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

10
11 In the Matter of:

FPPC No. 12/090

12
13 **MIKE STOKER, STOKER FOR**
ASSEMBLY 2012, and TRENT
14 **BENEDETTI**

STIPULATION, DECISION, AND ORDER

15 Respondents.

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18 **STIPULATION**

19 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
20 respondents Mike Stoker, Stoker for Assembly 2012, and Trent Benedetti (Respondents) hereby agree
21 that this Stipulation will be submitted for consideration by the Fair Political Practices Commission at its
22 next regularly scheduled meeting.

23 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised by this
24 matter and to reach a final disposition without the necessity of holding an additional administrative
25 hearing to determine the liability of Respondents.

26 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural
27 rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California Code of
28 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to

1 personally appear at any administrative hearing held in this matter, to be represented by an attorney at
2 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to
3 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
4 the hearing as a hearing officer, and to have the matter judicially reviewed.

5 It is further stipulated and agreed that Respondents violated the Political Reform Act by not
6 timely providing the occupation and employer for persons who contributed \$100 or more to
7 Respondents' campaign in violation of Section 84211, subdivision (f), not disclosing multiple
8 expenditures of \$100 or more in violation of Section 84211, subdivision (k), and accepting campaign
9 contributions after the election that exceeded the amount of the net debts outstanding from the election
10 in violation of Section 85316, subdivision (a) as described in Exhibit 1. Exhibit 1 is attached hereto and
11 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of
12 the facts in this matter.

13 Respondents agree to the issuance of the Decision and Order, which is attached hereto.
14 Respondents also agree to the Commission imposing an administrative penalty in the total amount of Six
15 Thousand Dollars (\$6,000). Respondents submitted with this Stipulation a cashier's check from
16 Respondents in said amount, made payable to the "General Fund of the State of California," as full
17 payment of the administrative penalty that shall be held by the State of California until the Commission
18 issues its Decision and Order regarding this matter. The parties agree that in the event the Commission
19 refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days
20 after the Commission meeting at which the Stipulation is rejected, all payments tendered by
21 Respondents in connection with this Stipulation shall be reimbursed to Respondents. Respondents
22 further stipulate and agree that in the event the Commission rejects the Stipulation, and a full evidentiary
23 hearing before the Commission becomes necessary, neither any member of the Commission, nor the
24 Executive Director, shall be disqualified because of prior consideration of this Stipulation.

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27 Dated: _____

Gary S. Winuk, on behalf of the Enforcement Division
Fair Political Practices Commission

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Dated: _____
Mike Stoker, individually, and on behalf of Stoker for
Assembly 2010, Respondents

Dated: _____
Trent Benedetti, individually, and on behalf of Stoker
for Assembly 2010, Respondents

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Mike Stoker, Stoker for Assembly
3 2010, and Trent Benedetti” FPPC No. 12/090, including all attached exhibits, is hereby accepted as the
4 final decision and order of the Fair Political Practices Commission, effective upon execution below by
5 the Chair.

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7 IT IS SO ORDERED.

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9 Dated: _____

_____ Ann Ravel, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Mike Stoker (“Respondent Stoker”) ran for State Assembly in 2010 but was defeated in the General Election. Respondent Stoker for Assembly 2010 (“Respondent Committee”) was his candidate-controlled recipient committee. Respondent Trent Benedetti (“Respondent Benedetti”) was, at all time relevant, the treasurer for Respondent Committee.

The Political Reform Act (the “Act”)¹ requires candidates and committees to report the occupation and employer for all individuals who contribute \$100 or more to their campaign. Candidates and committees also must report all campaign expenditures of \$100 or more. The Act prohibits a candidate from accepting a campaign contribution after the date of the election if the campaign does not have net outstanding debt from the campaign.

Respondents violated the Act by failing to provide employment information for a number of contributors in a timely manner, failing to report all expenditures, and accepting campaign contributions after the election when the campaign did not have net outstanding debt.

For purposes of this Stipulation, the proposed violations of the Act are as follows:

- COUNT 1: Respondents failed to report on Respondent Committee’s campaign statements the occupation and employer of a contributor of \$100 or more for 13 contributions in violation of Section 84211, subdivision (f).
- COUNT 2: Respondents failed to timely report on Respondent Committee’s preelection statement for the July 1, 2010 through September 30, 2010 reporting period the occupation and employer of ten persons who contributed \$100 or more to Respondents’ campaign in violation of Section 84211, subdivision (f) and Regulation §18570, subdivision (e).
- COUNT 3: Respondents failed to report twelve expenditures made between August 8th and November 10th of 2010 on their campaign statements in violation of Section 84211, subdivision (k).
- COUNT 4: Respondents accepted four campaign contributions after the November 2, 2010 General Election each of which exceeded the net debts outstanding from the election, in violation of Section 85316, subdivision (a).

