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

11 In the Matter of) FPPC Case No. 16/339
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14) **STIPULATION, DECISION AND ORDER**
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ROBERT G. JONES, ROBERT G.
JONES FOR LOS RIOS TRUSTEE 2010,
and JULIANNE C. JONES,

Respondents.

INTRODUCTION

Respondent, Robert G. Jones, has been a Trustee for the Los Rios Community College District since he was elected in 2006, and re-elected in 2010 and 2014. His current term ends in 2018. Robert G. Jones For Los Rios Trustee 2010 (the Committee) was Jones' candidate-controlled election committee for Jones' 2010 and 2014 re-election campaigns. Julianne C. Jones was the Committee's treasurer, and Jones' wife.

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1 As a candidate, his controlled committee and the committee treasurer under the Political Reform
2 Act (Act),¹ Jones, the Committee and Mrs. Jones had a duty to timely file campaign statements and
3 reports disclosing particular information. In this case, Jones, the Committee and Mrs. Jones failed to
4 timely file two preelection campaign statements, one semi-annual campaign statement, and two 24-hour
5 contribution reports for \$23,000 in contributions received, related to the November 4, 2014 election.

6 SUMMARY OF THE LAW

7 All legal references and discussions of the law refer to the Act's provisions as they existed in
8 2014.

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

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

13 There are many purposes of the Act. One purpose is to ensure that receipts and expenditures in
14 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
15 practices are inhibited.⁴ Another is to provide adequate enforcement mechanisms so that the Act will be
16 "vigorously enforced."⁵

17 Definition of Controlled Committee

18 A candidate includes, in relevant part, an individual who is listed on the ballot for election to any
19 elective office.⁶ A "committee" includes any person or combination of persons who receives
20 contributions totaling \$1,000 or more in a calendar year,⁷ commonly known as a "recipient committee."
21 A recipient committee which is controlled directly or indirectly by a candidate, or which acts jointly with
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23 ¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references
24 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.

25 ² § 81001, subd. (h).

26 ³ § 81003.

27 ⁴ § 81002, subd. (a).

28 ⁵ § 81002, subd. (f).

⁶ § 82007.

⁷ § 82013, subd. (a).

1 a candidate in connection with the making of expenditures, is a “controlled committee.”⁸ A candidate
2 controls a committee if he or she, his or her agent, or any other committee he or she controls has a
3 significant influence on the actions or decisions of the committee.⁹ A committee may be controlled by
4 one or more candidates.¹⁰

5 Duty to File Campaign Statements

6 The Act requires candidates and their controlled committees to file campaign statements at
7 specific times disclosing information regarding contributions received and expenditures made by the
8 campaign committees.¹¹

9 Duty to File Semi-Annual Campaign Statements

10 The Act requires all candidates and their controlled committees to file semi-annual campaign
11 statements each year no later than July 31 for the period ending June 30, and no later than January 31 for
12 the period ending December 31.¹² When the deadline falls on a Saturday, Sunday or official state holiday,
13 the filing deadline for such a statement or report is extended to the next regular business day.¹³ All filing
14 obligations continue until the recipient committee is terminated by filing a statement of termination with
15 the Secretary of State and a copy with the local filing officer receiving the committee’s original campaign
16 statements.¹⁴

17 Duty to File Preelection Campaign Statements

18 A candidate-controlled committee must file preelection campaign statements prior to elections in
19 which the candidate appears on the ballot.¹⁵ Whenever the deadline falls on a Saturday, Sunday, or official
20 state holiday, the filing deadline for a statement shall be extended to the next regular business day.¹⁶ For
21 the November 4, 2014 General Election, a candidate-controlled committee was required to file
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23 ⁸ § 82016, subd. (a).

24 ⁹ § 82016, subd. (a).

25 ¹⁰ § 84102, subd. (e); Reg. §§ 18402 subd. (c), and 18430.

26 ¹¹ See § 84200, *et seq.*

27 ¹² § 84200, subd. (a).

28 ¹³ Reg. 18116.

¹⁴ § 84214; Reg. 18404.

¹⁵ § 84200.5, subd. (b).

¹⁶ Reg. 18116, subd. (a).

1 preelection campaign statements for the period ending September 30, no later than October 6, 2014 and
2 for the period ending October 18, no later than October 23, 2014.¹⁷

3 Duty to File 24-Hour Contribution Reports

4 Each candidate or committee that makes or receives a late contribution must file a report within
5 24 hours of making or receiving the contribution.¹⁸ A “late contribution” includes a contribution
6 aggregating \$1,000 or more that is made or received by a candidate or his or her controlled committee
7 during the 90-day period preceding an election or on the date of the election.¹⁹ The 90-day period for
8 the November 4, 2014 election was August 6 through November 3, 2014.

