

1 GALENA WEST
Chief of Enforcement
2 CHRISTOPHER BURTON
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 Fair Political Practices Commission, Enforcement Division

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

10
11 In the Matter of:

12 WESTSIDE UNION TEACHERS
ASSOCIATION POLITICAL ACTION
13 COMMITTEE and DARRELL HRABIK,

14 Respondents.

FPPC Case No. 16/277

STIPULATION, DECISION AND ORDER

15
16 INTRODUCTION

17 Westside Union Teachers Association Political Action Committee (the “Committee”) is a
18 sponsored general purpose committee. Darrell Hrabik (“Hrabik”) is the treasurer of the Committee. The
19 Committee was referred to the Enforcement Division of the Fair Political Practices Commission (the
20 “Commission”) for its failure to timely file various semiannual campaign statements covering reporting
21 periods in 2015 and 2016, in violation of Section 84200, subdivision (a), of the Political Reform Act (the
22 “Act”).¹ After being contacted by the Enforcement Division, the Committee filed the pertinent
23 statements, which reported a total of zero contributions and \$880 in expenditures.

24 ///

25 ///

26
27 ¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the
28 Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in
Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2,
Division 6 of the California Code of Regulations, unless otherwise indicated.

1 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. The violations in this case occurred
3 in 2016. For this reason, all legal references and discussions of law pertain to the Act’s provisions as
4 they existed at that time.

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

6 When enacting the Act, the people of California found and declared that previous laws regulating
7 political practices suffered from inadequate enforcement by state and local authorities.² For this reason,
8 the Act is to be construed liberally to accomplish its purposes.³

9 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
10 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
11 practices are inhibited.⁴ Along these lines, the Act includes a comprehensive campaign reporting
12 system—and the true sources of campaign contributions may not be concealed.⁵ Another purpose of the
13 Act is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”⁶

14 Mandatory Filing of Campaign Statements

15 At the core of the Act’s campaign reporting system is the requirement that committees file
16 campaign statements and reports for certain reporting periods and by certain deadlines.⁷

17 The Act requires a recipient committee to file semiannual campaign statements twice per year
18 disclosing its campaign contributions and expenditures. A recipient committee must file a semiannual
19 statement by January 31 for the period ending December 31 and by July 31 for the period ending June
20 30, or the next business day if the deadline falls on a weekend or holiday.⁸

21 ///

22 ///

24 _____
25 ² Section 81001, subd. (h).

26 ³ Section 81003.

27 ⁴ Section 81002, subd. (a).

28 ⁵ Sections 84200, et seq., and 84301.

⁶ Section 81002, subd. (f).

⁷ Sections 84200, et seq.

⁸ Section 84200, subd. (a); Regulation 18116, subd. (a).

1 Joint and Several Liability of Candidate, Committee, and Treasurer

2 It is the duty of a committee treasurer to ensure that the committee complies with the Act.⁹ A
3 treasurer may be held jointly and severally liable, along with the candidate and the committee, for
4 violations committed by the committee.¹⁰

5 **SUMMARY OF THE FACTS**

6 The Committee filed its initial statement of organization on May 29, 2001. In March 2016, the
7 Enforcement Division received the first of several referrals from the Committee’s filing officer, Los
8 Angeles County, related to the Committee. In particular, Los Angeles County referred the Committee to
9 the Enforcement Division based on its failure to timely file the required semiannual campaign statements
10 for the reporting periods of July 1 to December 31, 2015 (due on February 1, 2016); January 1 to June
11 30, 2016 (due on August 1, 2016); and July 1 to December 31, 2016 (due on January 31, 2017).

12 On March 28, 2016, the Enforcement Division sent a letter to the Committee asking that it file its
13 statement for July 1 to December 31, 2015 within 30 days. The Committee responded by filing a Form
14 450 Recipient Committee Campaign Statement – Short Form (“Form 450”) on or about May 4, 2016.
15 The statement reported no contributions and \$340 in expenditures. The Committee also filed its
16 semiannual statement, a Form 450, for the period of January 1 to June 30, 2016, on or about November
17 18, 2016, before any contact from the Enforcement Division. The statement reported no contributions
18 and \$540 in expenditures.

19 On March 29, 2017, the Enforcement Division contacted the Committee and asked that it file its
20 missing semiannual statement for the period of July 1 to December 31, 2016. On or about March 30,
21 2017, the Committee filed the statement, a Form 450, which reported no contributions or expenditures
22 for the reporting period.

23 ///

24 ///

25 ///

26
27 _____
28 ⁹ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

¹⁰ Sections 83116.5 and 91006.

1 **VIOLATIONS**

2 Count 1: Failure to Timely File Semiannual Campaign Statement Due August 1, 2016

3 As a “recipient committee” under the Act, the Committee and Hrabik were required to file a
4 semiannual campaign statement for the period of January 1, 2016 to June 30, 2016, by August 1, 2016;
5 however, the Committee and Hrabik failed to do so, in violation of Section 84200, subdivision (a).

