

1 GARY S. WINUK  
Chief of Enforcement  
2 GALENA WEST  
Senior 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  
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA  
10  
11

12 In the Matter of ) FPPC No. 08/357  
13 )  
14 ) STIPULATION, DECISION and  
YOLO COUNTY DEMOCRATIC CENTRAL ) ORDER  
COMMITTEE LOCAL ACCOUNT, BOB )  
15 BOCKWINKEL AND WILLIAM JULIAN II, )  
16 )  
17 Respondents. )

---

18  
19 Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission,  
20 and Respondents Yolo County Democratic Central Committee Local Account, Bob Bockwinkel and  
21 William Julian II agree that this Stipulation will be submitted for consideration by the Fair Political  
22 Practices Commission at its next regularly scheduled meeting.

23 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this  
24 matter and to reach a final disposition without the necessity of holding an administrative hearing to  
25 determine the liability of Respondents, pursuant to Section 83116 of the Government Code.

26 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural  
27 rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Sections 18361.1  
28 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to,

1 the right to personally appear at any administrative hearing held in this matter, to be represented by an  
2 attorney at Respondents' own expense, to confront and cross-examine all witnesses testifying at the  
3 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge  
4 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

5 It is further stipulated and agreed that Respondents Yolo County Democratic Central Committee  
6 Local Account, Bob Bockwinkel and William Julian II violated the Political Reform Act by failing to  
7 timely file required pre-election campaign statements, in violation of Sections 84200.5, subdivision (f),  
8 84200.7, and 84200.8 of the Government Code (2 counts) and failing to timely file required semi-annual  
9 campaign statements, in violation of Section 84200, subdivision (a) of the Government Code (5 counts).  
10 All counts are described in Exhibit 1, which is attached hereto and incorporated by reference as though  
11 fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

12 Respondents agree to the issuance of the Decision and Order, which is attached hereto.  
13 Respondents also agree to the Commission imposing upon them an administrative penalty in the amount  
14 of Thirteen Thousand Five Hundred Dollars (\$13,500). A cashier's check from Respondents in said  
15 amount, made payable to the "General Fund of the State of California," is submitted with this  
16 Stipulation as full payment of the administrative penalty, to be held by the State of California until the  
17 Commission issues its decision and order regarding this matter. The parties agree that in the event the  
18 Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15)  
19 business days after the Commission meeting at which the Stipulation is rejected, all payments tendered  
20 by Respondents in connection with this Stipulation shall be reimbursed to Respondents. Respondents  
21 further stipulate and agree that in the event the Commission rejects the Stipulation, and a full evidentiary  
22 hearing before the Commission becomes necessary, neither any member of the Commission, nor the  
23 Executive Director, shall be disqualified because of prior consideration of this Stipulation.

24 //  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: \_\_\_\_\_

\_\_\_\_\_  
Roman G. Porter, Executive Director  
Fair Political Practices Commission

Dated: \_\_\_\_\_

\_\_\_\_\_  
Bob Bockwinkel, Respondent,  
Individually and on behalf of  
Yolo County Democratic Central Committee  
Local Account

Dated: \_\_\_\_\_

\_\_\_\_\_  
William Julian II, Respondent,  
Individually and on behalf of  
Yolo County Democratic Central Committee  
Local Account

1 **DECISION AND ORDER**

2           The foregoing Stipulation of the parties “In the Matter of Yolo County Democratic Central  
3 Committee Local Account, Bob Bockwinkel and William Julian II,” FPPC No. 08/357, including all  
4 attached exhibits, is hereby accepted as the final decision and order of the Fair Political Practices  
5 Commission, effective upon execution below by the Chairman.

6  
7           IT IS SO ORDERED.

8  
9 Dated: \_\_\_\_\_

\_\_\_\_\_  
Dan Schnur, Chairman  
Fair Political Practices Commission

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Yolo County Democratic Central Committee Local Account (“Respondent Committee”) is a state general purpose, political party committee. From approximately 2003 through the end of 2006, Respondent Bob Bockwinkel (“Respondent Bockwinkel”) served as treasurer of Respondent Committee. Beginning January 1, 2007 and up and until all times relevant to this matter, Respondent William Julian II (“Respondent Julian”) served as a treasurer of Respondent Committee.

