

1 GALENA WEST
Acting Chief of Enforcement
2 ZACHARY W. NORTON
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 322-5660

5 Attorneys for Complainant
6
7

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

12 In the Matter of) FPPC No. 14/031
13)
14 VICTOR UNO,) STIPULATION, DECISION and
15) ORDER
16 Respondent.)
17)

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
19 Respondent Victor Uno 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 the Respondent, pursuant to Section 83116 of the Government Code.

24 Victor Uno 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
26 18361.1 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not
27 limited to, the right to personally appear at any administrative hearing held in this matter, to be
28 represented by an attorney at Victor Uno's own expense, to confront and cross-examine all witnesses

1 testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
2 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
3 reviewed.

4 It is further stipulated and agreed that Victor Uno violated the Political Reform Act by failing to
5 disclose, on his 2010 through 2014 annual statements of economic interests, IBEW 595 and the
6 Alameda Labor Council as sources of income, in violation of Sections 87300 and 87302, subdivision
7 (b) of the Government Code (2 counts). These counts are described in Exhibit 1, which is attached
8 hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate
9 summary of the facts in this matter.

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

22
23
24 Dated: _____
25 Galena West, Acting Chief of Enforcement
26 Fair Political Practices Commission

27 Dated: _____
28 Victor Uno, Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECISION AND ORDER

The foregoing Stipulation of the parties “In the Matter of Victor Uno” FPPC No. 14/031, including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated: _____

Joann Remke, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Victor Uno is a Commissioner with the Oakland Port Authority. In addition, he is the Business Manager and Financial Secretary for the International Brotherhood of Electrical Workers, Local 595 (“IBEW 595”). His wife, Josie Camacho, is the Executive Director of the Alameda Labor Council. Both Uno and Camacho received income from these business positions.

The Enforcement Division of the Fair Political Practices Commission (“Commission”) opened this case as the result of a complaint alleging that, on his 2009 through 2014 annual Statements of Economic Interests (“SEIs”), Uno failed to declare IBEW 595 and the Alameda Labor Council as sources of income.

The Political Reform Act (the “Act”)¹ requires public officials to file annual disclosure statements which provide specific information about their sources of income.

SUMMARY OF THE LAW

One of the express purposes of the Act is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.² The Act therefore establishes an economic interest reporting system designed to accomplish this purpose of disclosure.

In furtherance of this purpose, every state and local agency must adopt and promulgate a conflict of interest code.³ The requirements of an agency’s conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.⁴

An agency’s conflict of interest code must specifically designate the positions within the agency that are required to file statements of economic interests, disclosing reportable investments, business positions, interests in real property, and sources of income.⁵ The persons who are to be designated in an agency’s conflict of interest code are the officers, employees, members, and consultants of the agency whose position with the agency entails making, or participating in making, governmental decisions that may foreseeably have a material effect on one or more of the person’s economic interests.⁶

An agency’s conflict of interest code must require, among other things, every designated employee of the agency to file an annual SEI, at a time specified in the agency’s conflict of interest

¹ 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 18109 through 18997 of Title 2 of the California Code of Regulations.

² Section 81002, subdivision (c).

³ Section 87300.

⁴ Section 87300.

⁵ Section 87302, subdivision (a).

⁶ Section 82019, subdivision (a), and Section 87302.

code, for each year that the employee remains in office, disclosing his or her reportable economic interests during the preceding calendar year.⁷

The applicable Conflict of Interest Code for the Oakland Port Authority (“Conflict of Interest Code”) requires that each designated employee file annual SEIs disclosing the person’s reportable economic interests including investments, interests in real property, and sources of income. Pursuant to the applicable Conflict of Interest Code, a commissioner is a designated position.

The Act specifies disclosure requirements concerning the income received by public officials.⁸ “Income” includes any salary and wages received by the official’s spouse.⁹

SUMMARY OF THE FACTS

Victor Uno is currently a commissioner with the Oakland Port Authority. On his 2010 through 2014 annuals SEI, Uno originally declared no sources of income. Uno filed amendments to his SEIs, disclosing income for calendar years 2009 through 2014 on March 3, 2015. Uno received annual income in excess of \$100,000 from IBEW 595, and Camacho received annual income in the \$10,001 to \$100,000 range from the Alameda Labor Council.

VIOLATIONS

Count 1: Failure to Disclose Sources of Income on Statement of Economic Interests

As a commissioner with the Oakland Port Authority, Victor Uno failed disclose, on his 2010 through 2012 annual statement of economic interests, IBEW 595 and the Alameda Labor Council as sources of income, in violation of Sections 87300 and 87302, subdivision (b) of the Government Code.

Count 2: Failure to Disclose Sources of Income on Statement of Economic Interests

As a commissioner with the Oakland Port Authority, Victor Uno failed disclose, on his 2013 and 2014 annual statement of economic interests, IBEW 595 and the Alameda Labor Council as sources of income, in violation of Sections 87300 and 87302, subdivision (b) of the Government Code.

CONCLUSION

This matter consists of two counts, which carries a maximum possible administrative penalty of \$10,000.

In determining the appropriate penalty for a particular violation of the Act, the Commission considers the typical treatment of a violation in the overall statutory scheme of the Act, with an

⁷ Section 87302, subdivision (b).

⁸ Section 87207.

⁹Section 82030.

emphasis on serving the purposes and intent of the Act. Additionally, the Commission considers the facts and circumstances of the violation in the 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 conceal, deceive or mislead; whether the violation was deliberate, negligent, or inadvertent; whether the respondents demonstrated good faith in consulting with Commission staff; whether there was a pattern of violations; and whether respondent voluntarily amended.

The Commission also considers penalties in prior cases involving similar violations. Another similar case involving the failure to disclose economic interests that has been recently approved by the Commission includes:

- *In the Matter of Frank Lopez, Jr.* FPPC No. 11/1042. A member of the Vista City Council failed to report Cameron Glenn Estates, LLC as a source of income on his 2007 and 2008 Statements of Economic Interests. On August 16, 2012, the Commission approved a penalty of \$1,000 for the violation.

Comparable cases approved by the Commission have combined up to two years for SEI nondisclosure of economic interests with a fine of \$1,000. We propose to combine two years in Count 1 and three years in Count 2 for a total fine of \$2,500 to account for the additional year. Disclosure of economic interests is important to provide transparency and prevent conflicts of interest. Failure to report all required information on an SEI deprives the public of important information about a public official's economic interests and has the potential to conceal conflicts of interest.

Uno cooperated fully with the investigation and amended his SEIs after contact by enforcement. Also, it appears that where Uno and his wife worked was well known and not concealed. He has no prior enforcement history.

PROPOSED PENALTY

After review of the facts of this case, including consideration of the factors of Regulation 18361.5, the imposition of a penalty of \$2,500 is recommended.