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7 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

8 STATE OF CALIFORNIA

9 In the Matter of

10 DANIEL K. TABOR, TABOR FOR
11 MAYOR 2010, and KRISHNA TABOR,
12 TREASURER,

13 Respondents.

FPPC No. 10/1025

DEFAULT DECISION AND ORDER

(Gov. Code, §§ 11506 and 11520)

14 Complainant, the Fair Political Practices Commission, hereby submits this Default Decision and
15 Order for consideration at its next regularly scheduled meeting.

16 Respondents Daniel K. Tabor and Krishna Tabor have been given the opportunity to seek advice
17 from an attorney of their choosing as to their rights to a probable cause hearing and administrative
18 hearing under the Political Reform Act, Administrative Procedure Act, and all other relevant laws, and
19 they have chosen to waive all such rights, individually and on behalf of Tabor for Mayor 2010, to a
20 probable cause hearing and administrative hearing and to allow this matter to proceed to a default
21 decision.

22 In this case, Respondents Daniel K. Tabor, Tabor for Mayor 2010, and Krishna Tabor violated the
23 Political Reform Act as described in Exhibit 1, which is incorporated by reference as though fully set
24 forth herein. Exhibit 1 is a true and accurate summary of the law and evidence in this matter.

25 This Default Decision and Order is submitted to the Commission to obtain a final disposition of
26 this case.

27 Dated: _____

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

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2 **ORDER**

3 The Commission issues this Default Decision and Order and imposes an administrative penalty of
4 \$32,000 against Respondents Daniel K. Tabor, Tabor for Mayor 2010, and Krishna Tabor. This penalty
5 is payable to the “General Fund of the State of California.”

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

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9 Dated: _____

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11 Ann Ravel, Chair
12 Fair Political Practices Commission
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EXHIBIT 1

INTRODUCTION

On January 24, 2010, Roosevelt Dorn resigned as Mayor of Inglewood. As a result, the City of Inglewood had a special election on June 8, 2010, to elect a Mayor for the rest of Mr. Dorn's term, which ended December 31, 2010. Respondent Daniel K. Tabor ("Respondent Tabor"), then a sitting Inglewood City Councilmember, received the most votes for Mayor in the June 8, 2010, special election, but did not receive over 50% of the votes. Therefore on August 31, 2010, the City of Inglewood had a "run-off" election between the two eligible candidates who received the most votes for Mayor in the June 8, 2010, special election. Respondent Tabor won the August 31, 2010, "run-off" election, and therefore took office as Mayor of Inglewood on or about September 1, 2010.

Subsequently, Respondent Tabor was a candidate in the November 2, 2010, general election for Mayor of Inglewood. Again, no candidate received more than 50% of the votes, and therefore the City of Inglewood had another "run-off" election for Mayor on January 11, 2011. Respondent Tabor was a candidate in the January 11, 2011, "run-off" election, but did not receive the most votes, and therefore lost the election.

At all relevant times, Respondent Tabor for Mayor 2010 ("Respondent Committee") was Respondent Tabor's controlled committee, and Respondent Krishna Tabor ("Respondent Treasurer") served as Respondent Committee's treasurer.

Respondent Tabor, Respondent Committee, and Respondent Treasurer (collectively "Respondents") violated the Political Reform Act (the "Act")¹ as follows:

- COUNT 1:** Respondent Daniel K. Tabor, his controlled committee Respondent Tabor for Mayor 2010, and its treasurer Respondent Krishna Tabor, failed to file a preelection statement by May 27, 2010, for the March 18, 2010, through May 22, 2010, reporting period, in violation of Government Code section 84200.5.
- COUNT 2:** Respondent Daniel K. Tabor, his controlled committee Respondent Tabor for Mayor 2010, and its treasurer Respondent Krishna Tabor, failed to file a preelection statement by August 19, 2010, for the July 1, 2010, through August 14, 2010, reporting period, in violation of Government Code section 84200.5.
- COUNT 3:** Respondent Daniel K. Tabor, his controlled committee Respondent Tabor for Mayor 2010, and its treasurer Respondent Krishna Tabor, failed to file a preelection statement by October 5, 2010, for

¹ The 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 Article 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.

the August 15, 2010, through September 30, 2010, reporting period, in violation of Government Code section 84200.5.

