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7

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

11 In the Matter of:

12 OCEAN VIEW TEACHERS
ASSOCIATION PAC, TANYSIA
13 SANCHEZ (a.k.a. PHILLIPS),
MARGARET FRIEDMANN, and
14 PAULINE WONG,

15 Respondent.

FPPC Case No. 16/705

STIPULATION, DECISION AND ORDER

16
17 **INTRODUCTION**

18 Ocean View Teachers Association PAC (the “Committee”) is a general purpose committee that
19 supported local candidates and state and local ballot measures during the November 8, 2016 General
20 Election. From September 2012 through September 2016, Respondent Tanysia Sanchez (a.k.a. Phillips)
21 was the Committee’s treasurer. From October 2016 through present, Respondent Margaret Friedmann was
22 the Committee’s treasurer. At all relevant times, Respondent Pauline Wong was the Committee’s principal
23 officer.

24 The Committee, Sanchez and Friedmann violated the Political Reform Act (the “Act.”)¹ by failing
25 to properly report expenditures as non-monetary contributions. The Committee and Friedmann violated
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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 Practices 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 the Act by failing to timely file 24-hour contribution reports. The Committee and Wong violated the Act
2 by failing to include the necessary disclosures on advertisements.

3 **SUMMARY OF THE LAW**

4 The Act and its regulations are amended from time to time. The violations in this case occurred in
5 2016 and 2017. All legal references and discussions of law pertain to the Act’s provisions as they existed
6 at that time.

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

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

11 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
12 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
13 practices are inhibited.⁴ Along these lines, the Act includes a comprehensive campaign reporting system.⁵
14 Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be
15 “vigorously enforced.”⁶

16 **Distinction Between Contributions and Independent Expenditures**

17 “Contribution” means a payment except to the extent that full and adequate consideration is
18 received, unless it is clear from the surrounding circumstances that it is not made for political purposes.⁷
19 When such a payment is made at the behest of a candidate and/or committee, it is a contribution to the
20 candidate and/or committee.⁸

21 “Made at the behest of” means made under the control or at the direction of, in cooperation,
22 consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior
23 consent of.⁹

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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 Section 82015, subd. (a).

⁸ Section 82015, subd. (b).

⁹ Regulation 18225.7, subd. (a). Also, see Regulation 18550.1, subd. (a).

1 The most common type of contribution results in the payment of money to a candidate or
2 committee. Such contributions are referred to as “monetary contributions.” Sometimes a contribution of
3 goods or services is made to a candidate or committee rather than an outright payment to the candidate or
4 committee. Such contributions are referred to as “in-kind” or “non-monetary” contributions.¹⁰

5 An expenditure is any payment, unless it is clear from the surrounding circumstances that it is not
6 made for political purposes.¹¹ “Independent expenditure” means an expenditure made by any person in
7 connection with a communication that expressly advocates the election or defeat of a clearly identified
8 candidate when the expenditure was not made to or at the behest of the affected candidate or committee.¹²

9 An expenditure is not an independent expenditure and must be treated as a contribution to the
10 candidate on whose behalf, or for whose benefit, the expenditure is made, if the expenditure is made under
11 any of the following circumstances:

- 12 1) The expenditure is made with the cooperation of, or in consultation with, the candidate
13 on whose behalf, or for whose benefit, the expenditure is made, or any controlled
committee or any agent of the candidate;
- 14 2) The expenditure is made in concert with, or at the request or suggestion of, the candidate
15 on whose behalf, or for whose benefit, the expenditure is made, or any controlled
committee or any agent of the candidate; or
- 16 3) The expenditure is made under any arrangement, coordination, or direction with respect
17 to the candidate or the candidate’s agent and the person making the expenditure.¹³

18 An expenditure is presumed to be made at the behest of a candidate if it is for a communication
19 relating to a clearly identified candidate or ballot measure when the communication replicates, reproduces,
20 republishes or disseminates, in whole or in part, a communication designed, produced, paid for or
21 distributed by the candidate or committee.¹⁴ But an expenditure is not made at the behest of a candidate or
22 committee merely when the person making the expenditure has obtained a photograph, biography, position
23 paper, press release, or similar material from the candidate or the candidate’s agents.¹⁵ This exception does
24 not apply, however, when a candidate photograph was taken “specifically for a particular advertisement,
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26 ¹⁰ See Section 84203.3 as compared to Regulation 18421.1, subd. (f).

