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7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA

10
11 In the Matter of:

12 TINA BACA DEL RIO, FRIENDS OF
13 TINA BACA DEL RIO, and TINA BACA
DEL RIO FOR COMMERCE CITY
14 COUNCIL 2013,

15 Respondents.

FPPC Case No. 12/832

STIPULATION, DECISION AND ORDER

16 **STIPULATION**

17 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
18 Respondents Tina Baca Del Rio, Friends of Tina Baca Del Rio and Tina Baca Del Rio for Commerce
19 City Council 2013 hereby 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 Respondents pursuant to Government Code section 83116.

24 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural
25 rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California Code of
26 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to
27 appear personally at any administrative hearing held in this matter, to be represented by an attorney at
28 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to

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

3 It is further stipulated and agreed that Respondents violated the Political Reform Act as set forth
4 in Exhibit 1, which is a true and accurate summary of the facts in this matter—and which is incorporated
5 by reference as though fully set forth herein.

6 Respondents agree to the issuance of the Decision and Order, which is attached hereto. Also,
7 Respondents agree to the Commission imposing against it an administrative penalty in the amount of
8 \$55,000. A cashier's checks or money order totaling said amount—to be paid to the General Fund of the
9 State of California—is submitted with this Stipulation as full payment of the administrative penalty
10 described above, and same shall be held by the State of California until the Commission issues its
11 Decision and Order regarding this matter. The parties agree that in the event the Commission refuses to
12 accept this Stipulation, it shall become null and void, and within fifteen business days after the
13 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondents in
14 connection with this Stipulation shall be reimbursed to Respondents.

15 Respondents further stipulate and agree that in the event the Commission rejects the Stipulation
16 and a full evidentiary hearing before the Commission becomes necessary, neither any member of the
17 Commission, nor the Executive Director, shall be disqualified because of prior consideration of this
18 Stipulation.

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21 Dated: _____

Galena West, Chief of Enforcement
Fair Political Practices Commission

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25 Dated: _____

Tina Baca Del Rio, individually and on behalf of
Friends of Tina Baca Del Rio and Tina Baca Del Rio for
Commerce City Council 2013, Respondents

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Tina Baca Del Rio, Friends of Tina
3 Baca Del Rio and Tina Baca Del Rio for Commerce City Council 2013,” FPPC Case No. 12/832,
4 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political
5 Practices Commission, effective upon execution below by the Chair.

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7 **IT IS SO ORDERED.**

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9 Dated: _____

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11 Joann Remke, Chair
12 Fair Political Practices Commission
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EXHIBIT 1

INTRODUCTION

Respondent Tina Baca Del Rio was a successful candidate for the City of Commerce City Council in the March 5, 2013 election, initially elected as a member of the Commerce City Council in 2005. Respondent Tina Baca Del Rio for Commerce City Council 2013 (“Committee”), formerly known as Friends of Tina Baca Del Rio, is the controlled committee of Baca Del Rio. At all relevant times, Baca Del Rio was the treasurer of the Committee.

This case resulted from referrals from the former Commerce City Clerk and the Secretary of State’s Office (“SOS”) as well as a formal complaint.

The Act¹ requires candidates, their controlled committees, and the treasurers of those committees file campaign statements at specific times disclosing information regarding contributions received and expenditures made by their committees. In this matter, for the period January 1, 2011 through June 30, 2013, Baca Del Rio and the Committee failed to timely file three semi-annual campaign statements and one pre-election campaign statement. Additionally, for the period January 1, 2011, through December 31, 2011, Baca Del Rio and the Committee failed to properly disclose contributions received and expenditures made on two separate campaign statements. Further, Baca Del Rio and the Committee failed to timely file 14 late contribution reports, and failed to timely pay the 2013 and 2014 Annual Fees. Baca Del Rio also violated the personal use prohibitions of the Act.

The Enforcement Division initiated the administrative action against Baca Del Rio and the Committee by serving them with a Report in Support of Probable Cause by personal service on December 29, 2015, effectively tolling the five-year statute of limitations.²

SUMMARY OF THE LAW

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

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

When enacting the Political Reform 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.³ To that end, the Act must be liberally construed to achieve its purposes.⁴

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 18110 through 18997 of Title 2 of the California Code of Regulations.

