

# EXHIBIT A

1 GARY S. WINUK  
Chief of Enforcement  
2 ADAM SILVER  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
4 428 J Street, Suite 620  
Sacramento, CA 95814  
5 Telephone: (916) 322-5660

6 Attorneys for Complainant

7 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

8 STATE OF CALIFORNIA

9 In the Matter of ) FPPC No. 11/1056  
10 )  
ARCHWAY PROPERTY SERVICES, LLC, ) DEFAULT DECISION and ORDER  
11 and ANDREW HAWKINS COHEN, )  
12 ) (Gov. Code, §§ 11506 and 11520)  
13 )  
14 Respondents.)  
15 )

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

18 Respondents Archway Property Services, LLC, and Andrew Hawkins Cohen have been provided  
19 advice by an attorney of their choosing as to their rights to a probable cause hearing and an  
20 administrative hearing under the Political Reform Act, Administrative Procedure Act, and all other  
21 relevant laws, and they have chosen to waive all such rights to a probable cause hearing and  
22 administrative hearing and to allow this matter to proceed to a default decision. (A true and correct copy  
23 of Respondents' written waiver is attached to the supporting declaration of Adam Silver as Exhibit A-1.)

24 In this case, Respondents violated the Political Reform Act as described in Exhibit 1 and the  
25 supporting declaration of Beatrice Moore, which are attached hereto and incorporated by reference as  
26 though fully set forth herein. Exhibit 1 is a true and accurate summary of the law and evidence in this  
27 matter.

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1 This Default Decision and Order is submitted to the Commission to obtain a final disposition of  
2 this case as to the above-named Respondents.

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4 Dated: \_\_\_\_\_  
5 Gary S. Winuk, Chief of Enforcement,  
6 Fair Political Practices Commission

7 **ORDER**

8 The Commission issues this Default Decision and Order and imposes an administrative penalty  
9 of \$40,000 against Respondents Archway Property Services, LLC, and Andrew Hawkins Cohen. This  
10 penalty is payable to “The General Fund of the State of California.”

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

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15 Dated: \_\_\_\_\_  
16 Joann Remke, Chair  
17 Fair Political Practices Commission  
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1 **EXHIBIT 1**

2 **INTRODUCTION**

3 This matter arises from a pro-active investigation initiated by the Enforcement Division.  
4 Archway Property Services, LLC (“Respondent Archway”), a San Francisco based apartment  
5 maintenance and property management firm, at the direction of its managing director and incorporating  
6 member, Respondent Andrew Hawkins Cohen (“Respondent Cohen”), organized and perpetrated a  
7 campaign money laundering scheme to circumvent San Francisco’s local campaign contribution limits.  
8 Specifically, the scheme consisted of Respondent Cohen directing Respondent Archway’s President and  
9 six of its contractors to make eight separate \$500 contributions, under their individual names, to 2011  
10 San Francisco Mayoral Candidates Phil Ting and Ed Lee, for which each contributor would later be  
11 reimbursed. As promised, Respondent Cohen later reimbursed the contributions using Respondent  
12 Archway’s funds. By using Respondent Archway’s President and six of its contractors and employees  
13 as undisclosed intermediaries, Respondents were able to make contributions to candidates that were far  
14 greater than those allowed under local limits.

15 In this case, Respondents violated the Political Reform Act (the “Act”)<sup>1</sup> as follows:

16 COUNT 1 On or about October 18, 2011, when Felipe Castillo made a Five Hundred Dollar  
17 (\$500) campaign contribution to the controlled committee for 2011 San Francisco  
18 Mayoral Candidate Ed Lee, Ed Lee for Mayor 2011, Respondents Archway  
19 Property Services, LLC and Andrew Hawkins Cohen made a contribution in the  
20 name of another, as Respondents Archway Property Services, LLC and Andrew  
21 Hawkins Cohen were the true source of Castillo’s contribution, in violation of  
22 Government Code Section 84301.

23 COUNT 2 On or about October 18, 2011, when Carla Manzo made a Five Hundred Dollar  
24 (\$500) campaign contribution to the controlled committee for 2011 San Francisco  
25 Mayoral Candidate Ed Lee, Ed Lee for Mayor 2011, Respondents Archway  
26 Property Services, LLC and Andrew Hawkins Cohen made a contribution in the  
27 name of another, as Respondents Archway Property Services, LLC and Andrew  
28 Hawkins Cohen were the true source of Manzo’s contribution, in violation of  
Government Code Section 84301.