¹ 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.

SUMMARY OF THE LAW

Campaign Statement Reporting Requirements

Candidates and committees are required to file semi-annual campaign statements by July 31 for the January 1 through June 30 reporting period, and January 31 for the July 1 through December 31 reporting period. (Section 84200.) Candidates and committees also must file preelection campaign statements before the primary and general elections. (Section 84200.5)

Section 84211 details the information candidates and committees must include in all campaign statements. Among other information, a campaign statement must include the name, street address, occupation, employer name, date, amount of contribution, and cumulative amount of contributions for each person who contributes \$100 or more during the period covered by the campaign statement. (Section 84211, subd. (f).) In instances where a candidate or committee obtains a contributor's occupation and employer information after the campaign statement is filed, Regulation §18570, subdivision (e) requires the candidate or committee to amend the campaign statement on which the contribution was reported within 70 days of the closing date of the reporting period.

A campaign statement also must provide the name, address, amount of each expenditure, and description of the consideration for each expenditure for each person to whom an expenditure of \$100 or more was made during the reporting period covered by the campaign statement. (Section 84211, subd. (k).)

Contributions after an Election

Section 85316, subdivision (a) permits a candidate to accept a campaign contribution after the date of the election only to the extent that the contribution does not exceed the net debts outstanding from the election. For purposes of the Act, a candidate or committee receives a contribution on the date the candidate or committee obtains possession or control of the check. (Regulation §18421.1, subdivision (c).)

Treasurer Liability

Section 84100 provides that 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 and the candidate, for any reporting violations committed by the committee.

SUMMARY OF THE FACTS

Respondent Stoker ran for State Assembly in 2010. He won his party's nomination in the Primary Election on June 8, 2010 but lost in the General Election on November 2, 2010.

Respondents filed all campaign statements but failed to provide required information and accepted unlawful contributions as detailed below.

Contributor Occupation and Employer Information Not Provided

Four of Respondents campaign statements included entries for contributions of \$100 or more that did not include the occupation and employer name of the contributor.

Respondents’ semi-annual statement filed on July 30, 2010 covering the May 23, 2010 through June 30, 2010 reporting period did not include the occupation and employer name for three people who contributed \$100 or more. The table below contains information regarding those contributors.

Name	Amount of Contribution	Date of Contribution
Lad Handelman	\$100	6/1/2010
Rolland Jacks	\$200	6/3/2010
Frank Marino	\$135	6/3/2010

Respondents’ preelection statement filed on October 21, 2010 for the October 1, 2010 through October 16, 2010 reporting period did not include the occupation and employer name for five people who contributed \$100 or more. The table below contains information regarding those contributors.

Name	Amount of Contribution	Date of Contribution
Edwin LaTorre	\$100	10/8/2012
Linda Meskimen	\$100	10/6/2010
David Green	\$250	10/14/2010
Debra Saucedo	\$250	10/14/2010
Lynn Jensen	\$100	10/14/2010

Respondents’ semi-annual statement filed on January 31, 2011 for the October 18, 2010 through December 31, 2010 reporting period did not include the occupation and employer name for five people who contributed \$100 or more. The table below contains information regarding those contributors.

Name	Amount of Contribution	Date of Contribution
David Green	\$100	10/22/2010
Linda Meskimen	\$100	10/22/2010
John Plaza	\$400	10/28/2010
Merrill Oaks	\$500	10/28/2010
Gina Perry	\$100	10/28/2010

Respondents received a total of \$2,785 in contributions for which they did not provide the occupation and employer of the contributor. Respondents received \$360,584.30 in total monetary contributions in 2010.

Contributor Occupation and Employer Information Provided Late

Respondents' preelection statement filed on October 5, 2010 covering the July 1, 2010 through September 30, 2010 reporting period did not include the occupation and employer name for ten people who contributed \$100 or more. In February 2011, Respondents filed an amended version of this statement that provided occupation and employer information. The deadline for filing an amended statement with the occupation and employer information for the contributions ran on December 9, 2010. The table below contains information regarding those contributors.