COUNT 4: Respondent Daniel K. Tabor, his controlled committee Respondent Tabor for Mayor 2010, and its treasurer Respondent Krishna Tabor, failed to file a preelection statement by October 21, 2010, for the October 1, 2010, through October 16, 2010, reporting period, in violation of Government Code section 84200.5.

COUNT 5: Respondent Daniel K. Tabor, his controlled committee Respondent Tabor for Mayor 2010, and its treasurer Respondent Krishna Tabor, failed to file a preelection statement by December 2, 2010, for the October 17, 2010, through November 27, 2010, reporting period, in violation of Government Code section 84200.5.

COUNT 6: Respondent Daniel K. Tabor, his controlled committee Respondent Tabor for Mayor 2010, and its treasurer Respondent Krishna Tabor, failed to file a preelection statement by December 30, 2010, for the November 28, 2010, through December 25, 2010, reporting period, in violation of Government Code section 84200.5.

COUNT 7: Respondent Daniel K. Tabor, his controlled committee Respondent Tabor for Mayor 2010, and its treasurer Respondent Krishna Tabor, failed to file a semiannual campaign statement by August 2, 2010, for the May 23, 2010, through June 30, 2010, reporting period, in violation of Government Code section 84200.

COUNT 8: Respondent Daniel K. Tabor, his controlled committee Respondent Tabor for Mayor 2010, and its treasurer Respondent Krishna Tabor, failed to file late contribution reports within 24 hours of receiving nine late contributions, totaling \$29,500, in violation of Government Code section 84203, subdivisions (a) and (b).

PROCEDURAL HISTORY

Respondents have been informed of the charges set forth herein. They have consulted with an attorney of their choosing about their rights to a probable cause hearing and an administrative hearing under the Act, the Administrative Procedure Act, and all other relevant laws. Respondents have agreed to waive these rights and are aware that by doing so the Enforcement Division will proceed with this default recommendation to the Commission, which, if approved by the Commission, will result in Respondents being held jointly and severally liable for the penalty amount of \$32,000.

NATURE OF DEFAULT PROCEEDINGS

In this situation, where Respondents have waived their rights to a probable cause and

administrative hearing, the Commission may take action based upon the Respondents' express admissions or upon other evidence, and affidavits may be used as evidence without any notice to the respondents. (Regulation 11520, subd. (a).)

SUMMARY OF THE LAW

The Fair Political Practices Commission is charge with the duty to administer, implement, and enforce the provisions of the Act. By enacting the Act, California voters specifically found and declared that previous laws regulating political practices had suffered from inadequate enforcement, and that it was their purpose to ensure that the Act be vigorously enforced. (Sections 81001, subd. (h), and 81002, subd. (f).)

Duty to File Campaign Statements

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. (Section 82013, subd. (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 of the committee. (Section 82016, subd. (a).)

For all committees controlled by a candidate being voted upon the first Tuesday after the first Monday in June of an even-numbered year, one preelection statement for the reporting period ending on March 17 must be filed no later than March 22.² (Sections 84200.5, subd. (a), 84200.7, subd. (a)(1).) Subsequently, another preelection statement for the reporting period ending 17 days before the election must be filed no later than 12 days before the election. (Sections 84200.5, subd. (a), 84200.7, subd. (a)(2).)