² §§ 83115.5, and 91000.5, subd. (a).

³ § 81001, subd. (h).

⁴ § 81003.

There are many purposes of the Act. One purpose is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited.⁵ Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”⁶

Duty to File Semi-Annual Campaign Statements

An express purpose of the Act is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed, so that voters may be fully informed and improper practices may be inhibited.⁷ The Act therefore establishes a campaign reporting system designed to accomplish this purpose of disclosure.

The Act defines a “committee” as any person or combination of persons who directly or indirectly receives contributions totaling \$1,000 or more in a calendar year.⁸ This type of committee is commonly referred to as a “recipient” committee. A committee controlled directly or indirectly by a candidate, or that acts jointly with a candidate, is a candidate-controlled committee.⁹

The Act requires candidates and their controlled committees to file two semi-annual campaign statements each year.¹⁰ The first semi-annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and must be filed by January 31 of the following year. When a deadline to file a statement or report required by the Act falls on a Saturday, Sunday or official state holiday, the filing deadline for such a statement or report shall be extended to the next regular business day.¹¹

Duty to File Pre-Election Campaign Statements

In addition to semi-annual campaign statements, the Act requires all candidates being voted upon in on the first Tuesday after the first Monday in June or November of an odd-numbered year, and their controlled committees, to file pre-election campaign statements.¹²

The Act provides that pre-election campaign statements for an election not held in June or November of an even numbered year must be filed as follows:

(1) For the period ending 45 days before the election, the statement must be filed no later than 40 days before the election.

⁵ § 81002, subd. (a).

⁶ § 81002, subd. (f).

⁷ Section 81002, subd. (a).

⁸ Section 82013, subd. (a).

⁹ Section 82016.

¹⁰ Section 84200, subd. (a).

¹¹ Regulation 18116.

¹² Section 84200.5, subd. (c).

(2) For the period ending 17 days before the election, a statement must be filed no later than 12 days before the election.¹³

The Duty to Timely Disclose Information Regarding Contributions Received

Recipient committees are required to disclose on each campaign statement:

- (1) the total amount of contributions received during the period covered by the campaign statement;
- (2) the total cumulative amount of contributions received;¹⁴
- (3) the total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one hundred dollars (\$100) or more;¹⁵
- (4) the total amount of contributions received from persons who gave the committee cumulative amounts of less than \$100 during the period covered by the statement;¹⁶
- (5) the disclosures of the balance of cash and cash equivalent at the beginning and end of the relevant reporting period;¹⁷ and
- (6) identifying information for each person from whom a cumulative amount of contributions and loans of \$100 or more has been received during the period covered by the campaign statement, including the following:
 - a. the person's full name;
 - b. his or her street address;
 - c. his or her occupation;
 - d. the name of his or her employer, or if self-employed, the name of the business;
 - e. the date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan; and
 - f. the cumulative amount of contributions.¹⁸

A contribution is a payment of any kind made for political purposes for which full and adequate consideration is not made to the donor.¹⁹

The Duty to Timely Disclose Information Regarding Expenditures Made

Recipient committees are required to disclose on each campaign statement:

- (1) the total amount of expenditures made during the period covered by the campaign statement;

¹³ Section 84200.8, subd. (a) and (b).

¹⁴ Section 84211, subd. (a).

¹⁵ Section 84211, subd. (c).

¹⁶ Section 84211, subd. (d).

¹⁷ Section 84211, subd. (e).

¹⁸ Section 84211, subd. (f) and (g).

¹⁹ Sections 82015, subd. (a), 82044 and Regulation 18215, subd. (a).