27 ¹¹ Section 82025.

28 ¹² Section 82031.

¹³ Section 85500, subd. (b).

¹⁴ Regulation 18225.7, subd. (c)(3)(B).

¹⁵ Regulation 18225.7, subd. (d)(2).

1 because the creation of such a photograph would necessarily involve coordination with the candidate.”¹⁶
2 Rather, the exception only applies to the use of campaign materials that are “already ‘in the public domain,’
3 such that their use would not give rise to an inference of coordination.”¹⁷

4 **Mandatory Filing of Campaign Statements and Reports**

5 At the core of the Act’s campaign reporting system is the requirement that committees must file
6 campaign statements and reports for certain reporting periods and by certain deadlines.¹⁸

7 For example, each committee that makes or receives a late contribution, must file a 24-hour
8 contribution report within 24 hours.¹⁹ A “late contribution” includes a contribution that totals in the
9 aggregate \$1,000 or more and is made to or received by a candidate, a controlled committee, or a committee
10 formed or existing primarily to support or oppose a candidate within 90 days before the date of the
11 election.²⁰

12 In the case of a late contribution that is an in-kind or non-monetary contribution, the normal 24-
13 hour reporting deadline is extended to 48 hours, but only with respect to reporting *receipt* of the
14 contribution; reporting the *making* of such a contribution is subject to the normal 24-hour deadline.²¹

15 **Required Reporting of Campaign Expenditures**

16 Candidates and committees must disclose the total amount of expenditures made during the period
17 covered by the statement.²² Candidates and committees must also disclose the total amount of expenditures
18 made to persons who have received \$100 or more, and separately, the total amount of expenditures made
19 to persons who have received less than \$100, during the period covered by the statement.²³ For
20 expenditures of \$100 or more, candidates and committees must disclose the following: (1) the recipient’s
21 full name; (2) the recipient’s street address; (3) the amount of each expenditure; (4) the description of the
22 consideration for which each expenditure was made.²⁴ Additionally,

23 In the case of an expenditure which is a contribution to a candidate, elected officer, or
24 committee or an independent expenditure to support or oppose a candidate or measure, in

25 ¹⁶ *Reese Advice Letter*, No. A-02-016.

26 ¹⁷ *Ibid.*

27 ¹⁸ Sections 84200, et seq.

28 ¹⁹ Section 84203, subd. (a) and (b).

²⁰ Section 82036.

²¹ Sections 84203, subd. (a) and (b); and 84203.3, subd. (b).

²² Section 84211, subd. (b).

²³ Section 84211, subd. (i) and (j).

²⁴ Section 84211, subd (k).

1 addition to the information required in paragraphs (1) to (4) above, the date of the
2 contribution or independent expenditure, the cumulative amount of contributions made to a
3 candidate, elected officer, or committee, or the cumulative amount of independent
4 expenditures made relative to a candidate or measure; the full name of the candidate, and
the office and district for which he or she seeks nomination or election, or the number or
letter of the measure; and the jurisdiction in which the measure or candidate is voted upon.²⁵

5 **Advertisement Disclosures**

6 An “advertisement” under the Act means any general or public communication that is authorized
7 and paid for by a committee for the purpose of supporting or opposing a candidate(s) for elective office or
8 a ballot measure(s).²⁶

9 The Act requires an advertisement supporting or opposing a candidate paid for by an independent
10 expenditure to include a disclosure statement identifying the committee making the independent
11 expenditure,²⁷ and to include disclaimer language stating that it was not authorized by a candidate or a
12 committee controlled by a candidate.²⁸ The disclosure must also include the words “paid for by” followed
13 by the name of the committee or person who paid for the advertisement.²⁹ In addition, disclosure statements
14 on oversized print media advertisements, including yard signs and large banners, must be at least 5% of
15 the height of the advertisement and printed in a contrasting color.³⁰

16 **Joint and Several Liability of Committee, Principal Officer, and Treasurer**

17 It is the duty of a committee treasurer to ensure that the committee complies with the campaign
18 reporting provisions of the Act.³¹ It is the duty of the committee’s principal officer to authorize the content
19 of communications made by the committee, authorize expenditures made by the committee, and determine
20 the committee’s campaign strategy.³² A treasurer and principal officer may be held jointly and severally
21 liable, along with the committee, for violations committed by the committee.³³

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25 ²⁵ Section 84211, subd (k)(5).

26 ²⁶ Section 84501.