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<sup>1</sup> 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 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.

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COUNT 3 On or about July 26, 2011, when Oliver Zelada made a Five Hundred Dollar (\$500) campaign contribution to the controlled committee for 2011 San Francisco Mayoral Candidate Phil Ting, Phil Ting for Mayor 2011, Respondents Archway Property Services, LLC and Andrew Hawkins Cohen made a contribution in the name of another, as Respondents Archway Property Services, LLC and Andrew Hawkins Cohen were the true source of Zelada’s contribution, in violation of Government Code Section 84301.

COUNT 4 On or about October 18, 2011, when Oliver Zelada made a Five Hundred Dollar (\$500) campaign contribution to the controlled committee for 2011 San Francisco Mayoral Candidate Ed Lee, Ed Lee for Mayor 2011, Respondents Archway Property Services, LLC and Andrew Hawkins Cohen made a contribution in the name of another, as Respondents Archway Property Services, LLC and Andrew Hawkins Cohen were the true source of Zelada’s contribution, in violation of Government Code Section 84301.

COUNT 5 On or about October 18, 2011, when Carlos Mijango made a Five Hundred Dollar (\$500) campaign contribution to the controlled committee for 2011 San Francisco Mayoral Candidate Ed Lee, Ed Lee for Mayor 2011, Respondents Archway Property Services, LLC and Andrew Hawkins Cohen made a contribution in the name of another, as Respondents Archway Property Services, LLC and Andrew Hawkins Cohen were the true source of Mijango’s contribution, in violation of Government Code Section 84301.

COUNT 6 On or about October 18, 2011, when Ed Kocher made a Five Hundred Dollar (\$500) campaign contribution to the controlled committee for 2011 San Francisco Mayoral Candidate Ed Lee, Ed Lee for Mayor 2011, Respondents Archway Property Services, LLC and Andrew Hawkins Cohen made a contribution in the name of another, as Respondents Archway Property Services, LLC and Andrew Hawkins Cohen were the true source of Kocher’s contribution, in violation of Government Code Section 84301.

COUNT 7 On or about October 18, 2011, when Shon Husted and Maria Romero made a Five Hundred Dollar (\$500) campaign contribution to the controlled committee for 2011 San Francisco Mayoral Candidate Ed Lee, Ed Lee for Mayor 2011, Respondents Archway Property Services, LLC and Andrew Hawkins Cohen made a contribution in the name of another, as Respondents Archway Property Services, LLC and Andrew Hawkins Cohen were the true source of Husted and Romero’s contribution, in violation of Government Code Section 84301.

1            COUNT 8     On or about October 18, 2011, when Douglas Burrows made a Five Hundred  
2                    Dollar (\$500) campaign contribution to the controlled committee for 2011 San  
3                    Francisco Mayoral Candidate Ed Lee, Ed Lee for Mayor 2011, Respondents  
4                    Archway Property Services, LLC and Andrew Hawkins Cohen made a  
5                    contribution in the name of another, as Respondents Archway Property Services,  
6                    LLC and Andrew Hawkins Cohen were the true source of Burrow’s contribution,  
7                    in violation of Government Code Section 84301.

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9   **PROCEDURAL HISTORY**

10            Respondents have been informed of the charges set forth herein. Also, they have consulted with  
11            an attorney of their choosing about their rights to a probable cause hearing and an administrative hearing  
12            under the Political Reform Act, the Administrative Procedure Act, and all other relevant laws. However,  
13            Respondents have agreed to waive these rights, and they are aware that by doing so, the Enforcement  
14            Division will proceed with this default recommendation to the Commission. (As stated above, a copy of  
15            Respondents’ written waiver in this regard is submitted herewith as Exhibit A-1 and incorporated herein  
16            by reference as if in full.)

17   **NATURE OF DEFAULT PROCEEDINGS**

18            In this situation, where Respondents have waived their right to a probable cause conference and  
19            an administrative hearing, the Commission may take action based upon the Respondents’ express  
20            admissions or upon other evidence, and affidavits may be used as evidence without any notice to the  
21            Respondents. (Section 11520, subdivision (a).)

22   **SUMMARY OF THE LAW**

23            All statutory references and discussions of law pertain to the Act’s provisions as they existed at  
24            the time of the violations in question.