For all committees controlled by a candidates being voted upon the first Tuesday after the first Monday in November of an even-numbered year, one preelection statement for the reporting period ending on September 30 must be filed no later than October 5. (Sections 84200.5, subd. (a), 84200.7, subd. (b)(1).) Subsequently, another preelection statement for the reporting period ending 17 days before the election must be filed no later than 12 days before the election. (Sections 84200.5, subd. (a), 84200.7, subd. (b)(2).)

For all committees controlled by a candidate being voted upon in an election not in June or November of an even-numbered year, one preelection statement for the reporting period ending 45 days before the election must be filed no later than 40 days before the election. (Sections 84200.5, subd. (a), 84200.8, subd. (a).) Subsequently, another preelection statement for the reporting period ending 17 days before the election must be filed no later than 12 days before the election. (Sections 84200.5, subd. (a), 84200.8, subd. (b).)

²Under Regulation 18116, whenever the Act requires that a statement or report (other than late contribution reports required by Section 84203, late independent expenditure reports required by Section 84204, or notice by the contributor of a late in-kind contribution required by Section 84203.3) be filed prior to or not later than a specified date or during or within a specified period, and the deadline falls on a Saturday, Sunday or official state holiday, the filing deadline for such a statement or report shall be extended to the next regular business day.

Additionally, all committees are required to file semiannual statements 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, subd. (a).) All filing obligations continue until the committee 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.)

A committee controlled by a candidate for local office must file the original and a copy of all required campaign statement with the clerk of the city in which the election takes place. (Section 842015, subd. (e).)

Duty to Report Late Contributions

A committee controlled by a candidate is required to file a late contribution report within 24 hours of making or receiving a contribution of \$1,000 or more within 16 days of an election. (Sections 82036 and 84203, subdivisions (a) and (b).)

Treasurer Liability

Under Section 81004, subdivision (b), Section 84100 and Regulation 18427, subdivision (a), a committee's treasurer has the duty to ensure compliance with all requirements of the Act concerning the receipt and expenditure of funds, and the reporting of such funds. Pursuant to Sections 83116.5 and 91006, the treasurer of a committee may be held jointly and severally liable, along with the committee, for the committee's violations.

SUMMARY OF THE EVIDENCE

Respondent Daniel K. Tabor was a candidate for Mayor of Inglewood in the June 8, 2010, August 31, 2010, November 2, 2010, and January 11, 2011, elections. Respondent Tabor for Mayor 2010 was his controlled committee for all four elections, and Respondent Krishna Tabor was Respondent Tabor for Mayor 2010's treasurer at all relevant times.

COUNT 1

Failure to Timely File a Preelection Statement

As a Mayoral candidate in the City of Inglewood in the June 8, 2010, election, and its controlled committee and treasurer, Respondents were required to file a preelection statement with the Inglewood City Clerk by May 27, 2010, for the March 18, 2010, through May 22, 2010, reporting period. By failing to file a preelection statement with the Inglewood City Clerk by May 27, 2010, for the March 18, 2010, through May 22, 2010, reporting period, Respondents violated Section 84200.5 of the Act.

During this reporting period, Respondent Committee received approximately \$21,000, and spent approximately \$17,000. Due to the fact that no candidate received more than 50% of the votes in this election, no winner was announced and a run-off election was scheduled for August 31, 2010.

COUNT 2
Failure to Timely File a Preelection Statement

As a Mayoral candidate in the City of Inglewood in the August 31, 2010, run-off election, and its controlled committee and treasurer, Respondents were required to file a preelection statement with the Inglewood City Clerk by August 19, 2010, for the July 1, 2010, through August 14, 2010, reporting period. By failing to file a preelection statement with the Inglewood City Clerk by August 19, 2010, for the July 1, 2010, through August 14, 2010, reporting period, Respondents violated Section 84200.5 of the Act.

During this reporting period, Respondent Committee received approximately \$35,000, and spent approximately \$24,000. Respondent won this run-off election and as a took office as the Mayor of the City of Inglewood on or about September 1, 2010.