27 ²⁷ Section 84506, subd. (a)(1).

28 ²⁸ Section 84506.5.

29 ²⁹ Regulation 18450.4, subd. (b)(1).

30 ³⁰ Regulation 18450.4, subd. (b)(3)(D).

31 ³¹ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

32 ³² Section 82047.6; Regulation 18402.1, subd. (b).

33 ³³ Sections 83116.5 and 91006.

1 **Liability for Violations**

2 Any person who violates any provision of the Act, who purposely or negligently causes any other
3 person to violate any provision of the Act, or who aids and abets any other person in the violation of any
4 provision of the Act, is liable for administrative penalties up to \$5,000 per violation.³⁶

5 **SUMMARY OF THE FACTS**

6 The Committee initially qualified as a committee in 1994, and it has a history of supporting school
7 board candidates and measures related to education. Ocean View Teachers Association (“OVTA”) is a
8 labor union for teachers in the Ocean View School District (“OVSD”). Measure R was a local school bond
9 ballot measure in the November 8, 2016 election. Clayton-Tarvin led Citizens for Safe Ocean View
10 Schools Yes on Measure R (“Measure R Committee”), a primarily formed committee in support of
11 Measure R. Proposition 55 was a statewide ballot measure in the November 8, 2016 election.

12 **2016 Election**

13 In 2016, the Committee reported receiving \$30,055 in contributions and making \$33,246 in
14 expenditures. The Committee’s reported activities included advertisements, lawn signs, banners, mailers,
15 slate mailers, and phone banking expenses.

16 In the November 8, 2016 election, the Committee supported Gina Clayton-Tarvin for the OVSD
17 Board of Trustees (who was successfully re-elected), Patricia Singer for OVSD Board of Trustees (who
18 was unsuccessful), Proposition 55 (which passed), and Measure R (which passed). The Committee
19 distributed lawn signs, banners, mailers and other materials supporting both candidates, Proposition 55,
20 and Measure R. The Committee reported making \$14,366 in independent expenditures supporting Clayton-
21 Tarvin, \$14,166 in independent expenditures supporting Patricia Singer, and \$3,752 in independent
22 expenditures supporting Measure R. The Committee did not disclose making any non-monetary
23 contributions or independent expenditures supporting Proposition 55 either with the local filing officer or
24 with the California Secretary of State.

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³⁶ Sections 83116 and 83116.5.

1 **Committee Photoshoot and Mailers**

2 Leading up to the November 8, 2016 election, Clayton-Tarvin and Singer communicated regularly
3 with Monica Mora, a consultant and teachers advocate with OVTA, during their 2016 campaigns. Mora’s
4 work involved helping candidates supported by OVTA with the process of running for office and to help
5 candidates with paperwork that needed to be submitted to the Orange County Recorder. Mora was also a
6 consultant to OVTA on election activities and helped with creating the budget for campaign activities.
7 Mora did not approve or decide any of the Committee’s expenditures.

8 In September 2016, the Committee scheduled and paid for a photoshoot including Clayton-Tarvin,
9 Singer, and other members of the local educational community. The Committee scheduled the photoshoot
10 so the Committee would have high-quality photographs to include on its mailers supporting Clayton-
11 Tarvin, Singer, Proposition 55 and Measure R. In advance of the photoshoot, Mora emailed Clayton-Tarvin
12 and Singer to coordinate the participants for the photoshoot. In the email, Mora stated the purpose of the
13 photoshoot was to “...show that parents, community leaders, admin, teachers are all working together to
14 SUPPORT BOTH OF YOU, Measure R, and Prop 55” (Emphasis included in original). Clayton-Tarvin
15 said she would secure people for the photoshoot. Both Clayton-Tarvin and Singer appeared with
16 community members and students in the photographs taken during the photoshoot.

17 The Committee paid for the photoshoot with two checks. The first was dated September 22, 2016
18 for \$250. In its preelection campaign statement for the period ending September 24, 2016, the Committee
19 reported this as an independent expenditure in support of each Clayton-Tarvin and Singer, attributing \$125
20 to each candidate. The second check was dated September 26, 2016 for \$450. In its preelection campaign
21 statement for the period ending October 22, 2016, the Committee reported this as an independent
22 expenditure in support of Measure R.

23 In October 2016, the Committee paid for and sent two mailers. Both mailers included photographs
24 from the photoshoot paid for by the Committee. Clayton-Tarvin also used one of the photographs on her
25 website.

