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7  
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9  
10 STATE OF CALIFORNIA

11 In the Matter of ) FPPC No.: 09/615  
12 )  
13 Doris Neel, )  
14 )  
15 Respondent. ) (Government Code Sections 11506  
16 ) and 11520)  
17 )

17 Complainant, the Enforcement Division of the Fair Political Practices Commission, hereby  
18 submits this Default Decision and Order for consideration by the Fair Political Practices Commission at  
19 its next regularly scheduled meeting.

20 Pursuant to the California Administrative Procedure Act,<sup>1</sup> Respondent Doris Neel has been  
21 served with all of the documents necessary to conduct an administrative hearing regarding the above-  
22 captioned matter, including the following:

- 23 1. An Order Finding Probable Cause;
- 24 2. An Accusation;
- 25 3. A Notice of Defense (Two Copies);
- 26 4. A Statement to Respondent; and,
- 27 5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

28 <sup>1</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in sections 11370 through 11529 of the Government Code.

1 Government Code section 11506 provides that failure of a respondent to file a Notice of Defense  
2 within fifteen days after being served with an Accusation shall constitute a waiver of respondent's right  
3 to a hearing on the merits of the Accusation. The Statement to Respondent, served on Respondents,  
4 explicitly stated that a Notice of Defense must be filed in order to request a hearing. Respondents failed  
5 to file a Notice of Defense within fifteen days of being served with an Accusation.

6 Government Code Section 11520 provides that, if the respondent fails to file a Notice of  
7 Defense, the Commission may take action, by way of a default, based upon the respondent's express  
8 admissions or upon other evidence, and that affidavits may be used as evidence without any notice to the  
9 respondent.

10 Respondent Doris Neel violated the Political Reform Act as described in Exhibit 1, which are  
11 attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and  
12 accurate summary of the law and evidence in this matter. This Default Decision and Order is submitted  
13 to the Commission to obtain a final disposition of this matter.

14  
15 Dated: \_\_\_\_\_

\_\_\_\_\_  
16 Gary S. Winuk  
17 Chief of Enforcement  
18 Fair Political Practices Commission  
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**ORDER**

The Commission issues this Default Decision and Order and imposes an administrative penalty of Six Thousand Dollars (\$6,000) on Respondent Neel, who is jointly and severally liable along with the Committee to Elect Mike Glover for 70<sup>th</sup> AD, 2010 and Michael Glover, as resolved in a separate Default Decision and Order at the March 15, 2012 Commission Meeting, payable to the “General Fund of the State of California.”

IT IS SO ORDERED, effective upon execution below by the Chair of the Fair Political Practices Commission at Sacramento, California.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Ann Ravel, Chair  
Fair Political Practices Commission

## **EXHIBIT 1**

### **INTRODUCTION**

Michael Glover<sup>1</sup> was a successful candidate for California State Assembly, 70<sup>th</sup> District (“California State Assembly”), in the June 6, 2006 Primary Election and the June 3, 2008 Primary Election. However, Mr. Glover was an unsuccessful candidate for California State Assembly in the November 7, 2006 General Election, November 4, 2008 General Election, and the June 8, 2010 Primary Election.

Committee to Elect Mike Glover for 70<sup>th</sup> AD, 2010 (“Committee 2010”) was the controlled committee of Mr. Glover’s 2010 election campaign. Respondent Doris Neel (“Respondent Neel”) was the treasurer of Committee 2010 from February 19, 2010, through July 30, 2010, when the Committee 2010 was terminated.

The Political Reform Act (the “Act”)<sup>2</sup> requires candidates, their controlled committees, and the treasurers of those committees, to comply with the campaign filing provisions of the Act. In this matter, Mr. Glover, Committee 2010, and Respondent Neel failed to file all campaign statements electronically.