COUNT 3
Failure to Timely File a Preelection Statement

As a Mayoral candidate in the City of Inglewood in the November 2, 2010, election, and its controlled committee and treasurer, Respondents were required to file a preelection statement with the Inglewood City Clerk by October 5, 2010, for the August 15, 2010, through September 30, 2010, reporting period. By failing to file a preelection statement with the Inglewood City Clerk by October 5, 2010, for the August 15, 2010, through September 30, 2010, reporting period, Respondents violated Section 84200.5 of the Act.

During this reporting period, Respondent Committee received approximately \$19,000 and spent approximately \$21,000. Due to the fact that no candidate received more than 50% of the votes in this election, no winner was announced and a run-off election was scheduled for January 11, 2011.

COUNT 4
Failure to Timely File a Preelection Statement

As a Mayoral candidate in the City of Inglewood in the November 2, 2010, and its controlled committee and treasurer, Respondents were required to file a preelection statement with the Inglewood City Clerk by October 21, 2010, for the October 1, 2010, through October 16, 2010, reporting period. By failing to file a preelection statement with the Inglewood City Clerk by October 21, 2010, for the October 1, 2010, through October 16, 2010, reporting period, Respondents violated Section 84200.5 of the Act.

During this reporting period, Respondent Committee received approximately \$19,000, and spent approximately \$21,000. Due to the fact that no candidate received more than 50% of the votes in this election, no winner was announced and a run-off election was scheduled for January 11, 2011.

COUNT 5

Failure to Timely File a Preelection Statement

As a Mayoral candidate in the City of Inglewood in the January 11, 2011, run-off election, and its controlled committee and treasurer, Respondents were required to file a preelection statement with the Inglewood City Clerk by December 2, 2010, for the October 17, 2010, through November 27, 2010, reporting period. By failing to file a preelection statement with the Inglewood City Clerk by December 2, 2010, for the October 17, 2010, through November 27, 2010, reporting period, Respondents violated Section 84200.5 of the Act.

During this reporting period, Respondent Committee received approximately \$31,000, and spent approximately \$33,000. Respondent lost this run-off election and as a result ended his tenure as Mayor of the City of Inglewood on February 2, 2011.

COUNT 6

Failure to Timely File a Preelection Statement

As a Mayoral candidate in the City of Inglewood in the January 11, 2011, run-off election, and its controlled committee and treasurer, Respondents were required to file a preelection statement with the Inglewood City Clerk December 30, 2010, for the November 28, 2010, through December 25, 2010, reporting period. By failing to file a preelection statement with the Inglewood City Clerk by December 30, 2010, for the November 28, 2010, through December 25, 2010, reporting period, Respondents violated Section 84200.5 of the Act.

During this reporting period, Respondent Committee received approximately \$7,500, and spent approximately \$3,000. Respondent lost this run-off election and as a result ended his tenure as Mayor of the City of Inglewood on January 31, 2011.

COUNT 7

Failure to Timely File a Semiannual Statement

As a committee and its controlling candidate and treasurer, Respondents were required to file a semiannual statement with the Inglewood City Clerk by August 2, 2010, for the May 23, 2010, through June 30, 2010, reporting period. By failing to file a semiannual statement with the Inglewood City Clerk by August 2, 2010, for the May 23, 2010, through June 30, 2010, reporting period, Respondents violated Section 84200 of the Act.

Between May 23, 2010, and June 30, 2010, the reporting period covered only by this campaign statement, Respondent Committee received approximately \$12,000, and spent approximately \$23,000.

COUNT 8

Failure to Timely File Late Contribution Reports

As a committee and its controlling candidate and treasurer, Respondents were required to file a late contribution report with the Inglewood City Clerk within 24 hours of receiving a

contribution of \$1,000 or more within 16 days of an election in which Respondent Tabor was a candidate. Respondents received the following contributions of \$1,000 or more within 16 days of the June 8, 2010, August 31, 2010, November 2, 2010, and January 11, 2011, elections: August 16, 2010-\$1,000; August 24, 2010-\$5,000; October 21, 2010-\$9,000; October 21, 2010-\$1,000; October 27, 2010-\$5,000; October 28, 2010-\$1,000; November 1, 2010-\$2,500; January 7, 2011-\$2,500; and January 7, 2011-\$2,500.

