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9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
10 STATE OF CALIFORNIA  
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12 In the Matter of ) FPPC No. 11/802  
13 )  
14 ANA MARIA GONZALEZ IBARRA, ) DEFAULT DECISION and ORDER  
15 Respondent. ) (Gov. Code §§ 11506 and 11520)  
16 )  
17 )

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

21 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this  
22 matter, and to reach a final disposition without the necessity of holding an administrative hearing to  
23 determine the liability of Respondent.

24 Respondent Ana Maria Gonzalez Ibarra has been provided advice by an attorney of her choosing  
25 as to her rights to a probable cause hearing and administrative hearing under the Political Reform Act,  
26 Administrative Procedures Act, and all other relevant laws, and she has chosen to waive all such rights  
27 to a probable cause hearing and administrative hearing and to allow this matter to proceed to a default  
28 decision.

1 In this case, Respondent Ana Maria Gonzalez Ibarra violated the Political Reform Act as  
2 described in Exhibit 1, which is incorporated by reference as though fully set forth herein. Exhibit 1 is a  
3 true and accurate summary of the law and evidence in this matter.

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

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

\_\_\_\_\_  
8 Gary Winuk, Enforcement Chief, on behalf of the  
9 Fair Political Practices Commission

**DECISION AND ORDER**

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The Commission issues this Default Decision and Order and imposes an administrative penalty of \$10,000 against Respondent Ana Maria Gonzalez Ibarra. This penalty is 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 Ana Maria Gonzalez Ibarra (“Respondent”) is an individual who works at the Macy’s Department Store as a salesperson in the City of Chula Vista. Respondent asked two friends that also work at Macy’s to make a campaign contribution in the amount of \$300, the local contribution limit, to Steve Castaneda, a candidate for Mayor of Chula Vista, and reimbursed these individuals.

Respondent made two campaign contributions through her friends, by reimbursing them with a personal check, for the campaign contributions they made. The two contributions, totaling \$600, were made to Steve Castaneda in connection with the June 8, 2010 election in the City of Chula Vista. This chain of activity is commonly referred to as “laundering” campaign contributions.

For the purposes of this Stipulation, Respondent’s violations of the Political Reform Act (the “Act”)<sup>1</sup> are stated as follows:

**COUNT 1:** On or about May 1, 2010, Respondent Ana Maria Gonzalez Ibarra made a \$300 contribution to Steve Castaneda, a candidate for Chula Vista Mayor, in the name of Christina Barbieri, rather than her own name, in violation of Section 84301 of the Government Code.

**COUNT 2:** On or about May 3, 2010, Respondent Ana Maria Gonzalez Ibarra made a \$300 contribution to Steve Castaneda, a candidate for Chula Vista Mayor, in the name of Laura Lizarraga, rather than her own name, in violation of Section 84301 of the Government Code.

### **PROCEDURAL HISTORY**

Respondent has been informed of the charges set forth herein. Also, she has consulted with an attorney of her choosing about her right to a probable cause hearing and an administrative hearing under the Political Reform Act, the Administrative Procedure Act, and all other relevant laws. However, Respondent has agreed to waive these rights, and is aware that by doing so, the Enforcement Division will proceed with this default recommendation to the

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<sup>1</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 18109 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.

Commission, which, if approved by the Commission, will result in Respondent being held jointly and severally liable for the full penalty amount of \$10,000.

### **NATURE OF DEFAULT PROCEEDINGS**

In this situation, where Respondent has waived her rights to a probable cause conference and an 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 Respondent. (Section 11520, subd. (a).)

### **SUMMARY OF THE LAW**

The Fair Political Practices Commission is charged with the duty to administer, implement, and enforce the provisions of the Political Reform Act of 1974. 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, subdivision (h), and 81002, subdivision (f).)

#### Prohibitions: Making Contributions in the Name of Another Person

Section 81002, subdivision (a) provides that "receipts and expenditures in election campaigns shall be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited." Timely and truthful disclosure of the source of campaign contributions is an essential part of the Act's mandate.

In order to obtain disclosure of the true source of campaign contributions, Section 84301 provides that "no contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes."

### **SUMMARY OF THE EVIDENCE**

Respondent is an individual who works at the Macy's Department Store as a salesperson in the City of Chula Vista. Respondent made a contribution of \$300 to Mr. Castaneda.