For the purposes of this Default, Decision and Order, and referencing the counts reflected in the Default Decision and Order with regard to Respondents Michael Glover and Committee to Elect Mike Glover for 70<sup>th</sup> AD, 2010 which was approved by the Commission at the March 15, 2012 Commission meeting, Respondent Neel violated the Act as follows:

#### **RESPONDENT DORIS NEEL**

**Count 14:** Respondent Doris Neel failed to file, in electronic format, a pre-election campaign statement online for the reporting period January 1, 2010, through March 17, 2010, due on or before March 22, 2010, in violation of Government Code sections 84200.5, subdivision (a), 84200.7, subdivision (a), and 84605, subdivision (a).

**Count 15:** Respondent Doris Neel failed to file, in electronic format, a pre-election campaign statement online for the reporting period March 18, 2010, through May 22, 2010,

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<sup>1</sup> The Fair Political Practices Commission ( “Commission” ) entered a Default Decision and Order against Michael Glover and Committee to Elect Mike Glover for 70<sup>th</sup> AD, 2010 at the March 15, 2012 Commission Meeting. Therefore, Respondent Doris Neel is the only named Respondent in this Default Decision and Order.

<sup>2</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

due on or before May 27, 2010, in violation of Government Code sections 84200.5, subdivision (a), 84200.7, subdivision (a), and 84605, subdivision (a).

Count 16: Respondent Doris Neel failed to file, in electronic format, a semi-annual campaign statement online for the reporting period May 23, 2010, through June 30, 2010, due on or before August 2, 2010, in violation of Government Code sections 84200, subdivision (a) and 84605, subdivision (a).

## **PROCEDURAL HISTORY**

When the Fair Political Practices Commission (the “Commission”) determines that there is probable cause for believing that the Act has been violated, it may hold a hearing to determine if a violation has occurred. (Section 83116.) Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the “APA”).<sup>3</sup> (Section 83116.) A hearing to determine whether the Act has been violated is initiated by the filing of an accusation, which shall be a concise written statement of the charges specifying the statutes and rules which the respondent is alleged to have violated. (Section 11503.)

Included among the rights afforded a respondent under the APA, is the right to file the Notice of Defense with the Commission within 15 days after service of the accusation, by which the respondent may (1) request a hearing, (2) object to the accusation’s form or substance or to the adverse effects of complying with the accusation, (3) admit the accusation in whole or in part, or (4) present new matter by way of a defense. (Section 11506, subd. (a)(1)-(6).)

The APA provides that a respondent’s failure to file a Notice of Defense within 15 days after service of an accusation constitutes a waiver of the respondent’s right to a hearing. (Section 11506, subd. (c).) Moreover, when a respondent fails to file a Notice of Defense, the Commission may take action based on the respondent’s express admissions or upon other evidence, and affidavits may be used as evidence without any notice to the respondent. (Section 11520, subd. (a).)

### **A. Initiation of the Administrative Action**

Section 91000.5 provides that “[t]he service of the probable cause hearing notice, as required by Section 83115.5, upon the person alleged to have violated this title shall constitute the commencement of the administrative action.” (Section 91000.5, subd. (a).) Section 83115.5 provides in pertinent part:

No finding of probable cause to believe this title has been violated shall be made by the Commission unless, at least 21 days prior to the Commission’s consideration of the alleged violation, the person alleged to have violated this title is notified of the violation by service of process or registered mail with return receipt requested . . . . Notice to the alleged violator shall be deemed made

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<sup>3</sup> The Administrative Procedure Act is contained in Government Code Sections 11370 through 11529.

on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office.

Section 91000.5 provides that no administrative action pursuant to Chapter 3 of the Act, alleging a violation of any of the provisions of the Act, shall be commenced more than five years after the date on which the violation occurred. In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Respondents in this matter by serving Respondent Neel with a Report in Support of a Finding of Probable Cause (the "Probable Cause Report"). Respondent Neel, individually and on behalf of Committee 2010, were served on August 3, 2011. (See Certification of Records ("Certification") filed herewith, Exhibit A, and incorporated herein by reference.) The Probable Cause Report was served on Respondent Neel and Committee 2010 by certified mail. The Probable Cause Report was sent on or about July 8, 2011 and the unsigned return receipt was received at the Commission on August 3, 2011. (See Certification, Exhibit A - 1.) Therefore, the administrative action commenced on the date the unsigned return receipt was returned to the Commission, and the five year statute of limitations was effectively tolled on this date. (Sections 83115.5; 91000.5.)