By failing to report each of the aforementioned late contributions to the Inglewood City Clerk within 24 hours of receiving each contribution, Respondents violated Section 84203, subdivisions (a) and (b).

CONCLUSION

This matter consists of eight counts of violating the Act, which carries a maximum administrative penalty of \$40,000.

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(s) 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 amendments to provide full disclosure. The facts are required to be considered by the Commission under Regulation 18361.5.

Counts 1-7: Failing to file a campaign statement is a serious violation of the Act because it deprives the public of important information about Respondents' financial activities. In this matter, Respondents failed to timely file seven campaign statements.

Recent fines approved by the Commission for failing to file campaign statements include:

In the Matter of Alvina Sheeley, and Alvina Sheeley for Election F-SUSD Governing Board 2011, FPPC No. 11/1124. In August 2012, the Commission approved a fine of \$2,500 per violation for the respondents' failure to file preelection statements. The respondent spent approximately \$30,000 on her entire campaign, and almost all of it was her own money. Additionally, she had no history of enforcement actions, agreed to an early resolution of the matter, and did not win the office she was seeking.

In the Matter of Tina Baca Del Rio and Friends of Tina Baca Del Rio, FPPC No. 08/423. In April 2011, the Commission approved fines of \$3,500 and \$4,000 per violation for the respondent's repeated failure to file preelection and semiannual statements in the respondent's two campaigns for city council. The respondent was fined \$3,500 for each failure to timely file a campaign statement in her unsuccessful campaign to oppose her own recall and \$4,000 for each failure to timely file a campaign statement in her successful campaign to the city council.

In this matter, Respondents were successful in their first campaign, but unsuccessful in

their second campaign. Respondents spent approximately \$185,000, combined, on the campaigns. Additionally, Respondents do not have a history of enforcement actions, have cooperated with the investigation, and have waived their right to a probable cause and administrative hearing.

After consideration of the factors of Regulation 18361.5, and consideration of penalties in prior enforcement actions, the imposition of a \$4,000 fine per count for Counts 1 through 7 is recommended.

Count 8: Failing to timely report a late contribution is a serious violation of the Act as it deprives the public of important information about Respondent Committee's financial activities. In this matter, Respondents failed to timely file late contribution reports for nine contributions totaling \$29,500.

Recent fines approved by the Commission for failing to timely report late contributions include:

In the Matter of Republican Central Committee of San Luis Obispo County, Patricia Smith, Elizabeth Van Note, and Danielle Duboff, FPPC No. 11/441. In September 2012, the Commission approved a fine of \$2,000 for the respondents' failure to timely report a \$7,900 late contribution. In mitigation, the respondents had no history of enforcement actions, cooperated with the Enforcement Division's investigation, and agreed to an early settlement of the matter.

In the Matter of Arturo Chacon and Art Chacon for Water Board 2010, FPPC No. 08/652. In February 2011, the Commission approved a fine of \$3,000 for the respondent's failure to report five late contributions totaling \$13,000. In mitigation, the respondents cooperated with the Enforcement Division's investigation and agreed to an early settlement of the matter.

In this matter, Respondents failed to report nine late contributions totaling approximately \$29,500. However, Respondents do not have a history of enforcement actions, have cooperated in the investigation and have waived their right to a probable cause and administrative hearing.

After consideration of the factors of Regulation 18361.5, and consideration of penalties in prior enforcement actions, the imposition of a \$4,000 fine for Count 8 is recommended.

PROPOSED PENALTY

Accordingly, the imposition of a total administrative fine of \$32,000 is recommended.

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