Name	Amount of Contribution	Date of Contribution	Occupation, Employer (per February amended statement)
Addison Thompson	\$100	9/16/2010	Planning Commissioner, City of Santa Barbara
David Dickinson	\$500	9/23/2010	Trucking, Prime Transportation
Edgar Petersen	\$100	9/16/2010	Retired
Frank Marino	\$150	9/16/2010	Real Estate, Sun Coast Real Estate
Gerald DeRose	\$100	9/16/2010	Retired
Karin Connolly	\$198	9/27/2010	Retired
Laura Roberts	\$100	9/14/2010	Retired
Mark Brasher	\$250	9/28/2010	Retired
Nina Adams Venegas	\$350	9/23/2010	Retired
Terrance Aggeler	\$150	9/21/2010	Retired

The total amount of these contributions was \$1,998. When combined with the \$2,785 in contributions for which Respondents did not provide the occupation and employer of the contributor, the contributions where Respondents did not report the occupation and employer in a timely manner make up about 1% of the total monetary contributions Respondents received in the year 2010.

Expenditures Not Reported

Respondents' bank records show twelve expenditures by Respondent Committee between August and November of 2010 that Respondents did not list on their campaign statements. The table below provides information about those expenditures.

Payee	Amount	Date of Check
American Express	\$140.00	9/14/2010
Ryan McNicolas	\$123.88	8/31/2010
USPS	\$110	8/8/2010
Raymond Nhan	\$200	9/8/2010

KEYT	\$7,624.50	9/24/2010
Joe Armendariz	\$1,000	9/25/2010
University Club of Santa Barbara	\$1,106.52	9/29/2010
KEYT	\$2,618	9/29/2010
Secretary of State	\$250	9/27/2010
Ventura Lodge -201 IOUF	\$103	10/13/2010
DMH & Associates	\$5,594.25	10/8/2010
Paypal	\$385.94	11/10/2010
Total	\$19,256.09	

Respondents reported \$398,526.68 in total expenditures for the year so the unreported expenditures constituted about 4.6% of Respondents' total expenditures for the year. According to Respondents, the nondisclosures were inadvertent and the result of a miscommunication between the Respondents.

Contributions Accepted After the Election

Respondents accepted four contributions after the General Election that they did not return. The table below contains information about those contributions.

Name	Amount	Date Received
Arthur Bossee	\$500	November 22, 2010
Santa Ynez Band of Mission Indians	\$2,000	November 22, 2010
Ventura County Republican Party	\$28,000	November 22, 2010
Santa Barbara Rental Property Association	\$1,000	December 9, 2010
Total	\$31,500	

Respondent Committee's bank records indicate that it did not have net outstanding debt at any time after the General Election. Respondents total reported monetary contributions for the year was \$360,584 so the contributions after the election represented approximately 8% of Respondents' monetary contributions for the year.

COUNT 1

Failure to Report Contributors' Occupations and Employers

Respondents failed to report on Respondent Committee's campaign statements the occupation and employer of a contributor of \$100 or more for 13 contributions in violation of Section 84211, subdivision (f).

COUNT 2

Failure to Timely Report Contributors' Occupations and Employers

Respondents failed to timely report on Respondent Committee's preelection statement for the July 1, 2010 through September 30, 2010 reporting period the occupation and employer of

ten persons who contributed \$100 or more to Respondents' campaign in violation of Section 84211, subdivision (f) and Regulation §18570, subdivision (e).

COUNT 3

Failure to Report Campaign Expenditures

Respondents failed to report twelve expenditures made between August 8th and November 10th of 2010 on their campaign statements in violation of Section 84211, subdivision (k).

COUNT 4

Accepting Campaign Contributions after the Election

Respondents accepted four campaign contributions after the November 2, 2010 General Election each of which exceeded the net debts outstanding from the election, in violation of Section 85316, subdivision (a).

CONCLUSION

This matter consists of four counts of violating the Act, which carries a maximum administrative penalty of five thousand dollars (\$5,000) per count.

In determining the appropriate penalty for a particular violation of the Act, the Commission 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. Additionally, the Commission considers the facts and circumstances of the violation in the context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6): the seriousness of the violations; the presence or lack of intent to conceal, deceive or mislead; whether the violation was deliberate, negligent, or inadvertent; whether the Respondents demonstrated good faith in consulting with Commission staff; and whether there was a pattern of violations.