26 The first mailer, entitled “Let’s Make History!” supported Clayton-Tarvin, Singer, Proposition 55,
27 and Measure R. The Committee reported this mailer as two independent expenditures made on
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1 October 25, 2016 on 24-hour independent expenditure reports dated October 25, 2016, attributing \$3,232
2 to each Clayton-Tarvin and Singer, for a total of \$6,464.

3 The second mailer, entitled "Help Ocean View Students Thrive!" supported Clayton-Tarvin and
4 Singer. The OVTA Committee reported this mailer as two independent expenditures made on
5 October 31, 2016 on 24-hour independent expenditure reports dated November 1, 2016, attributing \$3,159
6 to each Clayton-Tarvin and Singer, for a total of \$6,318.

7 Additionally, the Committee disclosed both mailers as independent expenditures on a semiannual
8 campaign statement for the period of October 23 through December 31, 2016.

9 The Committee coordinated the photoshoot with Clayton-Tarvin, Singer and the Measure R
10 Committee to use the photographs for its mailers supporting the candidates and Measure R. Because the
11 Committee paid for and coordinated the photoshoot for these two mailers with Clayton-Tarvin, Singer and
12 the Measure R Committee, payments for the photoshoot and these mailers were not independent
13 expenditures. As such, the Committee, Clayton-Tarvin, Singer and the Measure R Committee should have
14 reported these as non-monetary contributions. The Committee incorrectly reported all of these expenditures
15 as independent expenditures. Consequently, the candidates and the Measure R Committee did not disclose
16 any of these non-monetary contributions in their campaign statements.

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The Committee should have reported the photoshoot and the two mailers as follows:

Payment Date	Description	Report/ Statement	Report/ Statement Due Date	Total Amount	Split: Payment Type	Split: Amount
9/22/2016 9/26/2016	Photoshoot	Preelections	9/29/2016 10/27/2016	\$700	Non-Monetary Contribution: Clayton-Tarvin	\$175
					Non-Monetary Contribution: Singer	\$175
					Non-Monetary Contribution: Measure R Committee	\$175
					Independent Expenditure: Prop 55	\$175
10/25/2016	Mailer: "Let's Make History!"	24-Hour Contribution Report / 24-Hour IE Report (Prop 55) / Semi-Annual	10/26/2016 10/26/2016 1/31/2017	\$6,464	Non-Monetary Contribution: Clayton-Tarvin	\$1,616
					Non-Monetary Contribution: Singer	\$1,616
					Non-Monetary Contribution: Measure R Committee	\$1,616
					Independent Expenditure: Prop 55	\$1,616
10/31/2016	Mailer: "Help Ocean View Students Thrive!"	24-Hour Contribution Report / 24-Hour IE Report (Prop 55) / Semi-Annual	11/1/2016 11/1/2016 1/31/2017	\$6,317.16	Non-Monetary Contribution: Clayton-Tarvin	\$3,158
					Non-Monetary Contribution: Singer	\$3,158

Advertisement Disclosures

On September 14, 2016, the Committee paid for advertisements, including lawn signs and banners. The Committee paid \$1,197.50 for 250 lawn signs measuring 18"x24" supporting Clayton-Tarvin, Singer, Proposition 55, and Measure R. The Committee also paid \$2,100 for 30 banners measuring 3' by 6' supporting Clayton-Tarvin, Singer, Proposition 55, and Measure R. The Committee's order included 1000 vinyl stickers (measuring 4"x6") and rush delivery for September 19, 2016, and totaled \$4,650.55. The Committee reported the payment for these items as independent expenditures attributing \$1,550 to each candidate and to Measure R, for a total of \$4,650.

Despite these advertisements being reported as independent expenditures supporting candidates, the lawn signs and banners did not include the proper independent expenditure disclosure.³⁴ The lawn signs included the following disclosure: "Paid for by the Ocean View Teachers Association PAC." The banners did not include any disclosure statements. These advertisements should have included in a separate box:

³⁴ Because the vinyl stickers were only 24 square inches, no advertisement disclosure statement was required.

1 “This advertisement was not authorized or paid for by a candidate for this office or a committee controlled
2 by a candidate for this office.” And the disclosure statement on the lawn signs was smaller than the required
3 5% height, instead measuring at around 3%.