25                         **Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act**

26            When the Political Reform Act was enacted, the people of the state of California found and  
27            declared that previous laws regulating political practices suffered from inadequate enforcement by state  
28            and local authorities. (Section 81001, subd. (h).) To that end, Section 81003 requires that the Act be  
              liberally construed to achieve its purposes.

              One of the purposes of the Act is to ensure that receipts in election campaigns are fully and  
              truthfully disclosed so that voters may be fully informed and improper practices may be inhibited.  
              (Section 81002, subd. (a).) Another purpose of the Act is to provide adequate enforcement mechanisms  
              so that the Act will be “vigorously enforced.” (Section 81002, subd. (f).)

1 **Definition of Controlled Committee**

2 Section 82013, subdivision (a), defines a “committee” to include any person or combination of  
3 persons who receives contributions totaling \$1,000 or more in a calendar year. This type of committee  
4 is commonly referred to as a “recipient committee.” Under Section 82016, a recipient committee which  
5 is controlled directly or indirectly by a candidate, or which acts jointly with a candidate in connection  
6 with the making of expenditures, is a “controlled committee.”

7 **Campaign Money Laundering: Making a Contribution in the Name of Another**

8 Money laundering occurs when an individual makes a contribution in the name of another. This  
9 is prohibited by Section 84301 because it deprives the public of important information about the true  
10 source of campaign contributions, and it facilitates the unlawful circumvention of campaign contribution  
11 limits. Specifically, Section 84301 provides that “No contribution shall be made, directly or indirectly,  
12 by any person in a name other than the name by which such person is identified for legal purposes.

13 Section 84301’s use of the phrase “directly or indirectly” shows that the statute’s prohibition is  
14 broad, encompassing any situation where the public is deceived about the true source of a contribution.  
15 The statutory prohibition must be broad because money laundering may be accomplished in a variety of  
16 ways.

17 **San Francisco Local Campaign Contribution Restrictions**

18 According to San Francisco Campaign and Governmental Conduct Code (“San Francisco Code”)  
19 Section 1.114, subsection (a), no person shall make a contribution which will cause the total amount  
20 contributed by such person to a candidate’s controlled committee in an election to exceed \$500.  
21 Additionally, San Francisco Code Section 1.114, subsection (b), prohibits any corporation, whether for  
22 profit or not, from making contributions to candidate controlled committees.

23 **SUMMARY OF THE FACTS**

24 Respondent Archway Property Services, LLC (“Respondent Archway”) is an apartment  
25 maintenance and property management firm based in the City of San Francisco. At all relevant times to  
26 this matter, Respondent Andrew Hawkins Cohen (“Respondent Cohen”) was the managing director and  
27 incorporating member of Respondent Archway.

28 On September 2, 2011, Respondent Cohen made a \$500 contribution, the maximum contribution  
amount allowed under local contribution limits, to Ed Lee for Mayor 2011, the candidate controlled  
committee for 2011 San Francisco Mayoral Candidate Ed Lee (“Candidate Lee”). As a result, local  
contribution limits barred Respondent Cohen from making any additional contributions to Ed Lee for  
Mayor 2011 in connection with the November 8, 2011 San Francisco Mayoral Election (the “Election”).

1 In order to circumvent the local \$500 contribution limits and prohibition on corporate contributions,  
2 Respondent Archway, at the direction of Respondent Cohen, organized and perpetrated a campaign  
3 money laundering scheme. The scheme consisted of Respondent Cohen directing Respondent  
4 Archway's President and six of its contractors and employees to make eight separate \$500 contributions,  
5 under their individual names, to 2011 San Francisco Mayoral Candidates Phil Ting and Ed Lee, for  
6 which each contributor would later be reimbursed. As promised, Respondent Cohen provided  
7 reimbursement to each contributor within nine days of their contributions.

8 To increase Respondents' chances of influencing the eventual winner, the scheme targeted two  
9 of the candidates running for Mayor in the Election. The initial target was mayoral candidate Phil Ting  
10 ("Candidate Ting"), for whom Respondent Cohen directed one contribution of \$500. However, when  
11 then-interim San Francisco Mayor Ed Lee entered the race in August 2011, Respondents shifted their  
12 support to Lee – considered by many to be the race's frontrunner. Evidence, including declarations and  
13 interviews of Respondent Archway employees and contractors, demonstrated that Respondent Cohen  
14 encouraged employees and contractors of Respondent Archway to campaign for Candidate Lee and  
15 make \$500 maximum contributions to Candidate Lee's campaign. As documented in the email below,  
16 Respondent Cohen promised to reimburse the employees and contractors for their \$500 contributions  
17 "right away."

