

# Keys Law Corporation

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April 13, 2021

## **RE: Comment Letter College of the Canyons Foundation (FPPC No. 19/475) – Agenda Item #4**

Dear Chair Miadich and Commissioners,

I write to you on behalf of my client, the College of the Canyons Foundation, in connection with enforcement matter No. 19/475. At the April meeting the Commission will have before it a stipulated settlement with my client in this matter. While it is not common for counsel or parties to submit public comment in advance of the Commission's meeting where the stipulation will be considered, in this unique circumstance we felt it important to do so.

The case before you is one of late filed major donor reports by a nonprofit organization, not one of campaign activity undertaken by a public agency. Although many questions have been raised, investigated, and dispatched over the course of nearly two years, the fact remains that the only violation of the Political Reform Act that occurred was the Foundation's failure to file one semi-annual report and three 24-hour reports as detailed in the stipulation.

The facts of the case, including the level of my client's involvement in the campaign and the funds used by the Foundation to make campaign contributions are all detailed in the stipulation. In addition, a long discussion of the legal permissibility of the Foundation's participation in the bond campaign under the law outside the Political Reform Act is also detailed in the stipulated agreement.

The purpose of this letter is not to reiterate those facts or that legal analysis. Instead, I write to highlight for the Commission the depth and breadth of cooperation demonstrated by my client in connection with this matter. Upon notification from the Commission of this mistake, the Foundation immediately took responsibility and worked to get the missed reports on file and resolve the matter as expeditiously as possible. Throughout the lengthy investigatory process, the Foundation has willingly provided all requested documentation and answered all questions asked of them by the Enforcement Division. This has been true time and time again as new and duplicative allegations were made against my client both to the Commission and publicly in the local community. Despite public and unwarranted attacks on their character as individuals, the dedicated team that supports the Foundation has maintained their professionalism and tirelessly responded and provided granular details about their internal operations and procedures to staff in the Enforcement Division.

The Foundation's Board of Directors and the staff that support the organization have learned a valuable lesson about bond campaign participation and the requirements of the Political Reform Act. While the filing errors of the past cannot be undone, the Foundation is working to create a positive outcome from this experience. We are working to share knowledge about these reporting requirements with other community college foundations so that they can avoid making the same mistakes in future bond campaigns and focus their efforts on the important work of supporting the educational institutions with which they are affiliated. We also encourage the FPPC to increase its educational outreach to these and other similarly

situated organizations to ensure compliance with applicable laws before mistakes are made. As you are no doubt aware, the vast majority of regulated entities want to fully comply with the provisions of the Political Reform Act, even with its complexity.

The California Community College system is comprised of dedicated educators and administrators who work tirelessly to educate students. Often bond campaigns are necessary to expand facilities and services to meet the needs of the ever-growing college population in California. By sharing this knowledge with its sister foundations, the College of the Canyons Foundation looks forward to keeping the focus of these campaigns and the other work of these foundations where it should be, on the support and education of students within the Community College system.

Finally, we would be remiss without acknowledging the staff of the Enforcement Division for their professional handling of this case. While the investigation was vigorous and time consuming, it was handled with the utmost professionalism by all involved.

Thank you for your time in reading these comments and the opportunity to provide more context to this case and the decision before you today. We respectfully request that the Commission approve the agreed upon stipulation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lacey Keys". The signature is written in a cursive, flowing style.

**Lacey Keys**