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

10 Every committee must have a treasurer.²⁰ It is the duty of a committee’s treasurer to ensure that
11 the committee complies with all of the requirements of the Act concerning the receipt and expenditure
12 of funds and the reporting of such funds.²¹ A committee’s treasurer may be held jointly and severally
13 liable with the candidate and the committee for violations committed by the committee.²²

14 **SUMMARY OF THE FACTS**

15 Jones first ran for election to the Los Rios Community College District Board of Trustees in 2006.
16 Jones did not receive any contributions, and his only expenses were for his ballot statement, so Jones did
17 not qualify as a committee under the Act for his 2006 election. For his 2010 re-election campaign, Jones
18 filed a statement of organization for the Committee, but the Committee did not qualify as a committee
19 under the Act because Jones did not receive \$1,000 or more in contributions for his 2010 campaign.

20 Preelection and Semi-Annual Campaign Statements

21 Jones ran for re-election in 2014. Jones filed a Short Form Campaign Statement (Form 470) on
22 August 4, 2014, declaring that he anticipated that he would receive and spend less than \$1,000 in 2014
23 related to his re-election campaign for Los Rios Community College District Trustee. But as of
24

25 ¹⁷ Former § 84200.7.

26 ¹⁸ § 84203.

27 ¹⁹ § 82036.

28 ²⁰ § 84100.

²¹ § 84104 and Reg. 18427, subd. (a).

²² §§ 83116.5 and 91006.

September 17, 2014, Jones, the Committee and Mrs. Jones were required to file periodic campaign statements because on that date, Jones received a \$20,000 contribution from Los Rios College Federation of Teachers Political Action Fund Committee. In total, Jones, the Committee and Mrs. Jones reported receiving contributions totaling \$23,000, and making expenditures totaling \$26,103. Jones, the Committee and Mrs. Jones failed to timely file the following campaign statements:

Statement Type	Reporting Period	Date Due	Date Filed	Days Late	Contributions Reported	% of Total	Expenditures Reported	% of Total
Preelection	7/1/2014 – 9/30/2014	10/6/2014	1/5/2017	822	\$20,000	87%	\$24,122	92%
Preelection	10/1/2014 – 10/18/2014	10/23/2014	1/5/2017	805	\$0	0%	\$1,981	8%
Semi-Annual	10/19/2014 – 12/31/2014	2/2/2015	4/25/2016	448	\$3,000	13%	\$0	0%

None of these campaign statements were filed before the November 4, 2014 election.

24-hour Contribution Reports

Jones, the Committee and Mrs. Jones were also required to file 24-hour contribution reports for all contributions received totaling \$1,000 or more in the 90-day period before the November 4, 2014 election. Jones, the Committee and Mrs. Jones received two such contributions, and failed to timely file 24-hour contribution reports as follows:

Date Made/Received	Amount	Contributor	Date 24-hour Report Due	Dated Filed	Days Late
9/17/2014	\$20,000	Los Rios College Federation of Teachers Political Action Fund Committee	9/18/2014	10/8/2014	20
10/10/2014	\$3,000	Service Employees International Union Local 1021 Candidate PAC	10/11/2014	10/21/2014	10

The evidence shows that these contributions were the only contributions Jones, the Committee and Mrs. Jones received in support of Jones' re-election campaign. While both of these reports were filed late, both were filed before the November 4, 2014 election. Service Employees International Union Local 1021 Candidate PAC also timely disclosed making the \$3,000 contribution in a 24-hour contribution report, but Los Rios College Federation of Teachers Political Action Fund Committee did not file a 24-hour contribution report disclosing the \$20,000 contribution.

1 **VIOLATIONS**

2 Count 1: Failure to Timely File Preelection and Semi-Annual Campaign Statements

3 Jones, the Committee and Mrs. Jones failed to timely file two preelection campaign statements
4 for the reporting periods of July 1, 2014 through September 30, 2014, and October 1, 2014 through
5 October 18, 2014, in violation of Government Code sections 84200.5 and 84200.7, and failed to timely
6 file one semi-annual campaign statement for the period of October 19, 2014 through December 31, 2014,
7 in violation of Government Code section 84200.

8 Count 2: Failure to Timely File 24-Hour Reports

9 In September and October 2014, Jones, the Committee and Mrs. Jones failed to timely file two
10 24-hour Reports, in violation of Government Code section 84203, subdivision (a).

11 **PROPOSED PENALTY**

12 This matter consists of two counts of violating the Act, which carries a maximum administrative
13 penalty of \$5,000 per count, totaling \$10,000.²³

14 In determining the appropriate penalty for a particular violation of the Act, the Commission
15 considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis
16 on serving the purposes and intent of the Act. Additionally, the Commission considers the facts and
17 circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d):
18 1) the seriousness of the violations; 2) the presence or lack of intent to deceive the voting public; 3)
19 whether the violation was deliberate, negligent, or inadvertent; 4) whether the Respondent demonstrated
20 good faith in consulting with Commission staff; 5) whether there was a pattern of violations and whether
21 the violator has a prior record of violations of the Act or similar laws; and 6) whether, upon learning of
22 the violation, the violator voluntarily provided amendments to provide full disclosure.²⁴

23 Applying the factors to this case, though the campaign was small, the full nature and extent of the
24 campaign activity was not disclosed to the public before the date of the election. The evidence shows that
25 there was no intent to deceive the voting public, as evidenced by the disclosure of both late contributions
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27 ²³ § 83116, subd. (c).