6 Count 2: Failure to Timely File Semiannual Campaign Statement Due January 31, 2017

7 As a “recipient committee” under the Act, the Committee and Hrabik were required to file a
8 semiannual campaign statement for the period of July 1, 2016 to December 31, 2016, by January 31,
9 2017; however, the Committee and Hrabik failed to do so, in violation of Section 84200, subdivision (a).

10 **PROPOSED PENALTY**

11 This matter consists of two counts. The maximum penalty that may be imposed is \$5,000 per
12 count. Thus, the maximum penalty that may be imposed is \$10,000.¹¹

13 In determining the appropriate penalty for a particular violation of the Act, the Commission
14 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the
15 Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of
16 any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or
17 inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective
18 amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior
19 record of violations.¹²

20 Additionally, the Commission considers penalties in prior cases with comparable violations.
21 Comparable cases in which a penalty was charged for violating Section 84200, subdivision (a), include
22 the following:

- 23 • *In the Matter of Voto Latino Action Fund PAC and Maria Teresa Kumar*; FPPC No. 16/338.

24 Respondents, a recipient committee that made independent expenditures and its treasurer, failed to timely
25 file a semiannual campaign statement that included pre-election reporting period. The statement, which
26

27 ¹¹ Section 83116, subd. (c).

28 ¹² Regulation 18361.5, subd. (d).

1 was filed four years after the pertinent election, disclosed both contributions and expenditures of
2 \$65,771.14. In March 2017, the Commission imposed a penalty of \$2,500 on one count.

3 Here, the violations at issue herein are not nearly as severe as those in *Voto Latino*. In *Voto*
4 *Latino*, the subject semiannual statements reported \$65,771.14 in both contributions and expenditures.
5 Here, the Committee did not report any contributions on the two subject campaign statements, and
6 reported expenditures of only \$340 and \$540; therefore, the Committee was close to dormant during the
7 pertinent reporting periods. Further, unlike here, the campaign statement at issue in *Voto Latino* included
8 reporting time prior to an election in which the respondents were active. Further, Respondents have
9 cooperated with the Enforcement Division, including the prompt filing of the subject campaign
10 statements after contact from the Enforcement Division.

11 In aggravation, the Committee has a history with the Commission. In FPPC No. 15/214, the
12 Enforcement Division issued a warning letter to the Committee after it failed to timely file its semiannual
13 campaign statement for the period of July 1 to December 31, 2014, after having been referred two other
14 times for late filings.

15 Based on the foregoing, a penalty in the amount of \$2,000 for each of Counts 1 and 2 is
16 recommended, for a total administrative penalty of \$4,000.

17 CONCLUSION

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
19 Respondents, Westside Union Teachers Association Political Action Committee and Darrell Hrabik,
20 hereby agree as follows:

- 21 1. The Respondents violated the Act as described in the foregoing pages, which are a true
22 and accurate summary of the facts in this matter.
- 23 2. This stipulation will be submitted for consideration by the Fair Political Practices
24 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.
- 25 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose
26 of reaching a final disposition without the necessity of holding an administrative hearing to determine the
27 liability of the Respondents pursuant to Section 83116.
- 28 4. The Respondents understand, and hereby knowingly and voluntarily waive, any and all

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

7 5. The Respondents agree to the issuance of the decision and order set forth below. Also, the
8 Respondents agree to the Commission imposing against them an administrative penalty in the amount of
9 \$4,000. One or more cashier's checks or money orders totaling said amount—to be paid to the General
10 Fund of the State of California—is/are submitted with this stipulation as full payment of the
11 administrative penalty described above, and same shall be held by the State of California until the
12 Commission issues its decision and order regarding this matter.

13 6. If the Commission refuses to approve this stipulation—then this stipulation shall become
14 null and void, and within fifteen business days after the Commission meeting at which the stipulation is
15 rejected, all payments tendered by the Respondents in connection with this stipulation shall be
16 reimbursed to the Respondents. If this stipulation is not approved by the Commission, and if a full
17 evidentiary hearing before the Commission becomes necessary, neither any member of the Commission,
18 nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

19 7. The parties to this agreement may execute their respective signature pages separately. A
20 copy of any party's executed signature page including a hardcopy of a signature page transmitted via fax
21 or as a PDF email attachment is as effective and binding as the original.

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

26
27 Dated: _____
28 Darrell Hrabik, individually and on behalf of
Westside Union Teachers Association Political Action
Committee

1 The foregoing stipulation of the parties “In the Matter of Westside Union Teachers Association Political
2 Action Committee and Darrell Hrabik,” FPPC Case No. 16/277 is hereby accepted as the final decision
3 and order of the Fair Political Practices Commission, effective upon execution below by the Chair.
4

5 IT IS SO ORDERED.
6

7 Dated: _____
8 Joann Remke, Chair
9 Fair Political Practices Commission
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28