(2) the total amount of expenditures made during the period covered by the campaign statement to persons who have received \$100 or more;²⁰

(3) the total amount of expenditures made by the committee to persons who have received less than \$100 during the period covered by the campaign statement;²¹

(4) identifying information for each person to whom an expenditure of \$100 or more has been made during the period covered by the campaign statement, including the following:

- a. the recipient's full name;
- b. the recipient's street address;
- c. the amount of each expenditure; and
- d. the description of the consideration for which each expenditure was made.²²

The Act defines "expenditure" as a payment, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. "An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier."²³

Duty to File 24 Hour Reports

When a committee makes or receives a late contribution, the committee must disclose the contribution in a late contribution report filed at each office with which the committee is required to file its next campaign statement, within 24 hours of making or receiving the contribution.²⁴ In relevant part, a "late contribution" means a contribution which totals in the aggregate one thousand dollars (\$1,000) or more that is made to or received by a candidate or a controlled committee.²⁵

Duty to Pay Annual Fees

Each committee that is required to file a statement of organization pursuant to Section 84101, subd. (a), must pay the SOS a \$50 fee annually until the termination of the committee.²⁶ Each committee was required to pay the 2013 annual fee by February 15, 2013, and then by January 15th every year thereafter.²⁷ A committee that fails to timely pay the annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required to enforce this provision of the Act.²⁸

²⁰ Section 84211, subd. (b) and (i).

²¹ Section 84211, subd. (j).

²² Section 84211, subd. (k).

²³ Section 82025.

²⁴ Sections 84203, subdivisions (a) and (b), and 84215.

²⁵ Section 82036. The law extending the 24 Hour Reports from 16 days prior to the election to 90 days prior to the election became effective on January 1, 2013.

²⁶ Section 84101.5, subd. (a).

²⁷ Section 84101.5, subd. (c).

²⁸ Section 84101.5, subd. (d).

Prohibitions Against the Personal Use of Campaign Funds

All contributions to a campaign are held by the committee in trust for expenses associated with the election of the candidate or for expenses associated with holding office.²⁹ An expenditure to seek office must be reasonably related to a political purpose, but if it confers a direct and substantial personal benefit on the candidate or any individual with authority to approve the expenditure of campaign funds held by a committee of more than \$200, the expenditure must be directly related to a political, legislative or governmental purpose.³⁰

Treasurer and Candidate Liability

It is the duty of a committee's treasurer and candidate to ensure that the committee complies with all of the requirements of the Act concerning the receipt and expenditure of funds, and the reporting of such funds.³¹ A committee's treasurer and candidate may be held jointly and severally liable, along with the committee, for any reporting violations committed by the committee.³²

VIOLATIONS

Counts 1-4: Campaign Filing and Disclosure

Count 1: Failure to Timely File and Properly Disclose Financial Activity on a Semi-Annual Campaign Statement

For the semi-annual campaign statement for the reporting period January 1, 2011, through June 30, 2011, Baca Del Rio and the Committee first reported no activity on a statement filed 6 months late then amended 10 months after that to report activity as follows in the table below:

Campaign Statement Period January 1, 2011—June 30, 2011, Due August 1, 2011		
Date Filed	Contributions Received	Expenditures Made
February 22, 2012	\$0	\$0
Amendment filed December 21, 2012	\$35,298, only reporting \$26,523 on the summary page.	\$32,834.84
True Activity Based on Committee Bank Records		
	\$34,623	\$32,938.39

Baca Del Rio and the Committee failed to timely file the semi-annual campaign statement for the January 1, 2011, through June 30, 2011 reporting period and failed to timely and properly

²⁹ Section 89510, subd. (b).

³⁰ Sections 89511, subdivision (b)(3), and 89512.

³¹ Sections 81004, subdivision (b), 84100, and 84213, and Regulation 18427, subdivisions (a), (b) and (c).

³² Sections 83116.5 and 91006; Regulation 18316.6.

disclose approximately \$32,938.39 in expenditures and approximately \$34,623 in contributions received, violating Sections 84200, subdivision (a) and 84211, subdivisions (a)-(j).

