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7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of) FPPC No. 12/197
12)
13)
14 EDWIN JACINTO AND THE)
COMMITTEE TO ELECT EDWIN)
JACINTO,)
15) (Gov. Code §§ 11506 and 11520)
16 Respondents.)
_____)

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

20 Pursuant to the California Administrative Procedure Act,¹ Respondents Edwin Jacinto and the
21 Committee to Elect Edwin Jacinto have been served with all of the documents necessary to conduct an
22 administrative hearing regarding the above-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
27 ¹The California Administrative Procedure Act, which governs administrative adjudications, is
28 contained in Sections 11370 through 11529 of the Government Code.

1 4. A Statement to Respondent; and

2 5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

3 Government Code Section 11506 provides that failure of a respondent to file a Notice of Defense
4 within 15 days after being served with an Accusation shall constitute a waiver of respondent's right to a
5 hearing on the merits of the Accusation. The Statement to Respondent, served on Respondents Edwin
6 Jacinto and the Committee to Elect Edwin Jacinto, explicitly stated that a Notice of Defense must be
7 filed in order to request a hearing. Respondents failed to file a Notice of Defense within fifteen days of
8 being served with the Accusation.

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

13 Respondents Edwin Jacinto and the Committee to Elect Edwin Jacinto, violated the Political
14 Reform Act as described in Exhibit 1, and accompanying declarations, which are attached hereto and
15 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of
16 the law and evidence in this matter. This Default Decision and Order is submitted to the Commission to
17 obtain a final disposition of this matter.

18
19 Dated: _____

Gary S. Winuk, Chief of Enforcement
Fair Political Practices Commission

ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of Five Thousand Dollars (\$5,000) upon Respondents Edwin Jacinto and the Committee to Elect Edwin Jacinto, 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

Respondent Edwin Jacinto (“Respondent Jacinto”) was a candidate for Lynwood City Council in the November 8, 2011 election. Respondent Jacinto was not elected to office. The Committee to Elect Edwin Jacinto (“Respondent Committee”) qualified as a candidate controlled recipient committee on or about August 12, 2011, when Respondent Jacinto filed a Statement of Organization. Respondent Jacinto served as treasurer for the Committee.

This matter arose out of a referral from the Lynwood City Clerk. Respondents failed to file a second pre-election campaign statement, covering the periods from September 25, 2011 through October 22, 2011, by the October 27, 2011 deadline, and a Semi-annual campaign statement, covering the periods from October 23, 2011 through December 31, 2011, by the January 31, 2012 deadline, with the City of Lynwood, as required by the Political Reform Act (the “Act”)¹.

Respondent Jacinto has had extensive prior contacts with the Commission concerning failure to file campaign statements, and was aware of his duties under the Act. In 2007, the Enforcement Division sent Respondent Jacinto an Advisory Letter which explained his duties to file campaign statements. In August of 2009 the Enforcement Division sent Respondent Jacinto a Warning Letter in response to his failure to timely file campaign statements for his 2005 campaign for Lynwood City Council. On June 9, 2011, Respondent Jacinto was fined a total of \$6,000 for failing to file two pre-election campaign statements and two semi-annual campaign statements in connection with his candidacy for Lynwood City Council in the 2009 election. At this meeting, Respondent acknowledged the need to file campaign statements, and was admonished by the Commission for his failure to file these statements and for ignoring the Enforcement Division’s attempts to resolve the case.

Respondent Jacinto filed a Form 410 approximately two months later, in connection with his candidacy for Lynwood City Council in the November 8, 2011 election, but failed to file the required campaign statements.

For purposes of this Default, Decision and Order, Respondents’ violations of the Political Reform Act are stated as follows:

COUNT 1: Respondents Edwin Jacinto and the Committee to Elect Edwin Jacinto failed to file a second pre-election campaign statement by October 27, 2011 for the reporting period September 25, 2011 through October 22,

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.

2011, in violation of Sections 84200.5, subdivision (c) and 84200.8, subdivision (b).

COUNT 2: Respondents Edwin Jacinto and the Committee to Elect Edwin Jacinto failed to file a semi-annual campaign statement by January 31, 2012 for the reporting period October 23, 2011 through December 31, 2011, in violation of Section 84200, subdivision (a).

THE RESPONDENT

Respondent Edwin Jacinto was an unsuccessful candidate for Lynwood City Council in the November 8, 2011 election, and treasurer for Respondent Committee. The Committee to Elect Edwin Jacinto qualified as a candidate controlled recipient committee on or about August 12, 2011, when Respondent Jacinto filed a Statement of Organization.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

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”).² (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).)

²The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code.