Regarding Counts 1 and 2: Recent similar cases where the respondents failed to include the occupation and employer for contributors on their campaigns reports in violation of Section 84211, subdivision (f) include:

- *In the Matter of Mike Briggs, Briggs for Assembly and Sharon Nisbett*, FPPC No. 05/771: Respondents failed to provide occupation and employer information for 17 persons who contributed \$100 or more, over four reporting periods. On December 10, 2009, the Commission approved a default judgment and order with four counts of violating Section 84211, subdivision (f) and with a fine of \$2,000 per count for a total fine of \$8,000.
- *In the Matter of Marco Robles, Committee to Elect Marco A. Robles & Rosa Lira*, FPPC No. 08/329: Respondents failed to provide occupation and employer information for 27 persons who contributed \$100 or more over three reporting

periods. Their contributions totaled \$9,215. Respondents cooperated with the Commission's enforcement action and filed an amended statement that provided the required information for 18 of the 27 contributors. On February 11, 2010, the Commission approved a fine of \$1,000 for one count of violating Section 84211, subdivision (f).

- *In the Matter of Committee for Prop A, The Rural Lands Initiative and Judith Sakrison*, FPPC No. 04/097: Respondents failed to provide the address, occupation, and employer name for 64 persons who contributed \$100 or more over four reporting periods. These contributions totaled \$83,630, which was 7% of the total contributions received by the committee. On August 14, 2008, the Commission approved a stipulation and order with four counts of violating Section 84211, subdivision (f) and a fine of \$1,000 per count for a total fine of \$4,000.
- *In the Matter of Maribel De La Torre, Families for Maribel De La Torre, Steven Veres, and Oscar E. Jimenez*, FPPC No. 02/408: Respondents failed to provide the occupation and employer for six persons who contributed \$100 or more to respondent's campaign on their campaign statement. These contributions totaled \$5,450, which was approximately 5% of the total contributions received by the committee. Respondents did provide the information on an amended statement filed about 2 years after the original filing deadline. On April 12, 2007, the Commission approved a stipulation and order with one count of violating Section 84211, subdivision (f) and a fine of \$1,000 for that count.

Here, Respondents denied the public its right to information about the source of campaign donations. While they did file an amended statement that provided complete information for some of the contributors, it was many months after the election. Also, Respondents' violations were numerous and occurred over multiple reporting periods. But Respondents did report each of the contributions and provided all other required information for each contributor.

As to Count 3: Recent similar cases where the respondents failed to disclose expenditures of \$100 or more on their campaign statements include:

- *In the Matter of Stuart Waldman, Friends of Stuart Waldman, and Kinde Durkee*, FPPC No. 10/643: Respondents failed to disclose approximately \$65,000 in expenditures of \$100 or more. That amount represented approximately 13% of all campaign expenditures and the unreported expenditures occurred over multiple reporting periods. On September 22, 2011, the Commission approved a penalty of \$2,500 for one count of failure to disclose expenditures of \$100 or more in violation of Section 84211, subdivision (k).
- *In the Matter of Michael Ramos, Committee to Reelect Mike Ramos San Bernardino County District Attorney – 2010, Marvin Reiter* FPPC No. 10/269: Respondents failed to list as expenditures nine credit card purchases of \$100 or more made during a single reporting period. The total amount of the expenditures was \$8,619, which

constituted 7.9% of all expenditures made during the reporting period. On January 28, 2011, the Commission approved a penalty of \$2,500 for one count of failure to disclose expenditures of \$100 or more in violation of Section 84211, subdivision (k).

By not disclosing all expenditures, Respondents denied the public important information regarding who profited from their campaign activity. It was not a single incident but rather multiple nondisclosures that occurred over a number of months. However, the expenditures that Respondents failed to disclose represented a relatively small portion of Respondent Committee's total expenditures during the year.

As to Count 4: A case with a violation of Section 8516, subdivision (a) has not come before the Commission for approval in recent years so there are no comparable cases to consider in determining the appropriate fine.

Post-election campaign contributions serve no legitimate campaign fundraising purpose. Such contributions may be used to skirt campaign contribution limits. Respondents accepted the contributions weeks, not just days, after the election. Also, the amount of these contributions was substantial, totaling \$31,500 and representing approximately 8% of Respondents' monetary contributions for the year. To their credit, Respondents did not conceal receipt of the contributions and reported them on their campaign statement.

Overall, the fact that Respondent Stoker lost the election mitigates the harm caused by Respondents' violations. Respondents do not have a record of violating the Act. Also, it appears the violations were the result of negligence and there is no indication Respondents intended to deceive or mislead the public.

PROPOSED PENALTY

After considering the factors listed in Regulation §18361.5, as well as other relevant factors, the recommended penalty is as follows: For Count 1 a penalty of \$1,000; for Count 2 a penalty of \$1,000; for Count 3, a penalty of \$2,500; for Count 4, a penalty of \$1,500. Accordingly, the total recommended fine is \$6,000.