28 ²⁴ Reg. 18361.5, subd. (d).

1 before the election and by Jones', the Committee's and Mrs. Jones' cooperation to file the outstanding
2 campaign statements. And the evidence suggests that the violations were negligent – Jones had been a
3 candidate before, and Jones was generally aware that the Act required disclosure of the Committee's
4 campaign activity. But Jones also had no experience regarding campaign filing and disclosure – Jones
5 did not raise \$1,000 or more in his 2006 or 2010 campaigns, so he had no prior experience filing semi-
6 annual and preelection campaign statements and disclosing campaign activity. During the Enforcement
7 Division's 2014 preelection efforts, Jones received a warning letter for failing to include the proper sender
8 identification on a mass mailing, but Jones, the Committee and Mrs. Jones have no prior violations of the
9 Act. Jones, the Committee and Mrs. Jones had other issues related to the 2014 campaign, including failing
10 to use a designated campaign bank account, which are resolved as part of this settlement. The violations
11 in this matter, taken as a whole, resulted in incomplete disclosure before the election.

12 The Commission also considers penalties in prior cases involving similar violations. Recent cases
13 with similar violations include:

14 Counts 1-2: Failure to Timely File Campaign Statements and Failure to Timely File 24-Hour Reports

15 *In the Matter of Ken Seaton For National City Council 2014, Ken Seaton-Msemaji, and Samantha*
16 *Ollinger*; FPPC Nos. 15/249. Ken Seaton-Msemaji was an unsuccessful candidate for National City City
17 Council in the November 4, 2014 General Election. Ken Seaton for National City Council 2014 was his
18 candidate-controlled committee. Samantha Ollinger was the Committee's treasurer. In 2014, the
19 Committee, Seaton-Msemaji, and Ollinger received contributions totaling approximately \$82,155, and
20 made expenditures totaling approximately \$79,912. The Committee, Seaton-Msemaji, and Ollinger:

- 21 1. Failed to timely file one preelection campaign statement covering the reporting period of
22 October 1, 2014 through October 18, 2014, for contributions totaling \$15,846 (approximately 19%
23 of the total contributions received) and expenditures totaling \$22,309 (approximately 28% of the total
24 expenditures made), in violation of Government Code sections 84200.5 and 84200.7 (1 count). In
25 December 2017, the Commission imposed a penalty of \$2,000 for this violation.
- 26 2. Failed to timely file one semi-annual campaign statement covering the reporting period of
27 October 19, 2014 through December 31, 2014, for contributions totaling \$13,765 (approximately
28

1 17% of the total contributions received) and expenditures totaling \$29,799 (approximately 37% of
2 the total expenditures made), in violation of Government Code section 84200 (1 count). In December
3 2017, the Commission imposed a penalty of \$1,500 for this violation.

4 3. Failed to timely file ten 24-hour Reports totaling \$29,000 in contributions (approximately 35% of the
5 total contributions received), in violation of Government Code section 84203 (1 count). In December
6 2017, the Commission imposed a penalty of \$1,500 for this violation.

7 In this case, Jones, the Committee and Mrs. Jones failed to timely file two preelection campaign
8 statements, one semi-annual campaign statement and two 24-hour contribution reports. Their failure to
9 timely file these campaign statements and reports resulted in a lack of accurate information for the voting
10 public regarding Jones', the Committee's and Mrs. Jones' campaign activity.

11 In mitigation, Jones, the Committee and Mrs. Jones have no prior history of violating the
12 campaign reporting provisions of the Act, and the two 24-hour contribution reports, while filed late, were
13 filed before the date of the election. Jones, the Committee and Mrs. Jones received and spent a much
14 lower amount of money than the comparable case above, but otherwise the comparable case is very
15 similar to this case. One key difference however is that the lack of disclosure here involved a much higher
16 percentage of the contributions received and expenditures made than in the comparable case, but in this
17 case, the entire campaign consisted of only two contributions received. The evidence shows that Jones,
18 the Committee and Mrs. Jones had no intent to deceive the voting public, but were inexperienced
19 regarding the Act's campaign disclosure rules. In this case, it is appropriate to combine the preelection
20 and semi-annual campaign statements into one count, and to include a separate count for the two 24-hour
21 contribution reports.

22 For the foregoing reasons, a total administrative penalty in the amount of \$3,500 is recommended:
23 \$2,000 for Count 1, and \$1,500 for Count 2.

24 **CONCLUSION**

25 Complainant, the Enforcement Division of the Fair Political Practices Commission, Respondents,
26 Robert G. Jones, Robert G. Jones For Los Rios Trustee 2010, and Julianne C. Jones, hereby agree as
27 follows:

