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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA  
10  
11

12 In the Matter of ) FPPC No. 12/764  
13 )  
14 JOE ANDERSON, ) STIPULATION, DECISION and  
15 ) ORDER  
16 Respondent. )  
17

18 Complainant the Enforcement Division of the Fair Political Practices Commission, and  
19 Respondent Joe Anderson agree that this Stipulation will be submitted for consideration by the Fair  
20 Political Practices Commission at its next regularly scheduled 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, pursuant to Section 83116 of the Government Code.

24 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural  
25 rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Sections 18361.1  
26 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to,  
27 the right to personally appear at any administrative hearing held in this matter, to be represented by an  
28 attorney at Respondent's own expense, to confront and cross-examine all witnesses testifying at the

1 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge  
2 preside over the hearing as a hearing officer, and to have the matter judicially reviewed. It is further  
3 stipulated and agreed that Respondent Joe Anderson violated the Political Reform Act by failing to  
4 provide proper sender identification on a mass mailing, in violation of Section 84305, subdivision (a), of  
5 the Government Code (1 count). All counts are described in Exhibit 1, which is attached hereto and  
6 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of  
7 the facts in this matter.

8 Respondent agrees to the issuance of the Decision and Order, which is attached hereto.

9 Respondent also agrees to the Commission imposing upon him an administrative penalty in the amount  
10 of Two Thousand Five Hundred Dollars (\$2,500). A cashier's check from Respondent in said amount,  
11 made payable to the "General Fund of the State of California," is submitted with this Stipulation as full  
12 payment of the administrative penalty, to be held by the State of California until the Commission issues  
13 its decision and order regarding this matter. The parties agree that in the event the Commission refuses  
14 to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the  
15 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent in  
16 connection with this Stipulation shall be reimbursed to Respondent. Respondent further stipulates and  
17 agrees that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the  
18 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,  
19 shall be disqualified because of prior consideration of this Stipulation.

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

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Gary Winuk, Enforcement Chief,  
on behalf of the  
Fair Political Practices Commission

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

\_\_\_\_\_  
Joe Anderson,  
Respondent

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Joe Anderson,” FPPC No. 12/764,  
3 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political  
4 Practices Commission, effective upon execution below by the Chair.

5  
6 IT IS SO ORDERED.

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

\_\_\_\_\_   
Joann Remke, Chair  
Fair Political Practices Commission

1 **EXHIBIT 1**

2 **INTRODUCTION**

3 Respondent Joe Anderson (“Respondent Anderson”) was a successful candidate in the  
4 November 2012 Foresthill Public Utilities District Board (the “Board”) Election (the “Election”). In the  
5 month prior to the Election, Respondent Anderson paid to produce and distribute 1,217 mailers in  
6 support of his, Ms. Diane Foster’s (“Ms. Foster”) and Mr. Robert Vroege’s (“Mr. Vroege”) candidacies  
7 for the Board. All 1,217 of the mailers sent failed to include the required sender identification  
8 identifying Respondent Anderson as the party that paid to produce and distribute the mailing, in  
9 violation of the Political Reform Act (the “Act”)<sup>1</sup>.

10 For the purposes of this Stipulation, Respondent Anderson’s violation of the Act is stated as  
11 follows:

12 **COUNT 1:** During the month of October 2012, Respondent Joe Anderson caused to be sent a mass  
13 mailing in support of his, Ms. Dianne Foster, and Mr. Robert “Nolan” Vroege’s  
14 candidacies for the November 2012 Foresthill Public Utilities District Board Election,  
15 which failed to display required sender identification, in violation of Government Code  
16 Section 84305, subdivision (a).

17 **SUMMARY OF THE LAW**

18 All statutory references and discussions of law pertain to the Act’s provisions as they existed at  
19 the time of the violations.

20 **Liberal Construction and Vigorous Enforcement of the Political Reform Act**

21 An express purpose of the Act, as set forth in Section 81002, subdivision (a), is to ensure that  
22 receipts and expenditures affecting election campaigns are fully disclosed to the public, so that voters  
23 may be better informed, and improper practices may be inhibited. To that end, the Act sets forth a  
24 comprehensive campaign reporting system designed to accomplish this purpose of disclosure.

25  
26  
27 <sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to  
28 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.

1 **Sender Identification Requirements**

2 Section 84305, subdivision (a), requires candidates and committees to properly identify  
3 themselves when sending a mass mailing. Specifically, the statute provides that no candidate or  
4 committee shall send a mass mailing unless the name, street address, and city of the candidate or  
5 committee are shown on the outside of each piece of mail in the mass mailing.

6 Section 82041.5 defines a “mass mailing” as over two hundred substantially similar pieces of  
7 mail, but does not include a form letter or other mail which is sent in response to an unsolicited request,  
8 letter or other inquiry. Regulation 18435, subdivision (a), clarifies this section, and further defines a  
9 mass mailing as over two hundred substantially similar pieces of mail sent in a calendar month.  
10 Regulation 18435, subdivision (b), defines the term “sender,” as used in Section 84305, as the candidate  
11 or committee who pays for the largest portion of expenditures attributable to the designing, printing or  
12 posting of the mailing.

