

1 in Government Code Sections 83115.5, 11503 and 11523, and in California Code of Regulations, title 2,
2 Sections 18361.1 through 18361.9. This includes, but is not limited to the right to personally appear at
3 any administrative hearing held in this matter, to be represented by an attorney at the Committee's own
4 expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to
5 testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing
6 officer, and to have the matter judicially reviewed.

7 It is further stipulated and agreed that the Committee violated the Political Reform Act as
8 described in Exhibit 1, count 1. The Committee violated the Act by failing to print the words "Paid for
9 by" and the Committee's name in 14-point font on the Committee's mailer in support of Vicki Veenker,
10 in violation of Government Code section 84507. The Committee failed to identify on its advertisement
11 that it was primarily formed to support Vicki Veenker for State Assembly, in violation of 84506, subd.
12 (a)(1). The Committee failed to include an independent expenditure box certifying that the advertisement
13 was not associated with the candidate or a committee controlled by the candidate, in violation of
14 Government Code section 84506.5, subd. (a) (1 Count). Exhibit 1 is attached hereto and incorporated by
15 reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this
16 matter.

17 The Committee agrees to the issuance of the Decision and Order, which is attached hereto. The
18 Committee also agrees to the Commission imposing an administrative penalty in the total amount of Two
19 Thousand-Five Hundred Dollars (\$2,500). A cashier's check from the Committee in said amount, made
20 payable to the "General Fund of the State of California," is submitted with this Stipulation as full payment
21 of the administrative penalty, and shall be held by the State of California until the Commission issues its
22 Decision and Order regarding this matter.

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

8
9 Dated: _____

Galena West, Chief, o/b/o the Enforcement Division
Fair Political Practices Commission

10
11 Dated: _____

Liz Figueroa o/b/o Silicon Valley Progressive Women for
Equity and Oportunidad Supporting Vicki Veenker for
Assembly 2016

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties "Silicon Valley Progressive Women for Equity and
3 Oportunidad Supporting Vicki Veenker for Assembly 2016", Case No. 16/19728, including all attached
4 exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission,
5 effective upon execution below by the Chair.

6 IT IS SO ORDERED.

7 Dated: _____

8 Joann Remke, Chair
9 Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Silicon Valley Progressive Women for Equity and Oportunidad Supporting Vicki Veenker for Assembly 2016 (the "Committee") is a primarily formed candidate committee in California. At all times relevant to the matter at issue, Shawnda Deane has served as the treasurer of the Committee. At all times relevant to the matter at issue, the principal officer was Liz Figueroa.

The Committee sent out an advertisement that did not have an independent expenditure disclaimer, did not use 14-point font in the disclaimer identifying that the Committee was paying for the advertisement, and did not use the Committee's name reflecting that it was primarily formed to support Vicki Veenker.

SUMMARY OF THE LAW

All statutory references and discussions of law pertain to the Political Reform Act's (the "Act")¹ provisions as they existed in 2016.

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

By passing the Act, the people of the state of California found and declared that previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.² To that end, the Act must be liberally construed to achieve its purposes.³

Advertisement

Under the Act, an "advertisement" means any general or public advertisement which is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate for elective office or a ballot measure or ballot measures.⁴

Advertisement Disclosure

The Act requires disclosure statements to be printed "...clearly and legibly in no less than 14-point, bold, sans serif type font and in a conspicuous manner..."⁵

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

² § 81001, subd. (h).

³ § 81003.

⁴ § 84501.

⁵ § 84507.

The Act also requires an independent expenditure advertisement supporting or opposing a candidate to include the following statement: "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office".⁶

Name of Committee making an Independent Expenditure

The Act requires a committee making an independent expenditure supporting or opposing a candidate to include a disclosure statement on its advertisement that identifies the name of the committee making the independent expenditure.⁷

SUMMARY OF THE FACTS

On October 2, 2016, the Enforcement Division received a complaint that the words "Paid for by", the committee name, and the committee address were not in 14-point font on a mailer the Committee sent in support of Vicki Veenker. The complaint also alleged that the same mailer did not have an independent expenditure disclaimer box, which was supposed to state that "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office."

The Committee admitted that it did not use 14-point font or have an independent expenditure disclaimer box on the 106,808 mailers it sent out. Additionally, the advertisement uses the name "*Silicon Valley Progressive Women for Equity and Oportunidad.*" However, the name listed on the Committee's Statement of Organization is "*Silicon Valley Progressive Women for Equity and Oportunidad Supporting Vicki Veenker for Assembly 2016*", which identifies to voters that it is primarily formed to support Vicki Veenker.

VIOLATIONS

Count 1: Failure to Comply with Disclosure Requirements for Political Advertisements

All of the violations in this count pertain to the same mailer.

The Committee failed to print the words "Paid for by" and the Committee's name in 14-point font on the Committee's mailer in support of Vicki Veenker, in violation of Government Code section 84507.

The Committee failed to identify on its advertisement that it was primarily formed to support Vicki Veenker for State Assembly, in violation of 84506, subd. (a)(1).

The Committee failed to include an independent expenditure box certifying that the advertisement was not associated with the candidate or a committee controlled by the candidate, in violation of Government Code section 84506.5, subd. (a).

⁶ § 84506.5, subd. (a).

⁷ § 84506

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 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.

In mitigation, the Committee cooperated with the Enforcement Division's investigation and the name of the Committee was proper on its statement of organization.

Recent penalties approved by the Commission for failure to place a disclosure statement on an advertisement are as follows:

- ❖ *In the Matter of Citizens for A Clean and Honest Local Government and Brian Hews*. FPPC No. 13/071. Respondents produced advertisements in both paper and electronic format that had several errors. For example, some of the advertisements did not contain any disclosure language, others did not include a statement indicating that they were not authorized by a candidate or committee controlled by a candidate, and others contained erroneous disclosure language. On April 17, 2014, the Commission approved a settlement of \$2,000 for these violations of the Act.

Regarding Count 1, a penalty higher than the one in the case above is proposed because the Committee also failed to identify in its mailer that it was primarily formed to support a candidate. Therefore, a penalty of \$2,500 is recommended.

PROPOSED PENALTY

After considering the factors listed in Regulation 18361.5, prior similar cases, and other relevant factors, the imposition of a \$2,500 penalty on the Committee is recommended.