As required by Section 83115.5, the packet served on Respondent Neel contained the cover letter to the Probable Cause Report, advising Respondent she had 21 days in which to request a probable cause conference and/or to file a written response to the Probable Cause Report. (See Certification, Exhibit A - 2.) Respondent Neel, on behalf of herself and Respondent Committee 2010, requested a probable cause conference in response to the Probable Cause Report.

**B. Probable Cause**

Consistent with Regulation 18361, Senior Commission Counsel Larry Woodlock was delegated as the Hearing Officer in this matter. A Probable Cause Conference was held on November 7, 2011. Respondent Neel, individually and on behalf of Respondent Committee 2010, participated in the Probable Cause Conference.

On December 1, 2011, the Hearing Officer in this matter issued an Order Finding Probable Cause and an Order to Prepare and Serve an Accusation. (See Certification, Exhibit A - 3.) Respondent Neel was sent copies of this document via U.S. Mail.

**C. The Issuance and Service of the Accusation**

Under the Act, if the Executive Director makes a finding of probable cause, he or she must prepare an accusation pursuant to Section 11503 of the APA, and have it served on the subject of the probable cause finding. (Regulation 18361.4, subd. (e).) Section 11503 provides:

A hearing to determine whether a right, authority, license or privilege should be revoked, suspended, limited or conditioned shall be initiated by filing an accusation. The accusation shall be a written statement of charges which shall set forth in ordinary and

concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

Section 11505, subdivision (a) requires that, upon the filing of the accusation, the agency shall: 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.

Section 11505, subdivision (b) set forth the language required in the accompanying statement to the respondent.

Section 11505, subdivision (c) provides that the Accusation and accompanying information may be sent to the respondent by any means selected by the agency, but that no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent has been served personally or by registered mail as set forth in Section 11505.

On December 21, 2011, an Accusation was issued against the Respondents in this matter.<sup>4</sup> In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form, and copies of Government Code Sections 11506 through 11508, were personally served on Respondent Neel and Committee 2010 on January 3, 2012. (See Certification, Exhibit A - 4.)

Along with the Accusation, the Enforcement Division personally served all Respondents with a "Statement to Respondent" which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within fifteen days of service of the Accusation, the right to a hearing would be deemed to have been waived. Respondents did not file a Notice of Defense within the statutory time period.

As a result, on February 28, 2012, Commission Counsel Bridgette Castillo sent a letter to each Respondent advising that this matter would be submitted for a Default Decision and Order at

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<sup>4</sup> This Default Decision and Order only names Respondent Neel, as the Commission entered a Default Decision and Order against Michael Glover and Committee to Elect Mike Glover for 70<sup>th</sup> AD, 2010 at the March 15, 2012 Commission Meeting regarding the three counts in this Exhibit.

the Commission's public meeting scheduled for March 15, 2012. A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter. (See Certification, Exhibit A - 5.)

At the March 15, 2012 Commission Meeting, the Commission entered a Default Decision and Order as to Michael Glover, Michael G Glover for Assembly, Glover for Assembly 2008, and Committee to Elect Mike Glover for 70<sup>th</sup> AD, 2010. However, the Commission directed the Enforcement Division to return with a Default Decision and Order with further information as to Respondent Neel. As a result, on March 20, 2012, Commission Counsel Bridgette Castillo sent a letter to Respondent Neel advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for April 5, 2012. A copy of the Default Decision and Order, and this accompanying Exhibit 1, was included with the letter. (See Certification, Exhibit A-6.)

## **SUMMARY OF THE LAW**

### **A. Jurisdiction**

Section 83116 provides the Fair Political Practices Commission ("Commission") with administrative jurisdiction to enforce the provisions of the Act. Prior to an enforcement action being undertaken, the Executive Director of the Commission must make a finding that there is probable cause to believe that the Act has been violated. After a finding of probable cause, the Commission may then hold a hearing to determine what violations have occurred, and levy an administrative penalty of up to \$5,000 for each violation.