13 **SUMMARY OF THE FACTS**

14 Respondent Joe Anderson (“Respondent Anderson”), Ms. Diane Foster (“Ms. Foster”), and Mr.  
15 Robert “Nolan” Vroege (“Mr. Vroege”) were all candidates in the November 6, 2012 Foresthill Public  
16 Utilities District Board Election (the “Election”). Respondent Anderson and Mr. Vroege were elected to  
17 the Foresthill Public Utility District Board (the “Board”) following the Election. Respondent Anderson  
18 resigned from the Board on or around July 1, 2013.

19 On October 3, 2012, roughly one month prior to the Election, Respondent Anderson, with the  
20 permission of Ms. Foster and Mr. Vroege, paid to produce and distribute 1,217 mailers in support of his,  
21 Ms. Foster’s and Mr. Vroege’s candidacies for the Board. None of the mailers sent by Respondent  
22 Anderson included the required sender identification identifying Respondent Anderson as the party who  
23 paid to produce and distribute the mailers. However, the mailers did display the official logo of the  
24 Foresthill Public Utility District (“PUD”) without the PUD’s permission or endorsement. In his  
25 interview with the Fair Political Practices Commission Enforcement Division (the “Enforcement  
26 Division”), Respondent Anderson explained that he included the PUD logo because he wanted to grab  
27 the attention of the voters.  
28

1 Respondent Anderson paid for all costs associated with the printing and distribution of the 1,217  
2 mailers, which totaled approximately \$1,560.01. Respondent Anderson did not report the cost of the  
3 mailing as an expenditure until August 14, 2013, months after the Enforcement Division initiated its  
4 investigation.

5 **COUNT 1**

6 **Failure to Include Proper Identification on Mass Mailing**

7 As a candidate for the Foresthill Public Utilities District Board in the November 6, 2012 election,  
8 the Act required Respondent Anderson to provide proper sender identification on any mass mailers that  
9 he caused to send out. By sending out a mass mailing without proper sender identification, Respondent  
10 Anderson violated Section 84305, subdivision (a), of the Government Code.

11 **CONCLUSION**

12 This matter consists of one count, which carries a maximum possible administrative penalty of  
13 Five Thousand Dollars (\$5,000).

14 In determining the appropriate penalty for a particular violation of the Act, the Enforcement  
15 Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an  
16 emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division  
17 considers the facts and circumstances of the violation in context of the factors set forth in Regulation  
18 18361.5, subdivision (d)(1)-(6): the seriousness of the violations; the presence or lack of intent to  
19 deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the  
20 Respondent demonstrated good faith in consulting with Commission staff; whether there was a pattern  
21 of violations; and whether the Respondent, upon learning of a reporting violation, voluntarily filed  
22 amendments to provide full disclosure.

23 Recent stipulations show that violations arising from failure to include proper identification on a  
24 mass mailing generally settle in the range of \$2,000 to \$2,500 per count, depending on the  
25 circumstances surrounding the violation.

26 In this case, Respondent Anderson paid to send out 1,217 mailers in support of his, Ms. Foster's,  
27 and Mr. Vroege's candidacies for the Board. All 1,217 of those mailers lacked the required  
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1 identification identifying Respondent Anderson as the sender. Causing further confusion, all of the  
2 mailings included the official logo of the PUD without the PUD's permission or endorsement.

3 In further aggravation, Respondent Anderson effectively deprived the public of any means for  
4 discovering who had paid for the mailing before the relevant election because he did not report the cost  
5 of the mailing on a campaign statement until months after the election and failed to provide sender  
6 identification on the mailing itself.

7 In mitigation, Respondent Anderson has no prior history of violating the Act, this was  
8 Respondent Anderson's first run for elected office, and he has since resigned from his position on the  
9 Board.

10 Other similar cases regarding a violation of Section 84305, subdivision (a), that have been  
11 recently approved by the Commission include:

- 12 • *In the Matter of Chico Democrats 08 and Michael Worley*, FPPC No. 09/537.

13 This case involved a postcard sized mailer sent to approximately 6,000 households in connection  
14 with a local election. The sender identification provided on the mailer failed to properly identify  
15 the committee responsible for the piece. Respondent in this matter did not have an enforcement  
16 history. **A \$2,500 penalty was approved by the Commission on January 28, 2011.**

- 17 • *In the Matter of Protect Burlingame and Kevin Osborne*, FPPC No. 09/804.

18 This case involved mailers in a local election campaign, sent to approximately 7,000 households,  
19 which lacked proper sender identification. Respondent in this matter did not have an enforcement  
20 history. **A \$2,500 penalty was approved by the Commission on April 11, 2011.**

### 21 PROPOSED PENALTY

22 After consideration of the factors of Regulation 18361.5, including whether the behavior in  
23 question was inadvertent, negligent or deliberate and the Respondent's pattern of behavior, as well as  
24 consideration of penalties in prior enforcement actions, the imposition of a penalty of Two Thousand  
25 Five Hundred Dollars (\$2,500) is recommended.