

FAIR POLITICAL PRACTICES COMMISSION
STIPULATION, DECISION AND ORDER
Major Donor Committee Violations
(Streamlined Program)

Complainant, the Fair Political Practices Commission, and Respondent(s) hereby agree that this stipulation will be presented to the Commission at its next regularly scheduled meeting, or as soon thereafter as the matter can be heard, as a final disposition of the reporting violation(s) described herein.

FPPC CASE NO. 14/1064

RESPONDENT(S): Nicholas Josefowitz
San Francisco, California

GOVERNMENT CODE SECTION(S) VIOLATED: 84200

DESCRIPTION OF VIOLATION(S): Respondent qualified as a Major Donor Committee but failed to timely file the Major Donor Committee Statement (Form 461).

Reporting Period(s)	Date Due
January 1, 2012 – December 31, 2012	January 31, 2013

MONETARY PENALTY: \$692 **NUMBER OF COUNTS:** 1

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Political Reform Act described above and on Exhibit I (attached) have occurred and voluntarily request that the Fair Political Practices Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. All outstanding reports, in connection with these violations, have now been filed. I have attached a **cashier's check or money order** made payable to the General Fund of the State of California in the amount of the penalty described above.

Dated: _____ X _____

Printed Name and Title: _____

STATEMENT BY ENFORCEMENT CHIEF:

I have reviewed the above stipulation and recommend its approval.

Dated: _____

GARY S. WINUK, ENFORCEMENT CHIEF

ORDER OF THE COMMISSION:

The foregoing stipulation has been adopted by a majority vote of the Fair Political Practices Commission as its final decision and order and is effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated: _____

JOANN REMKE, CHAIR

***FAIR POLITICAL PRACTICES COMMISSION
STATEMENT OF RESPONDENT'S RIGHTS***

The Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent, both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for consideration by the Commission at its next regularly scheduled meeting.

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

Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under California Government Code sections 83115.5, 11500, *et seq.*, and 2 California Code of Regulations sections 18361.1 through 18361.9, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that Respondent has violated the Political Reform Act as described herein.

Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a penalty in the amount specified on the Stipulation, and a cashier's check or money order in said amount, payable to the "General Fund of the State of California", has been submitted by Respondent to be held by the State of California until the Commission issues its Decision and Order.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is rejected, payments tendered shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither a member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

EXHIBIT I

Itemized list of contributions made during the reporting period but not timely reported:

Count	Date of Contribution	Recipient	Amount
1	April 11, 2012	Eric Garcetti for Mayor (Los Angeles)	\$1,000
	May 31, 2012	Brian C. Johnson for Assembly 2012	\$1,625
	June 13, 2012	Dan Kalb for City Council (Oakland)	\$200
	September 5, 2012	Dan Kalb for City Council (Oakland)	\$500
	October 2, 2012	Ed Chau for Assembly	\$1,000
	October 5, 2012	Fran Pavley for Senate 2012	\$3,900
	October 7, 2012	Friends of Mark Stone 2012	\$1,000
	October 12, 2012	Elect Marty Block for State Senate 2012	\$1,500
	October 19, 2012	Dr. Shirley Weber for 79 th District State Assembly	\$1,000
	October 22, 2012	Californians to Protect Schools, Universities, and Public Safety (Prop. 30)	\$500
	October 25, 2012	Mark Levine for Assembly	\$1,000
	October 25, 2012	Betsy Butler for Assembly 2012	\$2,000
	October 31, 2012	David Lee for District 1 Supervisor, San Francisco	\$500
	November 1, 2012	Major General Richard D. Roth for Senate 2012	\$1,500
	November 1, 2012	Mayor Ed Lee for San Francisco	\$10,000
	November 3, 2012	Cathleen Galgiani for Senate 2012	\$2,000
Total Amount Contributed During Reporting Period			\$29,225
Total Number of Contributions Made During Reporting Period			16

Penalty Information and Major Donor Penalty Calculator:

- Filer has opted for a streamline fine
- Filer has a prior history of Enforcement action
- Other:

- Non-filer Base Penalty (\$400 per count): \$400
- Second Notice Enhancement (\$400 per count): \$0
- 1% Enhancement for \$50,000 or more in contributions made during reporting period(s): \$0
- 1% Enhancement for 10 or more contributions made during reporting period(s): \$292

- Total Fine: \$692**