Count 2: Failure to Timely File and Properly Disclose Financial Activity on a Semi-Annual Campaign Statement

For the semi-annual campaign statement for the reporting period July 1, 2011, through December 31, 2011, Baca Del Rio and the Committee first reported no activity almost a month late then amended 10 months after that to report activity as follows in the table below:

Campaign Statement Period July 1, 2011—December 31, 2011, Due January 31, 2012		
Date Filed	Contributions Received	Expenditures Made
February 22, 2012	\$0	\$0
Amendment filed December 21, 2012	\$0	\$2,333.43
True Activity Based on Committee Bank Records		
	\$0	\$2,795.88

Baca Del Rio and the Committee failed to timely file the semi-annual campaign statement for the July 1, 2011, through December 31, 2011 reporting period and failed to timely and properly disclose approximately \$2,795.88 in expenditures, violating Sections 84200, subdivision (a) and 84211, subdivisions (a)-(j).

Count 3: Failure to Timely File and Properly Disclose Financial Activity on a Pre-Election Campaign Statement

For the pre-election campaign statement for the reporting period January 20, 2013, through February 16, 2013 in connection with the March 5, 2013 election, Baca Del Rio and the Committee reported almost 3 months after the election as follows in the table below:

Campaign Statement Period January 20, 2013—February 16, 2013, Due February 21, 2013		
Date Filed	Contributions Received	Expenditures Made
May 29, 2013 (After the March 5, 2013 Election.)	\$16,548	\$5,162.79
True Activity Based on Committee Bank Records		
	\$13,707.81	\$4,982.79

Baca Del Rio and the Committee failed to timely file the pre-election campaign statement for the January 20, 2013, through February 16, 2013 reporting period and failed to timely and properly disclose approximately \$4,982.79 in expenditures made and approximately \$13,707.81 in contributions received, violating Sections 84200.5, subdivision (c), 84200.8, subdivision (b) and 84211, subdivisions (a)-(j).

Count 4: Failure to Timely File and Properly Disclose Financial Activity on a Semi-Annual Campaign Statement

For the semi-annual campaign statement for the reporting period February 17, 2013, through June 30, 2013, Baca Del Rio and the Committee reported the following activity over a month and a half late as follows in the table below:

Campaign Statement Period February 17, 2013—June 30, 2013, Due July 31, 2013		
Date Filed	Contributions Received	Expenditures Made
September 13, 2013	\$7,800	\$19,185.26
True Activity Based on Committee Bank Records		
	\$9,330.73	\$18,230.04

Baca Del Rio and the Committee failed to timely file the semi-annual campaign statement for the February 17, 2013, through June 30, 2013 reporting period and failed to timely and properly disclose approximately \$18,230.04 in expenditures and approximately \$9,330.73 in contributions, violating Sections 84200, subdivision (a) and 84211, subdivisions (a)-(j).

Counts 5-8: Failure to File 24 Hour Contribution Reports

According to records maintained by the Commerce City Clerk, 24 Hour Contribution Reports were not filed for the following contributions disclosed and received, according to the corresponding count.

Count	Date the Contribution was Reported Received	Filing Deadline	Contributor	Amount of the Late Contribution
5	January 4, 2013	Within 24 Hours	Justman Packaging & Display	\$1,000
	January 20, 2013	Within 24 Hours	Steve Craig SPM Enterprises LLC	\$1,000 \$1,000
	January 22, 2013	Within 24 Hours	CalMet Services, Inc.	\$1,000
	January 23, 2013	Within 24 Hours	Jasmine Mgrdichian Living Trust George Tumanjan and Irene Tumanjan Trust	\$1,000 \$1,000
6	January 24, 2013	Within 24 Hours	Haig Papian, Jr. Gary W. Hamper	\$1,000 \$1,000
	January 28, 2013	Within 24 Hours	Nationwide Environmental Services	\$1,000

	January 30, 2013	Within 24 Hours	Commerce Hyundai Lysa Grigorian	\$1,000 \$1,000
7	February 7, 2013	Within 24 Hours	Tom Malkasian	\$1,000
	February 8, 2013	Within 24 Hours	Jeanette Harris	\$1,000
	February 12, 2013	Within 24 Hours	R. Beard Trust	\$1,000
			Personal Acct Lakecrest Business Center	\$1,000
	February 15, 2013	Within 24 Hours	BNSF Railway Company	\$1,000
	February 20, 2013	Within 24 Hours	Trimming Land Co.	\$1,000
February 21, 2013	Within 24 Hours	Sterling Meats	\$1,000	
8	March 4, 2013	Within 24 Hours	Brian Dror	\$1,000
			Tabitha Dror (1 Check)	\$1,000
			David Iskowitz	\$1,000
			Julie Sager(1 Check)	\$1,000
			Total:	\$22,000

Baca Del Rio and the Committee failed to disclose 22 late contributions in fourteen separate 24 Hour Contribution Reports, of contributions of \$1,000 or more within 90 days of the March 5, 2013 election, violating Section 84203.