### **B. Standard for Finding Probable Cause**

A probable cause determination is governed by Sections 83115.5 and 83116, and Regulation 18361.4, subdivision (e).<sup>5</sup> For the Executive Director to make a finding of probable cause, it is only necessary that he or she be presented with sufficient evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion, that a respondent committed or caused a violation. (Section 83115.5, and Regulation 18361.4 subd. (e).)

### **C. Semi-Annual Campaign Statements**

An express purpose of the Act, as set forth in Section 81002, subdivision (a), is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed, so that voters may be fully informed and improper practices may be inhibited. The Act therefore establishes a campaign reporting system designed to accomplish this purpose of disclosure.

Section 82013, subdivision (a), defines a "committee" as any person or combination of persons who directly or indirectly receives contributions totaling \$1,000 or more in a calendar

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<sup>5</sup> Under Section 83115.5, notice to the alleged violator shall be deemed made on the date of service, the date the registered mail is signed, or if the registered mail receipt is not signed, the date returned by the post office.



year. This type of committee is commonly referred to as a “recipient” committee. A committee controlled directly or indirectly by a candidate, or that acts jointly with a candidate, is a candidate-controlled committee. (Section 82016.)

Section 84200, subdivision (a), requires candidates and their controlled committees to file two semi-annual campaign statements each year. The first semi-annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and must be filed by January 31 of the following year.

#### **D. Pre-Election Campaign Statements**

In addition to semi-annual campaign statements, Section 84200.5, subdivision (a) requires all candidates for state office being voted upon in a statewide primary election or general election of an even-numbered year, and their controlled committees, to file pre-election campaign statements as specified in Section 84200.7.

Section 84200.7, subdivision (a) provides that the first pre-election campaign statement for the June election, for the period ending March 17, a statement must be filed no later than March 22. Section 84200.7, subdivision (a) provides that the second pre-election campaign statement, for the reporting period ending seventeen days before the date of the election, must be filed no later than twelve days before the election.

#### **E. Online Campaign Reports**

In order to maximize the availability of information regarding campaign disclosure to the public, the Act requires any candidate, officeholder, committee, or other person who is required to file statements, reports, or other documents in connection with a state elective office to file them online or electronically when the total cumulative reportable amount of contributions received, expenditures made, loans made, or loans received is \$50,000 or more. (Section 84605, subdivision (a).)

Once a person or entity is required to file online or electronically, the person or entity is required to file all subsequent reports online or electronically as well. (Section 84605, subdivision (d).) Persons filing online or electronically are also required to continue to file required disclosure statements and reports in paper format, which continue to be the official filing for audit and other legal purposes until the Secretary of State determines the system is operating securely and effectively. (Section 84605, subdivision (f).)

#### **F. Liability of Committee Treasurers**

As provided in Section 84100, every committee shall have a treasurer. Under Section 84100 and Regulation 18427, subdivision (a), it is the duty of a committee’s treasurer to ensure

that the committee complies with all of the requirements of the Act concerning the receipt and expenditure of funds and the reporting of such funds. Under Sections 83116.5 and 91006, a committee's treasurer may be held jointly and severally liable, along with the committee, for any reporting violations committed by the committee.

### **III. SUMMARY OF THE EVIDENCE**

According to the records maintained by the Secretary of State's Office ("SOS"), Mr. Glover was a successful candidate for California State Assembly in the June 6, 2006 Primary Election and the June 3, 2008 Primary Election. However, he was an unsuccessful candidate for California State Assembly in the November 7, 2006 General Election, November 4, 2008 General Election, and the June 8, 2010 Primary Election.