4 VIOLATIONS

5 **Count 1: The Committee, Sanchez and Friedmann: Failure to Properly Report Expenditures as Non-** 6 **Monetary Contributions**

7 The Committee, Sanchez and Friedmann failed to properly report a photoshoot and two mailers
8 entitled “Let’s Make History!” and “Help Ocean View Students Thrive!” paid for by the Committee in
9 coordination with two candidates and a ballot measure committee as non-monetary contributions in
10 preelection campaign statements for the periods ending September 24, 2016 and October 22, 2016, and a
11 semi-annual campaign statement for the period ending December 31, 2016, violating Government Code
12 section 84211 and Regulation 18225.7.

13 **Count 2: The Committee and Friedmann: Failure to Timely File 24-hour Contribution Reports**

14 The Committee and Friedmann failed to timely file two 24-hour contribution reports for two mailers
15 entitled “Let’s Make History!” and “Help Ocean View Students Thrive!” paid for by the Committee on or
16 about October 25, 2016 and October 31, 2016, respectively, which were non-monetary contributions made
17 in coordination with two candidates and a ballot measure committee, violating Government Code section
18 84203, subdivisions (a) and (b).

19 **Count 3: The Committee and Wong: Failure to Comply With Disclosure Requirements for Political** 20 **Advertisements**

21 In or about September 2016, the Committee and Wong paid for yard sign advertisements for which
22 the disclosure failed to be at least 5% of the height of the advertisements, paid for banner advertisements
23 that failed to include “paid for by” and the Committee name, and both the yard sign and banner
24 advertisements failed to disclose that the advertisements were not authorized by a candidate or candidate
25 controlled committee, violating Government Code sections 84506, subdivision (a)(1), 84506.5, subdivision
26 (a), and Regulation 18450.4, subdivision (b)(3)(D).

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1 **PROPOSED PENALTY**

2 This matter consists of three counts. The maximum penalty that may be imposed is \$5,000 per
3 count. Thus, the maximum penalty that may be imposed is \$15,000.³⁵

4 In determining the appropriate penalty for a particular violation of the Act, the Commission
5 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the Commission
6 considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention
7 to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d)
8 whether the violation was isolated or part of a pattern; (e) whether corrective amendments voluntarily were
9 filed to provide full disclosure; and (f) whether the violator has a prior record of violations.³⁶

10 The public harm inherent in campaign reporting violations is that the public is deprived of
11 important, time-sensitive information regarding political contributions and expenditures. Here, the public
12 was unaware that the Committee’s mailers were coordinated non-monetary contributions to the candidates
13 and the Measure R Committee. Consequently, the candidates and the Measure R Committee did not
14 disclose any of these non-monetary contributions in their campaign statements. These violations appear to
15 be negligent – the Committee was established in 1994, and has remained politically active since that time,
16 so the Committee should have known the distinction between independent expenditures and non-monetary
17 contributions. The Committee does not have a prior record of violations of the Act.

18 Failure to include the proper committee and independent expenditure identification on an
19 advertisement deprives the public of important information regarding who paid for the advertisement. In
20 this matter, the public was deprived of the name of the committee who paid for the banners, and that the
21 yard signs and banners were independent expenditures. These violations appear to be negligent since the
22 yard signs included some of the required disclosures, and the Committee’s mailers (in Counts 1 and 2)
23 included disclosures as well.

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28 ³⁵ See Section 83116, subd. (c).

³⁶ Regulation 18361.5, subd. (d).

1 The Commission also considers penalties in prior cases with the same or similar violations and
2 comparable facts:

3 **Counts 1 and 2:** *In the Matter of Paul Fickas, Rita Copeland, and Californians for Better Jobs*
4 *and Education Committee*, FPPC Case No. 18/1253. Respondents, a state general-purpose committee, its
5 principal officer and its treasurer, failed to timely file two 24-hour contribution reports regarding the
6 making of \$2,718 in non-monetary contributions – two mailers and a robocall – that improperly were
7 reported as independent expenditures, in violation of Government Code Section 84203, subdivisions (a)
8 and (b) (1 count); and respondents improperly reported the \$2,718 in non-monetary contributions as
9 independent expenditures on a preelection campaign statement for the reporting period of July 1, 2013
10 through October 19, 2013, in violation of Government Code Section 84211, subdivisions (b), (i), and (k)
11 (1 count). In December 2018, the Commission imposed a penalty in the amount of \$2,000 for each of these
12 violations.

