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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA  
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12 In the Matter of ) FPPC No. 15/1343  
13 )  
CENTINELA VALLEY UNION HIGH )  
14 SCHOOL DISTRICT, ) STIPULATION, DECISION and  
15 Respondent. ) ORDER  
16 )  
17 )

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, and  
19 Respondent the Centinela Valley Union High School District agree that this Stipulation will be  
20 submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled  
21 meeting.

22 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this  
23 matter and to reach a final disposition without the necessity of holding an administrative hearing to  
24 determine the liability of the Respondent, pursuant to Section 83116 of the Government Code.

25 The Centinela Valley Union High School District understands, and hereby knowingly and  
26 voluntarily waives, any and all procedural rights set forth in Sections 83115.5, 11503 and 11523 of the  
27 Government Code, and in Sections 18361.1 through 18361.9 of Title 2 of the California Code of  
28 Regulations. This includes, but is not limited to, the right to personally appear at any administrative

1 hearing held in this matter, to be represented by an attorney at the Centinela Valley Union High School  
2 District's 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 the Centinela Valley Union High School District violated  
6 the Political Reform Act by producing and sending copies of the district newsletter at public expense,  
7 in the spring of 2015, which featured the names and photographs of the members of the governing  
8 board, in violation of Government Code Section 89001 (1 count). This count is described in Exhibit 1,  
9 which is attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a  
10 true and accurate summary of the facts in this matter.

11 The Centinela Valley Union High School District agrees to the issuance of the Decision and  
12 Order, which is attached hereto. The Centinela Valley Union High School District also agrees to the  
13 Commission imposing upon it an administrative penalty in the amount of \$2,000. A cashier's check  
14 from the Centinela Valley Union High School District, in said amount, made payable to the "General  
15 Fund of the State of California," is submitted with this Stipulation as full payment of the administrative  
16 penalty, to be held by the State of California until the Commission issues its decision and order  
17 regarding this matter. The parties agree that in the event the Commission refuses to accept this  
18 Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission  
19 meeting at which the Stipulation is rejected, all payments tendered by the Centinela Valley Union High  
20 School District in connection with this Stipulation shall be reimbursed to the Centinela Valley Union  
21 High School District. The Centinela Valley Union High School District further stipulates and agrees  
22 that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the  
23 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,  
24 shall be disqualified because of prior consideration of this Stipulation.

25  
26 Dated: \_\_\_\_\_

Galena West, Chief of Enforcement  
Fair Political Practices Commission

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

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Gregory O'Brian, Superintendent, on behalf of  
the Centinela Valley Union High School District, Respondent



## **EXHIBIT 1**

### **INTRODUCTION**

Respondent is the Centinela Valley Union High School District (the “District”), located in Los Angeles County.

This case was self-reported by the General Counsel for the District, who stated that the District produced and sent approximately 58,000 copies of a mass mailer, at public expense, which included the name and photographs of the members of the governing board of the District.

The Political Reform Act<sup>1</sup> (the “Act”) prohibits the sending of any mass mailing, featuring an elected official, at public expense.

### **SUMMARY OF THE LAW**

#### **Mass Mailing at Public Expense**

A “mass mailing” is defined by of the Act as over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.<sup>2</sup>

No mass mailing may be sent at public expense.<sup>3</sup> A mailing is prohibited if all of the following criteria are met:<sup>4</sup>

- (1) Any item sent is delivered, by any means, to the recipient at his or her residence, place of employment or business, or post office box. The item delivered must be a tangible item, such as a written document.
- (2) Features an elected officer affiliated with the agency which produces or sends the mailing. An item features an elected officer when the item includes, among other things, the elected officer’s photograph or signature.<sup>5</sup> A mailing containing the name, office, photograph or any other reference to an elected officer who consults or acts in concert with the agency to prepare or send the mailing also fulfills the second criteria.
- (3) Costs of design production and printing exceeding \$50.00 are paid with public moneys, and the design, production or printing is done with the intent of sending the item other than as permitted by this regulation, and
- (4) More than two hundred substantially similar items are sent, in a single calendar month.<sup>6</sup>

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<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. The Regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations.

<sup>2</sup> Section 82041.5.

<sup>3</sup> Section 89001.

<sup>4</sup> Regulation 18901, subdivision (a).

<sup>5</sup> Regulation 18901, (c)(2).

<sup>6</sup> Regulation 18901, subdivision (b), contains numerous exceptions to the mass mailing prohibition, none of which apply in this instance.

## SUMMARY OF THE FACTS

In the spring of 2015, the District prepared and sent a mass mailing, at public expense, which included the photographs and names of the members of the governing board: Hugo Rojas, Rocio Pizano, Gloria Ramos, Lorena Gonzalez, and Maritza Molina. The mailer, the 2015 spring/summer newsletter, was prepared by staff and mailed to all households within the District. The costs for the design, printing, and postage exceeded \$50, and were paid for by the District.

## VIOLATION

The Centinela Valley Union High School District produced and sent approximately 58,000 copies of the spring/summer 2015 newsletter, at public expense, which featured the photographs and names of the members of the governing board, in violation of Government Code Section 89001.

## CONCLUSION

This matter consists of one count of violating the Act carrying a maximum administrative penalty of \$5,000.

In determining the appropriate penalty for a particular violation of the Act, the Fair Political Practices Commission (“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 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): 1) the seriousness of the violations; 2) the presence or lack of intent to deceive the voting public; 3) whether the violation was deliberate, negligent, or inadvertent; 4) whether the Respondent demonstrated good faith in consulting with Commission staff; 5) whether there was a pattern of violations; and 6) whether the Respondent, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

The Commission also considers penalties in prior cases involving similar violations. Recent penalties for sending a newsletter or mass mailing featuring an elected officer at public expense include:

*In the Matter of the City of Redlands*, FPPC No. 15/767. The City of Redlands produced a mailer at public expense, in the summer of 2015, which featured a message from and photograph of the mayor. The violation was also self-reported. The Commission approved a penalty of \$2,000 for this violation on October 15, 2015.

In the *City of Rocklin*, FPPC No. 14/346, the city sent a publication, “Inside Rocklin” to residents that included a message from the mayor along with a photograph and his name and title. The other members of the city council were also featured. The Commission approved a penalty of \$2,000 for this violation on June 19, 2014.

Using public funds to pay for the design and production of a mass mailing featuring an elected officer uses public funds for prohibited purposes. The District cooperated with the investigation, has no prior history with the Enforcement Division, and self-reported this violation.

**PROPOSED PENALTY**

After considering the factors listed above, a penalty of a penalty of \$2,000 for the violation is recommended.