will Closing the '710 Gap' Destroy a Healthy Neighborhood?**

Posted on [August 4, 2012](#) by [Ron](#)

[2 Comments - Add yours](#)

In an email blast to Pasadena city officials last week, longtime San Rafael neighborhood resident Joan Terry