18 On October 18, 2011, then-assistant to Respondent Cohen, Andrea Monzo, sent out an email (the  
19 "Reimbursement Email") at the request of Respondent Cohen to fifteen individuals including  
20 Respondent Archway's former President, Douglas Burrows, and the following five Respondent  
21 Archway employees and contractors: (1) Felipe Castillo; (2) Carla Manzo; (3) Carlos Mijango; (4)  
22 Oliver Zelada; (5) Shon Husted. The subject line of the "Reimbursement Email" was "Night Cap Event  
23 at 2677 Larkin Street Unit 702 @ 700pm to 900pm" and the email stated the following:

24 "ATTENTION ALL – I EXPECT EACH AND EVERY ONE OF YOU TO BE AT THIS  
25 EVENT TONIGHT. BRING YOUR CHECK BOOKS AND WRITE A CHECK FOR \$500 FOR ED  
26 LEE DONATION. YOU WILL BE REIMBURSED RIGHT AWAY FOR YOU COMING. YOU DO  
27 NOT HAVE TO STAY LONG. 10 MINUTES IS ALL I AM ASKING FROM YOU. PASS THIS  
28 ALONG TO WHOEVER EMAIL I DO NOT HAVE. THANK YOU! ANDREW."

The event referred to in the 'Reimbursement Email' was an October 18, 2011 Ed Lee Fundraiser  
(the "Fundraiser") held at 2677 Larkin Street. On the date of the Fundraiser, Burrows and the following  
six Respondent Archway contractors made \$500 contributions to Candidate Lee's controlled committee:  
(1) Felipe Castillo; (2) Carla Manzo; (3) Carlos Mijango; (4) Shon Husted; (5) Oliver Zelada; and (6) Ed  
Kocher. Of those seven individuals, six were sent the "Reimbursement Email" encouraging all  
Respondent Archway employees to attend the Fundraiser and make \$500 contributions that would be  
"reimbursed right away."



1 On October 10, 2013 the Enforcement Division interviewed Grace Sisprez (“Sisprez”), a  
2 bookkeeper for Respondent Archway at all times relevant to this matter. During the interview, Sisprez  
3 stated that two days after the Fundraiser, Respondent Cohen asked her to distribute checks to all of the  
4 Respondent Archway employees and contractors who contributed at the Fundraiser. She specifically  
5 noted that these checks were meant as reimbursement for contributions, *not bonuses*.

6 On October 31, 2011, Candidate Lee’s controlled committee returned six of the seven  
7 contributions made by the Respondent Archway employees and contractors listed above. In a letter to  
8 the San Francisco District Attorney’s Office dated November 1, 2011, the Ed Lee campaign explained  
9 that the contributions were returned based on suspicion that the contributions had been illegally made on  
10 behalf of Respondents.

11 On December 24, 2013, Respondent Cohen provided the Enforcement Division with the bank  
12 records from Respondent Archway’s Merrill Lynch Working Capital Management Account (“WCM  
13 Account”) covering July 1, 2011 to December 31, 2011. Consistent with Sisprez’ testimony, in the  
14 nine days following the Fundraiser, Respondents reimbursed all seven of the contributors via checks  
15 drawn on the WCM Account. The memoranda on the reimbursement checks included various notes  
16 including “Reimbursement E.L.”<sup>2</sup> As the managing director and owner of Respondent Archway,  
17 Respondent Cohen approved all checks issued by the firm.

18 The following documents the contributions made and reimbursements received by each of the  
19 individuals involved in Respondents’ money laundering scheme:

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**Felipe Castillo and Carla Manzo**  
**Counts 1 and 2**

At all times relevant to this matter, Felipe Castillo (“Castillo”) and Carla Manzo (“Manzo”) were  
married and both worked for Respondent Archway as a carpenter/foreman and bookkeeper, respectively.  
Castillo and Manzo shared several joint checking accounts at Wells Fargo Bank.