According to interviews of both Christina Barbieri and Laura Lizarraga, coworkers and friends of Respondent, the Respondent asked them to make a \$300 contribution to Mr. Castaneda and offered to reimburse them. Bank records confirm that Christina Barbieri and Laura Lizarraga made campaign contributions in the amount of \$300 to Mr. Castaneda and were each reimbursed in the amount of \$300 from the Respondent's checking account.

In 2010, a local contribution limit in the amount of \$300 was in effect for all candidates for Mayor and City Council of Chula Vista. (Chula Vista Municipal Code section 2.52.040) Steve Castaneda was a candidate for Mayor of Chula Vista in the June 8, 2010 election. The Enforcement Division has not found any evidence to suggest that the candidate, Steve Castaneda, knew the true source of the contributions from Respondent.

### **Count 1**

According to an interview of Christina Barbieri, Respondent asked her to make a \$300 contribution to Mr. Castaneda and offered to reimburse her.

On or about May 1, 2010, a contribution in the amount of \$300 was made to Steve Castaneda, a candidate for Mayor of Chula Vista from the checking account of and in the name of Christina Barbieri. In a check dated April 30, 2010, from the Respondent to Christina Barbieri, Respondent paid for the full amount of the contribution. This check was drawn on Respondent's bank account in the amount of \$300.

The making of this contribution in the name of another was a circumvention of the local contribution limit of \$300 because Respondent had already contributed the maximum allowable amount to Steve Castaneda.

By making a contribution in name other than her own legal name, Respondent committed one count of violating Section 84301.

### **Count 2**

According to an interview of Laura Lizarraga, Respondent asked her to make a \$300 contribution to Mr. Castaneda and offered to reimburse her.

On or about May 3, 2010, a contribution in the amount of \$300 was made to Steve Castaneda, a candidate for Mayor of Chula Vista from the checking account of and in the name of Laura Lizarraga. In a check dated May 3, 2010, from the Respondent to Laura Lizarraga, Respondent paid for the full amount of the contribution. This check was drawn on Respondent's bank account in the amount of \$300.

The making of this contribution in the name of another was a circumvention of the local contribution limit of \$300 because Respondent had already contributed the maximum allowable amount to Steve Castaneda.

By making a contribution in name other than her own legal name, Respondent committed one count of violating Section 84301.

## CONCLUSION

This matter consists of two counts of violating the Act, which carries 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. 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; whether there was a pattern of violations; and whether upon learning of the violation the Respondent voluntarily filed amendments to provide full disclosure.

Making a contribution in another person's name is one of the most serious types of violations of the Act, because it denies the public of information about where a candidate receives his or her financial support. At the time of the violations, the City of Chula Vista had a city ordinance that imposed a \$300 limit on individual campaign contributions to candidates for elected office. As such, Respondent was prohibited from giving more than \$300 to a candidate in this jurisdiction.

In mitigation, Respondent has not previously been found to have violated the Act.

Recent penalties approved by the Commission concerning violations of Section 84301 include:

*In the Matter of James Larry Minor, FPPC No. 11/008.* James Larry Minor made ten campaign contributions, each in the amount of \$3,900 to the Jeff Stone for State Senate Campaign 2009 committee in a name other than his own, and made one contribution in 2006, in the amount of \$3,300 to The Committee to Elect Brenda Salas campaign committee in a name other than his own, in violation of Government Code Section 84301 (11 counts) and made a contribution in excess of the campaign contribution limits, a total contribution of \$39,000, to the Jeff Stone for State Senate Campaign 2009 committee, in excess of contribution limits, in violation of Government Code Section 85301(a) (1 count). In April of 2011, the Commission imposed a penalty of \$5,000 per count, for a total of \$60,000.

*In the Matter of Glen Gerson and Malibu Conference Center, Inc., FPPC No. 11/803 (Default Decision).* Glen Gerson and Malibu Conference Center, Inc., made five campaign contributions, each in the amount of \$1,000 to the Committee to Reelect Barbara Williamson in a name other than their own, in violation of Government Code section 84301 (5 counts). In May of 2012, the Commission imposed a penalty of \$5,000 per count, for a total of \$25,000.

## **PROPOSED PENALTY**

After review of the facts of this case, including consideration of the factors of Regulation 18361.5, and the factors discussed above, it is respectfully submitted that imposition of the maximum penalty of Five Thousand Dollars (\$5,000) per count is justified, for a total penalty of Ten Thousand Dollars (\$10,000).