#### COMMITTEE 2010

Committee 2010 was the controlled committee of Mr. Glover's unsuccessful 2010 election campaign. Respondent Neel was the treasurer of Respondent Committee 2010 from February 19, 2010, through July 30, 2010. Mr. Glover, Committee 2010, and Respondent Neel were required to file all campaign statements online. However, according to records maintained by the SOS, Mr. Glover, Committee 2010, and Respondent Neel only filed campaign statements in paper format.

In this matter, Respondent Neel was a first time campaign treasurer. Respondent Neel cooperated with the investigation. She was unaware of the fact that Mr. Glover had triggered the online reporting requirements in 2006. The Enforcement Division pursued the counts against the Committee 2010 largely due to the fact that Mr. Glover had such a pattern of violations over multiple years and elections. Further, Respondent Neel filed the campaign reports timely in paper format.

#### RESPONDENT DORIS NEEL

#### ONLINE CAMPAIGN STATEMENTS

#### COUNTS 14-16

#### **Failure to File Campaign Statements Online**

#### COUNT 14

Once a person or entity is required to file online or electronically, the person or entity is required to file all subsequent reports online or electronically as well. (Section 84605, subdivision (d).) Mr. Glover and Committee 2006 met the required threshold of \$50,000 on or about November 11, 2006 and were required to file online all subsequent reports. Therefore, Mr. Glover, Committee 2010, and Respondent Neel were required to file campaign statements online.

Mr. Glover was an unsuccessful candidate for California State Assembly in the June 8, 2010 Primary Election. According to records maintained by the SOS, Mr. Glover, Committee 2010, and Respondent Neel filed a pre-election campaign statement, in paper format, for the reporting period January 1, 2010, through March 17, 2010, on or about March 25, 2010. According to records maintained by the SOS, Mr. Glover, Committee 2010, and Respondent Neel failed to file the pre-election campaign statement for this period online. According to campaign statements, the campaign activity for that period included approximately \$5,828 in contributions received and \$4,907 in expenditures made.

Thus, the evidence establishes that Mr. Glover, Committee 2010, and Respondent Neel were required to and failed to file a pre-election campaign statement online for the period January 1, 2010, through March 17, 2010, due on or before March 22, 2010, in violation of Section 84200.5, subdivision (a), 84200.7, subdivision (a), and 84605, subdivision (a).

#### COUNT 15

Once a person or entity is required to file online or electronically, the person or entity is required to file all subsequent reports online or electronically as well. (Section 84605, subdivision (d).) Mr. Glover and Committee 2006 met the required threshold of \$50,000 on or about November 11, 2006 and were required to file online all subsequent reports. Therefore, Mr. Glover, Committee 2010, and Respondent Neel were required to file campaign statements online.

Mr. Glover was an unsuccessful candidate for California State Assembly in the June 8, 2010 Primary Election. According to records maintained by the SOS, Mr. Glover, Committee 2010, and Respondent Neel filed a pre-election campaign statement, in paper format, for the reporting period March 18, 2010, through May 22, 2010, on or about May 28, 2010. According to records maintained by the SOS, Mr. Glover, Committee 2010, and Respondent Neel failed to file the pre-election campaign statement for this period online. According to campaign statements, the campaign activity for that period included approximately \$3,910 in contributions received and \$6,766 in expenditures made.

Thus, the evidence establishes that Mr. Glover, Committee 2010, and Respondent Neel were required to and failed to file a pre-election campaign statement online for the period March

18, 2010, through May 22, 2010, due on or before May 27, 2010, in violation of Section 84200.5, subdivision (a), 84200.7, subdivision (a), and 84605, subdivision (a).

### COUNT 16

Once a person or entity is required to file online or electronically, the person or entity is required to file all subsequent reports online or electronically as well. (Section 84605, subdivision (d).) Mr. Glover and Committee 2006 met the required threshold of \$50,000 on or about November 11, 2006 and were required to file online all subsequent reports. Therefore, Mr. Glover, Committee 2010, and Respondent Neel were required to file campaign statements online.