On October 18, 2011, Castillo and Manzo were sent the “Reimbursement Email.” During their  
interviews with the Enforcement Division, Castillo and Manzo confirmed that they each made \$500  
contributions to Candidate Lee’s controlled committee at the Fundraiser. Two days after the Fundraiser,  
Respondent Archway, at the direction of Respondent Cohen, reimbursed Castillo and Manzo via one  
\$1,000 check drawn on Respondent Archway’s WCM Account. The check served as a reimbursement  
for the two \$500 contributions made by Castillo and Manzo at the Fundraiser. Further demonstrating a  
pattern of reimbursement on the part of Respondents, the reimbursement check provided to Manzo,  
WCM Account check number 3775, included the following memo on its face: “Reimbursement E.L.”

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<sup>2</sup> E.L. are the initials of 2011 San Francisco Mayoral Candidate Ed Lee.

1 On October 31, 2011, the Ed Lee campaign returned both Manzo and Castillo’s contributions  
2 suspecting that they had been illegally made on behalf of Respondents.

3 Therefore, as Respondents were the true source of Manzo and Castillo’s contributions to  
4 Candidate Lee, Respondents violated Section 84301.

5 **Oliver Zelada**  
6 **Counts 3 and 4**

7 At all times relevant to this matter, Oliver Zelada AKA Oliver Zelada-Monge (“Zelada”) worked  
8 for Respondent Archway as a plumber. During an interview with the Enforcement Division, Zelada  
9 confirmed that he made \$500 contributions to the controlled committees for Candidates Lee and Ting.  
10 Zelada specified that he provided his contribution check for Candidate Ting to Respondent Archway  
11 bookkeeper Grace Sisprez. According to Zelada’s personal bank account records, the date on the check  
12 was July 26, 2011. On that same day, Zelada made a \$500 cash deposit – the equivalent of his  
13 contribution to Ting.

14 Following Zelada’s reimbursement for his contribution to Candidate Ting, Zelada was sent the  
15 “Reimbursement Email” on October 18, 2011. That same day, Zelada made a \$500 contribution to  
16 Candidate Lee’s controlled committee. Two days later, at the request of Respondent Cohen, Zelada was  
17 provided the promised reimbursement via a check drawn on Respondent Archway’s WCM Account.  
18 The reimbursement check, WCM Account check number 3882, included the following memo on its  
19 face: “Reimbursement E.L.”

20 On October 31, 2011, the Ed Lee campaign returned Zelada’s contribution suspecting that it had  
21 been illegally made on behalf of Respondents.

22 Therefore, as Respondents were the true source of Zelada’s contributions to Candidates Ting and  
23 Lee, Respondents violated Section 84301.

24 **Carlos Mijango**  
25 **Count 5**

26 At all times relevant to this matter, Carlos Mijango (“Mijango”) worked for Archway as a  
27 supervisor. As noted above, Mijango received the “Reimbursement Email” on October 18, 2011.  
28 According to contribution checks produced by Candidate Lee’s campaign and other evidence collected  
by the Enforcement Division, on that same day Mijango also made a \$500 contribution to Candidate  
Lee’s controlled committee and received his promised reimbursement from Respondents. Respondents  
reimbursed Mijango for his contribution via a \$500 check drawn on Respondent Archway’s WCM  
Account.

1 On October 31, 2011, Candidate Lee's campaign returned Mijango's contribution suspecting that  
2 it had been illegally made on behalf of Respondents.

3 Therefore, as Respondents were the true source of Mijango's contribution to Candidate Lee,  
4 Respondents violated Section 84301.

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6 **Ed Kocher**  
7 **Count 6**

8 At all times relevant to this matter, Ed Kocher ("Kocher") worked for Respondent Archway as a  
9 construction project manager. According to contribution checks produced by Candidate Lee's  
10 campaign, Kocher made a \$500 contribution to the controlled committee for Candidate Lee on October  
11 18, 2011. The \$500 contribution to Candidate Lee's controlled committee was made on October 18,  
12 2011 at the Fundraiser mentioned in "Reimbursement Email." On October 21, 2011, at the request of  
13 Respondent Cohen, Kocher was provided the promised reimbursement via a \$500 check drawn on  
14 Archway's WCM Account.

15 On October 31, 2011, the Ed Lee campaign returned Kocher's contribution suspecting that it had  
16 been illegally made on behalf of Respondents.

17 Therefore, as Respondents were the true source of Kocher's contribution to Candidate Lee,  
18 Respondents violated Section 84301.