PROCEDURAL REQUIREMENTS AND HISTORY

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 prohibits a finding of probable cause by the Commission unless the person alleged to have violated the Act is 1) notified of the violation by service of process or registered mail with return receipt requested; 2) provided with a summary of the evidence; and 3) informed of his right to be present in person and represented by counsel at any proceeding of the Commission held for the purpose of considering whether probable cause exists for believing the person violated the Act. Additionally, Section 83115.5 states that the required notice to the alleged violator shall be deemed made 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 Act, shall be commenced more than five years after the date on which the violation occurred.

Documents supporting the procedural history are included in the attached Certification of Records (“Certification”) filed herewith at Exhibit A, A–1 through A–7, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the Respondents in this matter by serving them with a Report in Support of a Finding of Probable Cause (the “Report”) by certified mail, return receipt requested,³ on June 15, 2012. (Certification, Exhibit A–1.) The original return receipt addressed to the Respondents was signed on or about June 16, 2012. It was returned to the Enforcement Division on June 21, 2012. (Certification, Exhibit A–2.) Therefore, the administrative action commenced on June 21, 2012, the date by which the Respondents must have been served the Report, and the five year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Respondents contained a cover letter and a memorandum describing Probable Cause Proceedings, advising that Respondents had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification, Exhibit A–3.) Respondents neither requested a probable cause conference nor submitted a written response to the Report.

³Where any communication is required by law to be mailed by registered mail to or by the state, or any officer or agency thereof, the mailing of such communication by certified mail is sufficient compliance with the requirements of the law. (Section 8311.)

B. Ex Parte Request for a Finding of Probable Cause

Since Respondents failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served to Executive Director John Wallace, on July 10, 2012. (Certification, Exhibit A-4.) Respondents were sent copies of these documents.

On July 10, 2012, Executive Director John Wallace issued a Finding of Probable Cause and Order to Prepare and Serve an Accusation. (Certification, Exhibit A-5.)

C. The Issuance and Service of the Accusation

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

Section 11503 states:

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 July 20, 2012, the Commission's Chief of the Enforcement Division, Gary S. Winuk, issued an Accusation against Respondents in this matter. In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form, copies of Government Code Sections 11506 through 11508, and a cover letter dated July 20, 2012 was personally served on Respondents Edwin Jacinto and the Committee to Elect Edwin Jacinto on September 25, 2012. (Certification, Exhibit A-6.)

Along with the Accusation, the Enforcement Division served 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 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. Respondents did not file a Notice of Defense within the statutory time period, which ended on October 10, 2012.

As a result, on November 21, 2012, Commission Counsel Zachary W. Norton sent a letter to Respondents advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for December 13, 2012. (Certification, Exhibit A-7.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (a), is to ensure that receipts and expenditures in election campaigns be fully and truthfully disclosed in order that the 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) of the Act includes within the definition of "committee" any person or combination of persons who receives contributions of \$1,000 or more during a calendar year. This type of committee is commonly referred to as a "recipient committee."

Pursuant to Section 82016, subdivision (a), a controlled committee is a committee that is controlled directly or indirectly by a candidate. A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee.

The Act requires candidates to file campaign statements at specific times disclosing information regarding contributions received and expenditures made by the campaign. A candidate includes, in relevant part, and individual who is listed on the ballot for election to any elective office. (Section 82001.)

Committees are required to file pre-election statements as specified in Sections 84200.5 through 84200.8 of the Act. The period covered by any statement begins on the day after the closing date of the last statement filed or January 1, if no previous statement has been filed. (Section 82046.) For elections held on a date other than in June or November of an even-numbered year, Section 84200.8 requires that the first pre-election statement for the reporting period ending 45 days before the election be filed no later than 40 days before the election, and that the second pre-election statement for the reporting period ending 17 days before the election be filed no later than 12 days before the election.

Candidate controlled committees must file two semi-annual campaign statements each year. Section 84200, subdivision (a) requires a committee to file a semi-annual campaign statement each year, no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31. (Section 84200, subdivision (a).) All filing obligations continue until the campaign is terminated by filing a statement of termination (Form 410) with the Secretary of State and a copy with the local filing officer receiving the campaign's original campaign statements. (Section 84214; Regulation 18404.)

As stated above, these semi-annual campaign statements must be filed with the elections official of the city in which the candidate or officeholder is seeking elected office. (Section 84215, subdivision (d).)

SUMMARY OF THE EVIDENCE

Unless otherwise indicated, documents supporting the following summary of evidence are included in the attached Certification of Records filed herewith at Exhibit A, A-8 through A-14, and incorporated herein by reference.