Count 9: Failure to Pay 2013 and 2014 Annual Fee

Baca Del Rio and the Committee were required to pay the 2013 Annual Fee of \$50. According to records maintained by SOS, an additional penalty of \$150 was assessed. According to the SOS, Baca Del Rio and the Committee failed to pay the required 2013 Annual Fee and penalty, in the amount of \$200.

In addition, Baca Del Rio and the Committee were required to pay the 2014 Annual Fee of \$50. According to records maintained by SOS, an additional penalty of \$150 was assessed. According to the SOS, Baca Del Rio and the Committee failed to pay the required 2014 Annual Fee and penalty, in the amount of \$200.

Baca Del Rio and the Committee failed to pay the 2013 and 2014 Annual Fees and penalties, violating Section 84101.5.

Counts 10-12: Personal Use Prohibitions

Count 10: Prohibition Against Personal Use of Campaign Funds

According to the Committee campaign statements in 2011, Baca Del Rio and the Committee reported that Baca Del Rio made a \$6,000 loan to the Committee. Baca Del Rio

contends this loan was made in cash. The Enforcement Division found evidence of a cash deposit totaling \$5,600. According to bank records, Baca Del Rio transferred \$8,134.09 into Baca Del Rio's personal bank account through a series of 14 transfers. Assuming a loan was made by Baca Del Rio to the Committee of \$5,600 - \$6,000, payment to her personal account exceeded that amount by at least \$2,134.09.

Payment to Baca Del Rio's personal account conferred a substantial personal benefit on her of more than \$200 for purposes not directly related to a political, legislative or governmental purpose, violating Section 89512.

Count 11: Prohibition Against Personal Use of Campaign Funds

An expenditure of \$441.97 was made from the Committee's bank account to Lowe's on October 7, 2014. According to an interview with Baca Del Rio, she was remodeling her kitchen and her husband accidentally used the Committee bank card for this personal expenditure.

Baca Del Rio contends that she repaid the Committee for this expenditure, but failed to provide records to support the re-payment of these expenditures. Committee bank records show that on December 18, 2014, \$1,500 in cash was deposited into the Committee bank account.

Baca Del Rio made an \$441.97 expenditure on October 7, 2014, from the Committee bank account which conferred a substantial personal benefit on her, for purposes not directly related to a political, legislative or governmental purpose, violating Section 89512.

Count 12: Prohibition Against Personal Use of Campaign Funds

An expenditure of \$960.16 was made from the Committee's bank account to Wayfair on October 20, 2014. According to an interview with Baca Del Rio, she was remodeling her kitchen and her husband accidentally used the Committee bank card for this personal expenditure.

Baca Del Rio contends that she repaid the Committee for this expenditure, but failed to provide records to support the re-payment of these expenditures. Committee bank records show that on December 18, 2014, \$1,500 in cash was deposited into the Committee bank account.

Baca Del Rio made an \$960.16 expenditure on October 20, 2014, from the Committee bank account which conferred a substantial personal benefit on her, for purposes not directly related to a political, legislative or governmental purpose, violating Section 89512.

CONCLUSION

This settlement consists of 12 counts of violating the Act, which carries a maximum administrative penalty of \$5,000 per count, for a total maximum administrative penalty of \$60,000.

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.

The Commission also considers penalties in prior cases involving similar violations. Recent cases for similar violations include:

Campaign Filing and Disclosure

In the Matter of Michael Aldapa, FPPC Case No. 13/220 (Default Decision and Order). On October 15, 2015, the Commission imposed the maximum penalty for 3 counts of failing to file campaign statements against an unsuccessful candidate for California State Assembly. The Commission increased the recommended penalty to \$5,000 per count because the candidate was well aware of his filing obligations and demonstrated a pattern of disregard for the law.

