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8  
9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
10 STATE OF CALIFORNIA

11 In the Matter of	) OAH No. 2019060256
	) FPPC No. 15/2013
	)
13 G. RICK MARSHALL and G. RICK	) COMPLAINANT’S OPENING BRIEF IN
14 MARSHALL FOR SCHOOL BOARD	) SUPPORT OF THE PROPOSED DECISION
2015,	)
	)
15 Respondents.	) Hearing Judge: Eric Sawyer
	) Hearing Date: <b>December 9, 2019</b>
	) Hearing Time: 9:00 a.m.
	) Hearing Place: 320 W. Fourth Street, Suite 630
	) Los Angeles, CA 90013

18 Complainant, the Enforcement Division of the Fair Political Practices Commission (the  
19 “Commission”), submits this brief pursuant to Government Code section 83116 and the California Code  
20 of Regulations, title 2, sections 18361.5 and 18561.9.<sup>1</sup> The proposed decision of Administrative Law  
21 Judge Eric Sawyer, dated January 7, 2020, states findings of fact that are supported by and consistent with  
22 the evidence presented at the hearing in this matter on December 9, 2019, in Los Angeles, California. The  
23 proposed decision also contains an accurate statement and application of the law pertinent to this mater.

24 The purpose of this brief is to provide Enforcement Division’s recommendation regarding this  
25 proposed decision pursuant to Regulation 18361.9(b)(1)(D). Regulation 18361.9 refers to Government  
26

27 <sup>1</sup> The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references  
28 are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18110 through 18997 of title 2  
of the California Code of Regulations, and all regulatory references are to this source. See §§ 83111 and 83116.

1 Code section 11517 for the possible actions the Commission can take regarding this proposed decision  
2 from the Administrative Law Judge after a full hearing on this matter.

3 Enforcement Division's recommendation is that the Commission make technical and minor  
4 changes to the proposed decision and then adopt it.<sup>2</sup> The Enforcement Division recommends the following  
5 technical and minor changes to the proposed decision since the agency may make clarifying changes or a  
6 change of a similar nature so long as the change does not affect the factual or legal basis of the proposed  
7 decision:

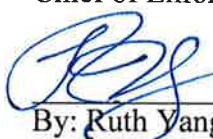
- 8 1. On page 5, paragraph 13, there is a misstatement of fact. Amend as follows: "Marshall's  
9 candidate ballot statement cost \$1,600. Marshall's wife, Janice Marshall, paid the \$1,600 by  
10 her personal credit card, on August 17, 2015."<sup>3</sup>
- 11 2. On page 5, paragraph 14, there is a misstatement of fact. Amend as follows: "The Committee  
12 reported the \$1,600 payment on Schedule D B of the Committee's pre-election campaign  
13 statement for the period ending September 19, 2015, ~~and reported it on Schedule B of that~~  
14 ~~same pre-election statement~~ as a loan from Janice Marshall to the Committee received on  
15 August 17, 2015."<sup>4</sup>

16 Additionally, the proposed total administrative penalty of \$6,500 for the three proven violations  
17 of the Political Reform Act is appropriate in this matter because it takes into consideration all of the factors  
18 to be considered in framing a proposed decision.<sup>5</sup>

19 Thus, the Enforcement Division respectfully requests that the Commission make technical and  
20 minor changes in the proposed decision and adopt it as the decision.

21 Dated: 1/17/2020

**FAIR POLITICAL PRACTICES COMMISSION**  
Galena West  
Chief of Enforcement

  
By: Ruth Yang  
Commission Counsel  
Enforcement Division

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27 <sup>2</sup> Gov. Code section 11517, subd. (c)(2)(C).  
28 <sup>3</sup> Complainant's Ex. 6.2.  
<sup>4</sup> Complainant's Ex. 6.3.  
<sup>5</sup> Reg. 18361.5, subdivision (d).

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On January 17, 2020, I served the following document(s):

1. Complainant’s Opening Brief in Support of the Proposed Decision.

In the Matter of G. Rick Marshall and G. Rick Marshall for School Board 2015 – OAH No. 2019060256; FPPC No. 15/2013

By United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and placed the envelope or package for collection and mailing by first-class mail following my company’s ordinary business practices. I am readily familiar with this business’ practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

By Email or Electronic Transmission. I caused the document(s) to be sent to the person(s) at the e-mail address(es) listed below. I did not receive, within a reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

By Personal Delivery. I personally delivered the document(s) listed above to the person(s) at the address(es) as shown on the service list below.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

**SERVICE LIST**

First Class Mail  
G. Rick Marshall  
[REDACTED]

Personal Delivery  
Thomas K. Jones, Executive Director  
c/o Sasha Linker, Commission Assistant  
Fair Political Practices Commission  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

Email  
grmarshall@sbcglobal.net

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 17, 2020.

  
\_\_\_\_\_  
Ruth Yang