

1 GALENA WEST
Chief of Enforcement
2 CHRISTOPHER BURTON
Senior Commission Counsel
3 Fair Political Practices Commission
1102 Q Street, Suite 3000
4 Sacramento, CA 95811

5 Telephone: (916) 322-5660

6 Attorneys for Complainant
Fair Political Practices Commission, Enforcement Division
7

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

11 In the Matter of:

FPPC Case No. 17/1164

12 ALBERT ROBLES FOR CARSON CITY
13 COUNCIL 2013 AND ALBERT
14 ROBLES,

STIPULATION, DECISION AND ORDER

15 Respondents.

16 INTRODUCTION

17 In 2013, Albert Robles (“Robles”) created the controlled committee Albert Robles for Carson
18 City Council 2013 (the “Committee”) in conjunction with his successful bid for election to the Carson
19 City Council in the March 5, 2013 General Municipal Election. Robles is also the treasurer of the
20 Committee, which remains active.

21 The Political Reform Act (the “Act”)¹ requires elected officers, candidates, and recipient
22 committees to file two semiannual campaign statements each year. After Robles’ election in 2013, the
23 Committee and Robles failed to timely file three semiannual campaign statements for the reporting
24 periods of January 1, 2017 through June 30, 2017; January 1, 2018 through June 30, 2018; and July 1,
25 2018 through December 31, 2018.
26

27
28 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 Practice 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.

1 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. The violations in this case occurred in
3 2017, 2018, and 2019. For this reason, all legal references and discussions of law pertain to the Act’s
4 provisions as 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 To that end, the
8 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 system.⁵
12 Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be
13 “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 elected officers, candidates, and recipient committees to file semiannual
18 campaign statements twice per year disclosing campaign contributions and expenditures. Elected
19 officers, candidates, and recipient committees must file a semiannual statement by January 31 for the
20 period ending December 31 and by July 31 for the period ending June 30, or the next business day if the
21 deadline falls on a weekend or holiday.⁸

22 ///

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

26 ³ Section 81003.

27 ⁴ Section 81002, subd. (a).

28 ⁵ Sections 84200, *et seq.*

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 campaign
3 reporting provisions of the Act.⁹ A treasurer may be held jointly and severally liable, along with the
4 candidate and the committee, for violations committed by the committee.¹⁰

5 **SUMMARY OF THE FACTS**

6 Robles was elected to the Carson City Council in the March 5, 2013 General Municipal Election
7 as one of the top two vote-getters. He was later appointed as Mayor in April 2015 and was elected as
8 Mayor in the November 8, 2016 General Election. His current term expires in 2020. The Committee filed
9 its initial statement of organization on or about January 31, 2013, which provided a qualification date of
10 January 26, 2013.¹¹ Respondents will terminate the Committee in conjunction with this stipulation.

11 The Committee failed to timely file the following semiannual campaign statements:

12

Statement/ Report Type	Reporting Period	Due Date	Date Filed	Days Late	Amount of Contributions/ Expenditures
Semiannual	1/1/17 – 6/30/17	7/31/17	10/17/17	78	\$0/\$0
Semiannual	1/1/18 – 6/30/18	7/31/18	3/5/19	218	\$0/\$0
Semiannual	7/1/18 – 12/31/18	1/31/19	3/5/19	34	\$0/\$0

13
14
15
16
17
18

19 **VIOLATIONS**

20 Counts 1 and 2: Failure to Timely File Semiannual Campaign Statements

21 The Committee and Robles failed to timely file semiannual campaign statements for the reporting
22 periods of January 1, 2017 to June 30, 2017; January 1, 2018 to June 30, 2018; and July 1, 2018 to
23 December 31, 2018, in violation of Section 84200, subdivision (a).

24 **PROPOSED PENALTY**

25 This matter consists of two counts. The maximum penalty that may be imposed is \$5,000 per
26

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

28 ¹⁰ Sections 83116.5 and 91006.

¹¹ The Committee reported \$172,350.24 in total contributions and \$169,240.52 in total expenditures in 2013.