Respondent Edwin Jacinto was an unsuccessful candidate for election to the Lynwood City Council in the November 8, 2011 election.

This matter arose out of referrals from the Lynwood City Clerk's Office to the Enforcement Division which provided the following:

Certification Exhibit	Reporting Period	Filing Deadline	Written Warnings	Verbal Warnings	Statement Type
A-8, A-9	09/25/11-10/22/11	10/27/11	11/01/11, 12/15/11		Pre-election
A-10, A-11	10/23/11-12/31/11	01/31/12	01/18/12, 03/08/12		Semi-annual

Thus, the evidence shows that the Lynwood City Clerk's Office issued two written notices to Respondents, one on November 1, 2011 and another on December 15, 2011, informing Respondents of his obligation to file the second pre-election campaign statement identified above. (Certification, Exhibits A-8 – A-11.) The Lynwood City Clerk's Office also issued two

written notices to Respondents, one on January 18, 2012 and another on March 8, 2012, informing Respondents of their obligation to file the semi-annual campaign statement identified above. (Certification, Exhibits A-8 – A-11.)

Respondents were referred to the Enforcement Division on or about April 2, 2012 for failure to file the required campaign statements. (Certification, Exhibit A-12.)

On or about April 30, 2012, Commission Counsel Zachary Norton mailed Respondents a letter, stipulation, and exhibit seeking settlement of the case. (Certification, Exhibit A-13.) Respondents failed to respond.

On or about October 2, 2012, Commission Counsel Zachary Norton contacted Respondent Jacinto by telephone, and discussed the case with him. Mr. Norton advised Respondent that he needed to file the delinquent statements immediately, and offered to provide him with contact information for an official at the office of the Lynwood City Clerk. Respondent stated he did not need this information. (Certification, Exhibit A-14.)

As of November 14, 2012, Respondents have not filed any of the delinquent statements.

By failing to file a second pre-election campaign statement and a semi-annual campaign statement, Respondents committed two violations of the Act, as follows:

Count 1

Failure to File a Pre-Election Campaign Statement

As a candidate for a Lynwood City Council seat in the November 8, 2011 election, and a candidate controlled committee, Respondents Edwin Jacinto and the Committee to Elect Edwin Jacinto had a duty to file, with the City of Lynwood City Clerk, a second pre-election campaign statement, covering the periods from September 25, 2011 through October 22, 2011, by the October 27, 2011 deadline. Respondent failed to file the required pre-election campaign statement. By failing to file the pre-election campaign statement by October 27, 2011, Respondent violated Sections 84200.5, subdivision (c), and 84200.8, subdivision (b).

Count 2

Failure to File a Semi-Annual Campaign Statement

As a candidate for a Lynwood City council seat in the November 8, 2011 election, and a candidate controlled committee, Respondents Edwin Jacinto and the Committee to Elect Edwin Jacinto had a duty to file, with the City of Lynwood City Clerk, a semi-annual campaign statement by January 31, 2012 for the reporting period October 23, 2011 through December 31, 2011. Respondent failed to file the required semi-annual campaign statement. By failing to file the semi-annual campaign statement by January 31, 2012, Respondent violated Section 84200, subdivision (a).

CONCLUSION

This matter consists of two counts of violating the Act, carrying a maximum administrative penalty of Ten Thousand Dollars (\$10,000).

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. Additionally, the Enforcement Division considers the facts and circumstances of the violation in 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 deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the Respondent demonstrated good faith in consulting with Commission staff; and whether there was a pattern of violations.

The failure to file campaign statements is a serious violation of the Act because it deprives the public of important information about a candidate's contributors and financial activities. In this matter, Respondents failed to file required campaign statements related to the November 8, 2011, election, one of which should have been filed prior to the election. Therefore the public was deprived of information regarding Respondents' contributors and financial activities.

Respondents' violations of the Act were deliberate at worst and negligent at best. Due to previous enforcement actions against Respondent Jacinto, and Respondent Jacinto's personal appearance and testimony at the June 2011 Commission meeting in connection with a prior Enforcement action, Respondents were aware of their duties and filing requirements under the Act.

Respondent Jacinto has also demonstrated a pattern of violating the Act. On April 5, 2007, the Enforcement Division sent Respondent an Advisory Letter advising Respondent of his duties to file campaign statements. In August of 2009 the Enforcement Division sent Respondent a Warning Letter in response to his failure to timely file campaign statements for his 2005 campaign for a Lynwood City Council seat. On June 9, 2011, Respondent Jacinto was fined a total of \$6,000 for failing to file two pre-election campaign statements and two semi-annual campaign statements in connection with his candidacy for Lynwood City Council in the November 3, 2009 general election. Respondents filed a single campaign statement disclosing activity from July 1, 2009 through June 3, 2011 on June 7, 2011; two days before the Commission meeting.