Mr. Glover was an unsuccessful candidate for California State Assembly in the June 8, 2010 Primary Election. According to records maintained by the SOS, Mr. Glover, Committee 2010, and Respondent Neel filed a semi-annual campaign statement, in paper format, for the reporting period May 23, 2010, through June 30, 2010, on or about June 7, 2010. According to records maintained by the SOS, Mr. Glover, Committee 2010, and Respondent Neel failed to file the semi-annual campaign statement for this period online. According to campaign statements, the campaign activity for that period included approximately \$870 in contributions received and \$3,561 in expenditures made.

Thus, the evidence establishes that Mr. Glover, Committee 2010, and Respondent Neel were required to and failed to file a semi-annual campaign statement online for the period May 23, 2010, through June 30, 2010, due on or before August 2, 2010, in violation of Section 84200, subdivision (a), and 84605, subdivision (a).

### **CONCLUSION**

This matter consists of three counts of violating the Act, which carries a maximum administrative penalty of five thousand dollars (\$5,000) per count for a total of Fifteen Thousand Dollars (\$15,000).

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. The Enforcement Division also considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6), which include: the seriousness of the violations; the presence or lack of intent to deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the Respondent demonstrated good faith in consulting with Commission staff; whether there was a pattern of violations; and whether upon learning of the violation the Respondent voluntarily filed an amendment to provide full disclosure. Additionally, liability under the Act is governed in significant part by the provisions of Section 91001, subdivision (c), which requires the Commission to consider whether or not a violation is

inadvertent, negligent or deliberate, and the presence or absence of good faith, in applying remedies and sanctions.

The failure to file campaign statements, both in paper and electronic format, are serious violations of the Act. The failure to file campaign statements deprives the public of important information about a candidate's contributors and financial activity.

### **Electronic Filing Obligations**

#### **Pre-election and Semi-Annual Campaign Statements: Counts 14-16**

In this matter, Mr. Glover, Committee 2010, and Respondent Neel failed to file two pre-election campaign statements electronically and one semi-annual campaign statement electronically, as required by the Act. However, Mr. Glover, Committee 2010, and Respondent Neel timely filed these required campaign statements in paper format. The public harm inherent in these violations is that the public is deprived of important information that would be readily accessible electronically about a candidate's contributors and financial activities. The typical administrative penalty for failing to file pre-election and semi-annual campaign statements online or electronically has varied depending on the facts and circumstances of each case.

A similar case involving the failure to file semi-annual and pre-election campaign statements online or electronically includes:

*In the Matter of Citizens for Representative Government, et al*, FPPC No. 08/103. This case involved two counts of failing to file a semi-annual campaign statement electronically and one count of failing to file a pre-election campaign statement electronically. In this case, Respondents timely filed the campaign statements in paper format, but failed to file the campaign statements online or electronically. A \$1,000 per count penalty was approved by the Commission on October 8, 2009.

Mr. Glover, Committee 2010, and Respondent Neel failed to file two pre-election campaign statements electronically and one semi-annual campaign statement electronically. According to the campaign statements, Mr. Glover, Committee 2010, and Respondent Neel raised in excess of \$10,000 and expended in excess of \$15,000, during the reporting periods identified in Counts 14 through 16. In mitigation, this was the first time Respondent Neel was a campaign treasurer. She was unaware of the fact that Mr. Glover had triggered the online reporting requirements in 2006. The Enforcement Division pursued the counts against the Committee 2010 largely due to the fact that Mr. Glover had such a pattern of violations over multiple years and elections. Further, Respondent Neel filed the campaign reports timely in paper format. Therefore, she disclosed the financial activity of Committee 2010. Additionally, Respondent Neel cooperated with the investigation. Therefore, imposition of a penalty of \$2,000 per count is recommended, for a total recommended penalty of \$6,000 for Counts 14-16 against Respondent Neel. However, the Enforcement Division considers Respondent Neel's culpability in this matter to be reduced from Mr. Glover and Committee 2010.

### **PROPOSED PENALTY**

The facts of this case, including the aggravating and mitigating factors discussed above, justify imposition of a recommended penalty of Six Thousand Dollars (\$6,000) against Respondent Neel.