1 count. Thus, the maximum penalty that may be imposed is \$10,000.¹²

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

9 Here, the Enforcement Division found no evidence that Respondents intended to conceal,
10 deceive, or mislead the public. Further, the seriousness of the violations is low given that there was no
11 financial activity associated with the subject campaign statements, and the subject statements were due
12 years after the pertinent election. In addition, Robles has hired a professional treasurer to manage his
13 campaign filings going forward.

14 However, Respondents have a prior record of violations. In December 2016, in FPPC Nos.
15 13/217 and 16/19754, *In the Matter of Albert Robles, Friends of Albert Robles Officeholder Account,*
16 *Committee to Re-Elect Albert Robles, and Robles for Carson City Council 2013*, the Commission
17 approved a \$12,000 fine arising from multiple campaign reporting and SEI violations by committees
18 controlled by Robles, including the Committee.

19 Additionally, the Commission considers penalties in prior cases involving similar violations.
20 Recent similar cases involving a failure to timely file campaign statements include the following:

21 • *In the Matter of Xilonin Cruz-Gonzalez for School Board 2013, Xilonin Cruz-Gonzalez and Ixchel*
22 *Cruz-Gonzalez*; FPPC No. 17/268. Respondents, a candidate, her controlled committee, and its treasurer
23 failed to timely file two semiannual campaign statements that reported no financial activity, in violation
24 of Section 84200. In February 2020, the Commission approved a penalty of \$1,000 on each of two
25 counts.

26 As to Counts 1 and 2, Respondents are deserving of a total penalty higher than the \$2,000

28 ¹² Section 83116, subd. (c).

¹³ Regulation 18361.5, subd. (d).

1 approved in the *Cruz-Gonzalez* case since there was one additional statement at issue here.

2 Further, in aggravation, Robles committed an additional violation of the Act that is not being
3 charged herein, in the interest of settlement. In particular, Robles failed to timely file a semiannual
4 campaign statement for the reporting period of January 1, 2018 through June 30, 2018 in conjunction
5 with his position on the Board of the Water Replenishment District of Southern California. The statement
6 was filed in conjunction with this settlement.

7 Based on the foregoing, a penalty in the amount of \$2,250 is recommended.

8 **CONCLUSION**

9 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
10 Respondents, Albert Robles for Carson City Council 2013 and Albert Robles, hereby agree as follows:

- 11 1. Respondents violated the Act as described in the foregoing pages, which are a true and
12 accurate summary of the facts in this matter.
- 13 2. This stipulation will be submitted for consideration by the Fair Political Practices
14 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.
- 15 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose
16 of reaching a final disposition without the necessity of holding an administrative hearing to determine the
17 liability of Respondents pursuant to Section 83116.
- 18 4. Respondents understand, and hereby knowingly and voluntarily waive, any and all
19 procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9.
20 This includes, but is not limited to, the right to appear personally at any administrative hearing held in
21 this matter, to be represented by an attorney at Respondents’ own expense, to confront and cross-examine
22 all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
23 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
24 reviewed.
- 25 5. Respondents agree to the issuance of the decision and order set forth below. Also,
26 Respondents agree to the Commission imposing against them an administrative penalty in the amount of
27 \$2,250. One or more payments totaling this amount, to be paid to the General Fund of the State of
28 California, is/are submitted with this stipulation as full payment of the administrative penalty described

1 above, and they will be held by the State of California until the Commission issues its decision and order
2 regarding this matter.

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

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

12
13 Dated: _____ Galena West, Chief of Enforcement
14 Fair Political Practices Commission

15
16 Dated: _____ Albert Robles, individually and on behalf of Albert
17 Robles for Carson City Council 2013
18
19
20
21
22
23
24
25
26
27
28

1 The foregoing stipulation of the parties “In the Matter of Albert Robles for Carson City Council 2013 and
2 Albert Robles,” FPPC Case No. 17/1164 is hereby accepted as the final decision and order of the Fair
3 Political Practices Commission, effective upon execution below by the Chair.

4
5 IT IS SO ORDERED.

6
7 Dated: _____

8 Richard C. Miadich, Chair
9 Fair Political Practices Commission