The facts of this case show a pattern of violations that, taken as a whole, resulted in a lack of disclosure of Respondents' campaign activities during Respondent Jacinto's campaign for a City of Lynwood City Council seat in the November 8, 2011 election. Respondents' conduct shows a reckless disregard for the Act, and Respondents' violations are serious.

Additionally, Respondents did not demonstrate good faith in consulting with the Commission staff. Respondents failed to respond to multiple contact attempts by the Enforcement Division. Respondents have also failed to file any of the delinquent statements,

even after multiple requests by the Enforcement Division. Further, Respondent Jacinto personally appeared to speak before the Commission at the June 9, 2011 meeting. He claimed that he had not filed the delinquent statements in that matter because he believed he could only do so if he paid the Enforcement penalty first. He was informed that this has never been the policy of the Enforcement Division, and that delinquent campaign statements should always be filed; regardless of whether as penalty had been paid. In the present case, Respondent Jacinto refused to accept service of the Accusation by the process server contracted by the Commission. He informed the process server he did not want to accept service of Commission documents; and could not be located for service. Personal service of the Accusation was ultimately made by Enforcement Division investigators, who had to pose as potential clients in order to accomplish service.

Regarding Count 1, recent penalties approved by the Commission concerning violations of Section 84200.5, subdivision (c), include:

- *In the Matter of Maria G. Lopez, Campaign to Elect Maria Lopez and Adolph J. Lopez* (Default); FPPC No. 06/379. This case involved one count for the violation of Section 84200.5, subdivision (a). Respondents' failure to file a pre-election statement deprived the public of information regarding the committee's contributors and financial activities. Respondents had no prior history of violating the Act. The Commission approved a \$3,000 penalty for this violation on October 8, 2009.
- *In the Matter of Robert L. Griffith and Committee to Elect Robert Griffith* (Default), FPPC No. 05/848. This case involved two counts for violations of Section 84200.5, subdivision (a). Respondents' failure to file both of their required pre-election statements before the election left the public with no information regarding the committee's contributors and financial activities. Additionally, in 2004 the Enforcement Division issued a warning letter against respondent Robert L. Griffith for failing to file a semi-annual campaign statement. The Commission approved a \$3,500 penalty for this violation on September 10, 2009.

In this case, Respondents' actions were similar to the cases above in that the public was deprived of time-sensitive information regarding the receipts and expenditures of the Committee. However, Respondents were well aware of their filing obligations and disregarded the requests to file made by their filing officer. Imposition of an administrative penalty in the amount of Three Thousand (\$3,000) for Count 1 is recommended. This is in the middle range of penalties but below the maximum penalty recommended for violations of Section 85200.5, subdivision (c).

Regarding Count 2, recent penalties approved by the Commission concerning failure to file post-election semi-annual campaign statements include:

- *In the Matter of Yolo County Democratic Central Committee Local Account et al.*, FPPC No. 08/357. This case involved seven counts of various campaign statements not timely filed. Included in this were five counts of failure to timely

file semi-annual campaign statements. Most of the reporting periods contained amounts that were relatively low when compared to the committee's contributions received and expenditures made per election. There was no evidence found that this activity was deliberate. A \$2,000 per count penalty for the campaign statements not filed timely was approved by the Commission on January 28, 2011.

- *In the Matter of Saundra Davis and Committee to Elect Saundra Davis*, FPPC No. 06/372. This case involved one count of failure to file a post-election semi-annual campaign statement. The campaign statement not filed would have included 50% of all contributions received (\$5,610) as well as 64% of all expenditures made (\$7,015) for the entire campaign. A \$2,000 penalty was approved by the Commission on September 17, 2010.

In this case, Respondents' actions were similar to the cases above in that Respondents' failure to file deprived the public of information concerning contributions and expenditures, none of which has been reported to date. However, Respondents were well aware of their filing obligations and disregarded the requests to file made by their filing officer. Imposition of an administrative penalty in the amount of Two Thousand (\$2,000) for Count 2 is recommended. This is in the middle range of penalties but below the maximum penalty recommended for violations of Section 84200, subdivision (a).

PROPOSED PENALTY

After consideration of the factors of Regulation 18361.5, including whether the behavior in question was inadvertent, negligent or deliberate and the presence or absence of good faith, as well as consideration of penalties in prior enforcement actions, the imposition of a penalty of Three Thousand Dollars (\$3,000) for Count One and Two Thousand Dollars (\$2,000) for Count Two, for a total of Five Thousand Dollars (\$5,000), is recommended.