As in the *Aldapa* case, Baca Del Rio had reason to be aware of her filing obligations, as she had been previously fined for failing to file campaign statements. *In the Matter of Tina Baca Del Rio and Friends of Tina Baca Del Rio*, FPPC Case No. 08/423, the Commission approved a stipulation on April 11, 2011 in the amount of \$26,000 for failing to file 3 semi-annual and 4 pre-election campaign statements over a two-year period, with fines ranging from \$3,500 to \$4,000 per count. In this matter, a penalty in the amount of \$5,000 for Counts 1-4 is recommended.

24 Hour Reports

In the Matter of Friends of Angel Santiago for Inland Empire Utilities Agency Director Division 4, Angel Santiago, and Valerie Santiago, FPPC Case No. 13/547 (Default Decision and Order). On December 17, 2015, the Commission imposed a penalty of \$4,000 for each count for failing to file 4 late contribution reports that should have disclosed between \$1,000-\$5,000 contributions received during the late contribution reporting period. These late contribution reports were not filed. The Default Decision and Order included fines for failing to timely file 2 pre-election campaign statement and failing to timely file 3 semi-annual campaign statements.

Baca Del Rio and the Committee failed to file 24 Hour Reports and failed to timely file the second pre-election campaign statement prior to the election, depriving the public of financial information prior to the election. In mitigation, the law had recently changed from requiring 24 Hour Reports 16 days prior to the election to 90 days prior to the election. As such, the fourteen 24 Hour Reports were combined into 4 separate counts. In this matter, a penalty in the amount of \$4,500 for Counts 5-8 is recommended.

Annual Fees

In the Matter of Geraldine "Gerri" Guzman, Friends to Elect Gerri Guzman for School Board, and Charlotte Trujillo, FPPC Case No. 13/1334. On April 21, 2016, the Commission

approved 1 count of failing to file the 2013 and 2014 Annual Fees for \$1,000 in a stipulated settlement. This case noted that annual fee cases have previously been resolved through the streamline program and a penalty of \$1,000 is consistent with the similar cases that do not qualify for the streamline program.

Baca Del Rio’s failure to pay the 2013 and 2014 Annual Fees are the direct result of Baca Del Rio’s failure to respond to correspondence and disregard of the Act’s requirements. In this matter, a penalty in the amount of \$2,000 for Count 9 is recommended.

Personal Use Prohibitions

In the Matter of Kenneth G. Mann, FPPC Case No. 14/596. On March 19, 2015, the Commission approved a penalty of \$3,500 for 1 count of personal use. In the *Mann* case, the Respondent used \$5,000 of his campaign funds to pay personal expenses. In mitigation, he paid this amount back about 2 months later, before any contact from the Commission.

Baca Del Rio contends that she deposited \$1,500 as soon as she realized that the expenditures for Wayfair and Lowe’s had been mistakenly made and that amount was intended to cover the expenditures, as well as an additional interest payment. Personal use of campaign funds violates the trust of the contributors giving to that campaign and is a serious violation of the Act. In this matter, a penalty in the amount of \$5,000 for Counts 10-12 is recommended.

PROPOSED PENALTY

After consideration of the factors of Regulation 18361.5, it is respectfully requested that the Commission impose the following penalty upon the Baca Del Rio and the Committee:

Count	Respondents	Description	Penalty per ct	Total
1 – 4	Baca Del Rio and Committee	Campaign Filing/Disclosure	\$5,000	\$20,000
5-8	Baca Del Rio and Committee	24 Hour Reports	\$4,500	\$18,000
9	Baca Del Rio and Committee	Annual Fee	\$2,000	\$2,000
10-12	Baca Del Rio	Personal Use Prohibition	\$5,000	\$15,000
		Total Penalty Against Baca Del Rio (Individually)		\$15,000
		Total Penalty Against the Committee and Baca Del Rio		\$40,000
		Total Proposed Penalty		\$55,000