13 Here, the amount spent on the two mailers attributable as non-monetary contributions – \$10,111.50
14 – is nearly four times higher than the relevant amount in *Fickas*. Further, the amount improperly reported
15 by the Committee in support of Clayton-Tarvin, Singer, and Measure R comprised approximately 40% of
16 the Committee’s reported expenditures for 2016, which is higher than the approximately 6% improperly
17 reported in *Fickas*. Like *Fickas*, the payments were disclosed in some fashion before the election but were
18 improperly identified as independent expenditures. In aggravation, the Committee’s mischaracterization
19 of the payments caused the candidates and the local ballot measure to fail to disclose the non-monetary
20 contributions. Additionally, the Committee, Sanchez and Friedmann failed to disclose any independent
21 expenditures supporting Proposition 55, even though Proposition 55 was included in one of these mailers.
22 A higher penalty per count than *Fickas* is warranted. A penalty of \$3,000 is recommended for each of
23 Counts 1 and 2.

24 **Count 3:** *In the Matter of Fullerton Taxpayers for Reform, Tony Bushala, and Jack Dean*, FPPC
25 Case No. 16/422. Respondents, a city general purpose committee and its principal officers, produced
26 campaign signs opposing a State Senate candidate for which the advertisement disclosures failed to meet
27 the height requirements of the Act and failed to include the required independent expenditure disclaimer,
28 in violation of Government Code sections 84506, subdivision (a)(1), 84506.5, subdivision (a), and

1 Regulation 18450.4, subdivision (b)(3)(D). (1 count). In April 2017, the Commission imposed a penalty
2 of \$2,500 for this violation.

3 Here, like in *Fullerton*, the Committee paid for campaign advertisements that, despite containing
4 disclosure statements, failed to meet the height requirements of the Act and did not include a statement
5 indicating they were not authorized by a candidate or a committee controlled by a candidate. Unlike this
6 case, one of the principal officers in *Fullerton* had a history of similar violations. And the respondents in
7 *Fullerton* replaced all non-compliant yard signs with ones that met advertisement disclosure requirements
8 prior to the election, which did not occur in this matter. Unlike *Fullerton*, the Committee's banners failed
9 to include any disclosures, so the public had no information regarding who paid for the banners.
10 Additionally, the Committee did not report any independent expenditures for Proposition 55 related to
11 these advertisements. A higher penalty per count than *Fullerton* is warranted. A penalty of \$3,000 is
12 recommended for Count 3.

13 After considering the factors listed in Regulation 18361.5, prior similar cases, and other relevant
14 facts, a total penalty of \$9,000 is recommended: \$3,000 for each of Counts 1 and 2, and \$3,000 for Count 3.

15 CONCLUSION

16 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
17 Respondents Ocean View Teachers Association PAC, Tanysia Sanchez (a.k.a. Phillips), Margaret
18 Friedmann, and Pauline Wong hereby agree as follows:

19 1. Respondents violated the Act as described in the foregoing pages, which are a true and
20 accurate summary of the facts in this matter.

21 2. This stipulation will be submitted for consideration by the Fair Political Practices
22 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.

23 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose
24 of reaching a final disposition without the necessity of holding an administrative hearing to determine the
25 liability of Respondents pursuant to Section 83116.

26 4. Respondents understand, and hereby knowingly and voluntarily waive, any and all
27 procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9.
28 This includes, but is not limited to the right to appear personally at any administrative hearing held in this

1 matter, to be represented by an attorney at Respondent’s own expense, to confront and cross-examine all
2 witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
3 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
4 reviewed.

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

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

17 7. The parties to this agreement may execute their respective signature pages separately. A
18 copy of any party’s executed signature page, including a hardcopy of a signature page transmitted via fax
19 or as a PDF email attachment, is as effective and binding as the original.
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Dated: _____
Galena West, Chief, on behalf of the Enforcement Division Fair
Political Practices Commission

Dated: _____
Margaret Friedmann, individually and on behalf of Ocean View
Teachers Association PAC, Respondents

Dated: _____
Tanysia Sanchez (a.k.a. Phillips), Respondent

Dated: _____
Pauline Wong, Respondent

The foregoing stipulation of the parties Ocean View Teachers Association PAC, Tanysia Sanchez (a.k.a. Phillips), Margaret Friedmann, and Pauline Wong, FPPC Case No. 16/0705, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated: _____
Richard C. Miadich, Chair
Fair Political Practices Commission