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

12 In the Matter of) FPPC No. 15/250
13)
14 AARON GOODWIN,)
15) STIPULATION, DECISION and
16) ORDER
17)

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

1 witnesses 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 Aaron Goodwin violated the Political Reform Act by
5 making two contributions of \$700 to the campaign committees “Friends of Desley Brooks” each in the
6 name of another rather than his own name, in violation of Section 84301 of the Government Code (1
7 count). This count is described in Exhibit 1, which is attached hereto and incorporated by reference as
8 though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

9 Aaron Goodwin agrees to the issuance of the Decision and Order, which is attached hereto.
10 Aaron Goodwin also agrees to the Commission imposing upon him an administrative penalty in the
11 amount of \$5,000. A cashier’s check from Aaron Goodwin in said amount, made payable to the
12 “General Fund of the State of California,” is submitted with this Stipulation as full payment of the
13 administrative penalty, to be held by the State of California until the Commission issues its decision
14 and order regarding this matter. The parties agree that in the event the Commission refuses to accept
15 this Stipulation, it shall become null and void, and within fifteen (15) business days after the
16 Commission meeting at which the Stipulation is rejected, all payments tendered by Aaron Goodwin in
17 connection with this Stipulation shall be reimbursed to Aaron Goodwin. Aaron Goodwin further
18 stipulates and agrees that in the event the Commission rejects the Stipulation, and a full evidentiary
19 hearing before the Commission becomes necessary, neither any member of the Commission, nor the
20 Executive Director, shall be disqualified because of prior consideration of this Stipulation.

21
22 Dated: _____
23 Galena West, Chief of Enforcement
24 Fair Political Practices Commission

25
26 Dated: _____
27 Aaron Goodwin, Respondent

28 **DECISION AND ORDER**

1 The foregoing Stipulation of the parties “In the Matter of Aaron Goodwin,” FPPC No. 15/250,
2 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political
3 Practices Commission, effective upon execution below by the Chair.

4
5 IT IS SO ORDERED.

6
7 Dated: _____

Joann Remke, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

In 2013, Aaron Goodwin violated the Political Reform Act (the “Act”)¹ by making contributions totaling \$1,400 in the names of others to Desley Brooks, a candidate for re-election to the Oakland City Council in the November 4, 2014 election.

SUMMARY OF THE LAW

All statutory references and discussions of law pertain to the Act’s provisions as they existed in 2013.

The Act provides that “receipts and expenditures in election campaigns shall be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.”² Timely and truthful disclosure of the source of campaign contributions is an essential part of the Act’s mandate.

In order to obtain disclosure of the true source of campaign contributions, the Act provides that “no contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.”³ It is unlawful to make a contribution in the name of another. This prohibition keeps the public informed as to the sources of campaign contributions, and it ensures that contributors abide by any applicable contribution limits.

SUMMARY OF THE FACTS

Aaron Goodwin is a resident of Oakland. Desley Brooks was a candidate for re-election to Oakland City Council in 2014. “Friends of Desley Brooks” was her candidate controlled committee. On or about December 28, 2013, Goodwin made two contributions of \$700 each to “Friends of Desley Brooks” in the names of his daughters.

No evidence was found to indicate that Aaron Goodwin or the individual contributors informed Desley Brooks or Friends of Desley Brooks that Aaron Goodwin the true source of each contribution. As a result, the committee reported the individuals, rather than Aaron Goodwin, as the true source of the contributions.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 81002, subdivision (a).

³ Section 84301.

VIOLATION

Counts 1: Making a Contribution in the Name of Another

Aaron Goodwin made two contributions of \$700 to the campaign committees “Friends of Desley Brooks” each in the name of another rather than his own name, in violation of Section 84301.

CONCLUSION

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

In determining the appropriate penalty for a particular violation of the Act, the Fair Political Practices 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 Commission considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d): 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, upon learning of the violation, the violator voluntarily provided amendments to provide full disclosure.

Making a contribution in another person’s name is one of the most serious types of violations of the Act, because it denies the public of information about where a candidate receives his or her financial support. In addition, Oakland had, at the time of the violations, a City Ordinance that imposed a \$700 limit on individual campaign contributions to candidates for elected office. As such, Aaron Goodwin was prohibited from giving more than \$700 to Friends of Desley Brooks. This case was referred to Enforcement by Oakland Ethics, and also resolves any claims pertaining to over the limit contributions under the City Ordinance.

Recently approved fines for violations of Section 84301 include:

In the Matter of La Noria Entertainment, Inc., FPPC No. 13/222. On June 19, 2014, the Commission imposed a \$15,000 penalty, \$5,000 per count, against La Noria who directed five of its employees to make campaign contributions to a Pico Rivera City Councilmember from their personal bank accounts and then reimbursed them in cash.

In the Matter of Dakshin Indian Restaurant, LLC, dba Anjappar Chittinad Indian Restaurant; FPPC No. 15/075. On December 17, 2015, the Commission imposed a penalty of \$5,000 per count on 6 counts, against a part-owner and the operator of Dakshin Indian Restaurant, who directed twelve individuals who either worked for or were associated with the restaurant, to make contributions of \$250 each, the maximum amount permitted under the local ordinance, to Milpitas candidates. All twelve contributors were reimbursed with Dakshin Indian Restaurant funds through various means.

This case involves a series of transactions which circumvented Oakland's contribution limit. However, in mitigation, Goodwin has no history of violating the Act, cooperated fully in this matter, and immediately admitted to making the contributions once contacted by the Enforcement Division. He asserts that he did not understand that the contributions were prohibited until it was explained to him during the investigation. Because of Goodwin's lack of understanding that his actions violated the Act, there does not appear to be intent to deceive the public regarding the source of his contributions. Finally, none of the parties involved are politically sophisticated.

This is like the *La Noria Entertainment* and *Dakshin Indian Restaurant* cases discussed above, where a businessman made small, but multiple, contributions in violation of the local limits and received a maximum penalty of \$5,000 after cooperating with the investigation.

PROPOSED PENALTY

After considering the factors listed in Regulation 18361.5, prior similar cases, and other relevant factors, a penalty of \$5,000 is recommended.

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