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20 **Shon Husted and Maria Romero**  
21 **Count 7**

22 At all times relevant to this matter, Shon Husted ("Husted") worked as a maintenance supervisor  
23 for Respondent Archway. On January 28, 2013, Husted filed a declaration (the "Declaration") in  
24 connection with his civil action against Respondents Archway and Cohen documenting the money  
25 laundering scheme at issue here.

26 According to the Declaration, Husted and his then-fiancée, Maria Romero, attended the  
27 Fundraiser and, as instructed in the "Reimbursement Email," made a \$500 contribution to Candidate  
28 Lee's controlled committee. The \$500 contribution was drawn from Romero's bank account, however,  
the contributor information accompanying the check named Husted as a contributor.

Days after the contribution was made, Respondent Archway's then-President, Douglas Burrows  
("Burrows"), accompanied by seven men, approached Husted and asked him to sign a document stating  
that Husted had voluntarily made the \$500 contribution to Candidate Lee's controlled committee. When

1 Husted refused, Burrows offered him \$200 and then \$500 in exchange for his signature. However,  
2 Husted declined Burrow's offer and did not sign the document.

3 Respondents later reimbursed Romero and Husted via one check drawn on Respondent  
4 Archway's WCM Account for \$500. The check was made out to Husted.

5 Therefore, as Respondents were the true source of Romero and Husted's contribution to  
6 Candidate Lee, Respondents violated Section 84301.

7 **Douglas Burrows**  
8 **Count 8**

9 At all times relevant to this matter, Douglas Burrows ("Burrows") was the President of Archway. On  
10 October 18, 2011, Burrows was sent the "Reimbursement Email." That same day, Burrows made a  
11 \$500 contribution to Candidate Lee's controlled committee. On October 27, 2014, Respondents  
12 reimbursed Burrows via a check drawn on Respondent Archway's WCM Account.

13 On October 31, 2011, Candidate Lee's campaign returned Burrow's contribution suspecting that  
14 it had been illegally made on behalf of Respondents.

15 Therefore, as Respondents were the true source of Burrow's contribution to Candidate Lee,  
16 Respondents violated Section 84301.

17 **CONCLUSION**

18 This matter consists of eight violations of Section 84301, with a maximum administrative  
19 penalty of \$5,000 per violation, for a total of \$40,000.

20 In determining the appropriate penalty for a particular violation of the Act, the Enforcement  
21 Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an  
22 emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division  
23 considers the facts and circumstances of the violation in the context of the factors set forth in Regulation  
24 18361.5, subdivision (d)(1)-(6):

- 25 (1) The seriousness of the violations;  
26 (2) The presence or absence of any intention to conceal, deceive or  
27 mislead;  
28 (3) Whether the violation was deliberate, negligent, or inadvertent;  
(4) Whether the violator demonstrated good faith by consulting the  
Commission staff or any other governmental agency in a manner not

1 constituting a complete defense under Government Code Section  
2 83114(b);

3 (5) Whether the violation was isolated or part of a pattern and whether the  
4 violator has a prior record of violations of the Political Reform Act or  
5 similar laws; and

6 (6) Whether the violator, upon learning of a reporting violation,  
7 voluntarily filed amendments to provide full disclosure.

8 Regarding Counts 1 and 2, making campaign contributions in the name of another person is one  
9 of the more serious violations of the Act as it denies the public of information about the true source of a  
10 candidate's financial support. This is particularly true where, as here, the contributions made would  
11 have otherwise resulted in exceeding the local contribution limits. Exceeding contribution limits  
12 provides an unfair advantage to candidates who receive these contributions and defeats the purposes of  
13 the Act's provisions regarding disclosure of campaign contributions. The typical administrative penalty  
14 for similar violations, depending on the facts of the case, has been at or near the maximum penalty per  
15 violation.

16 In mitigation, Respondent has no prior history of violating the Act.

17 Other similar cases regarding violations of Section 84301 that have been recently approved by  
18 the Commission include:

19 ***In the Matter of Glen Gerson and Malibu Conference Center, Inc., FPPC No. 11/803 (Default  
20 Decision)***. Respondents Malibu Conference Center, Inc., and its Chief Executive Officer, Glen Gerson,  
21 made five contributions – in the amount of \$1,000 each – to the Committee to Reelect Barbra  
22 Williamson in support of candidate Williamson's bid for Simi Valley City Council. At the time the  
23 contributions were made, the local contribution limit was \$1,000. Respondents circumvented the limit  
24 by making each contribution in the name of another (one affiliated corporation and four management  
25 level employees of respondents), in violation of Government Code Section 84301 (5 counts). On May  
26 17, 2014, the Commission approved a \$5,000 per count fine, for a total fine of \$25,000.

27 ***In the Matter of Ana Maria Gonzalez Ibarra, FPPC No. 11/802 (Default Decision)***. Respondent made  
28 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, in violation of Government Code  
section 84301. (2 counts). On December 13, 2012, the Commission approved a \$5,000 per count fine,  
for a total fine of \$10,000.

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**Proposed Penalty**

Under these circumstances, it is respectfully submitted that imposition of the maximum penalty of Five Thousand Dollars (\$5,000) per count is justified, for a total penalty in the amount of Forty Thousand Dollars (\$40,000).

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13 LLC, and ANDREW HAWKINS COHEN,  
14 Respondents.

FPPC No. 11/1056

DECLARATION OF ADAM SILVER IN  
SUPPORT OF DEFAULT DECISION AND  
ORDER

(Gov. Code, § 11520)

15 I, Adam Silver, declare as follows:

16 1. I am employed by, and I represent the Fair Political Practices Commission (“FPPC” or  
17 “Commission”) in my capacity as Senior Commission Counsel for the Enforcement Division. My  
18 business address is 428 J Street, Suite 620, Sacramento, California.

19 2. I am the attorney assigned to this case. If called as a witness, I competently could and  
20 would testify to the following, which is based upon my own personal knowledge.

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3. Attached hereto as Exhibit A-1, is a true and correct copy of Respondents' waiver of their rights to a probable cause conference and administrative hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Sacramento, California, on \_\_\_\_\_, 2014.

\_\_\_\_\_  
ADAM SILVER  
Commission Counsel  
Fair Political Practices Commission  
Enforcement Division



1 GARY S. WINUK  
Chief of Enforcement  
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11 In the Matter of

12 ARCHWAY PROPERTY SERVICES,  
13 LLC, and ANDREW HAWKINS COHEN,

14 Respondents.

FPPC No. 11/1056

DECLARATION OF BEATRICE MOORE IN  
SUPPORT OF DEFAULT DECISION AND  
ORDER

(Gov. Code, § 11520)

15 I, Beatrice Moore, declare as follows:

16 1. I am a special investigator for the Fair Political Practices Commission (“FPPC” or  
17 “Commission”). My business address is 428 J Street, Suite 620, Sacramento, California.

18 2. I am the special investigator assigned to this case. Based on my review, Exhibit 1, which  
19 is incorporated by reference as though fully set forth in the Default Decision and Order, accurately states  
20 the facts and circumstances present in this matter.

21 3. If called as a witness, I competently could and would testify to its veracity based upon my  
22 own personal knowledge.

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4. Attached hereto as Exhibit A-1, is a true and correct copy of Respondents' waiver of their rights to a probable cause conference and administrative hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Sacramento, California, on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Beatrice Moore  
Special Investigator, Enforcement Division  
Fair Political Practices Commission



**FAIR POLITICAL PRACTICES COMMISSION  
ENFORCEMENT DIVISION**

**WAIVER OF RIGHT TO PROBABLE CAUSE  
HEARING AND ADMINISTRATIVE HEARING**

1. I, the undersigned, am a Respondent in Fair Political Practices Commission (“FPPC”) Case No. 11/1056. In executing this waiver, I am acting on behalf of myself, individually, and on behalf of Archway Property Services, LLC, which also is a Respondent in FPPC Case No. 11/1056.
2. I have had the opportunity to consult with an attorney of my choosing, and I understand my rights to a probable cause hearing and administrative hearing under the Political Reform Act, the Administrative Procedure Act, and all other relevant laws.
3. I hereby waive my rights to a probable cause hearing and administrative hearing, and I understand and agree that this case will proceed to a default recommendation by the Enforcement Division of the FPPC.
4. I acknowledge that this waiver is not an admission that I or Archway Property Services, LLC, have violated the Political Reform Act in FPPC Case No. 11/1056.

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

\_\_\_\_\_  
Andrew Hawkins Cohen, Individually and on  
Behalf of Archway Property Services, LLC,  
Respondents