As a general purpose committee under the Political Reform Act<sup>1</sup> (the “Act”), Respondents have a duty to timely file campaign statements and reports. However, Respondents failed to timely file multiple pre-election and semi-annual campaign statements.

For the purposes of this Stipulation, Respondents’ violations of the Act are stated as follows:

#### **Respondents Yolo County Democratic Central Committee Local Account and Bob Bockwinkel:**

**COUNT 1:** Respondents Yolo County Democratic Central Committee Local Account and Bob Bockwinkel failed to timely file a semi-annual campaign statement for the reporting period July 1, 2005 through December 31, 2005, by the January 31, 2006 due date, in violation of Section 84200, subdivision (a) of the Government Code.

**COUNT 2:** Respondents Yolo County Democratic Central Committee Local Account and Bob Bockwinkel failed to timely file a first pre-election campaign statement for the reporting period January 1, 2006 through February 25, 2006, by the March 2, 2006 due date, and a second pre-election campaign statement for the reporting period February 26, 2006 through May 20, 2006, by the May 25, 2006 due date, in violation of Sections 84200.5, subdivision (f), 84200.7, and 84200.8 of the Government Code.

**COUNT 3:** Respondents Yolo County Democratic Central Committee Local Account and Bob Bockwinkel failed to timely file a semi-annual campaign statement for the reporting period May 21, 2006 through June 30, 2006, by the July 31, 2006 due date, in violation of Section 84200, subdivision (a) of the Government Code.

---

<sup>1</sup>The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the 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.

COUNT 4: Respondents Yolo County Democratic Central Committee Local Account and Bob Bockwinkel failed to timely file a first pre-election campaign statement for the reporting period July 1, 2006 through September 30, 2006, by the October 5, 2006 due date, and a second pre-election campaign statement for the reporting period October 1, 2006 through October 21, 2006, by the October 26, 2006 due date, in violation of Sections 84200.5, subdivision (f), and 84200.7 of the Government Code.

**Respondents Yolo County Democratic Central Committee Local Account and William Julian II:**

COUNT 5: Respondents Yolo County Democratic Central Committee Local Account and William Julian II failed to timely file a semi-annual campaign statement with the Secretary of State's Office for the reporting period October 22, 2006 through December 31, 2006, by the January 31, 2007 due date, in violation of Section 84200, subdivision (a) of the Government Code.

COUNT 6: Respondents Yolo County Democratic Central Committee Local Account and William Julian II failed to timely file a semi-annual campaign statement with the Secretary of State's Office for the reporting period January 1, 2007 through June 30, 2007, by the July 31, 2007 due date, in violation of Section 84200, subdivision (a) of the Government Code.

COUNT 7: Respondents Yolo County Democratic Central Committee Local Account and William Julian II failed to timely file a semi-annual campaign statement with the Secretary of State's Office for the reporting period July 1, 2007 through December 31, 2007, by the January 31, 2008 due date, in violation of Section 84200, subdivision (a) of the Government Code.

**SUMMARY OF THE LAW**

An express purpose of the Act, as set forth in Section 81002, subdivision (a), is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed, so that voters may be fully informed, and improper practices may be inhibited. The Act, therefore, establishes a campaign reporting system designed to accomplish this purpose of disclosure.

**Duty to File Campaign Statements**

Section 82013, subdivision (a), defines a "committee" as any person or combination of persons who directly or indirectly receives contributions totaling \$1,000 or more in a calendar year. This type of committee is commonly known as a "recipient committee." Section 82027.5, subdivision (b), defines a "state general purpose committee" to include a political party committee as defined in Section 85205. That section includes in the definition of political party committee all county central committees. Under the Act's campaign reporting system, state general purpose committees are required to file specified campaign statements and reports disclosing contributions received and expenditures made by certain deadlines with the Secretary

of State's office ("SOS"). (See Sections 84200 – 84209.) A "contribution" is a payment made for political purposes. (Section 82015.)

### **Duty to File Semi-Annual Campaign Statements**

Section 84200, subdivision (a), requires all recipient committees to file two semi-annual campaign statements each year. The first semi-annual campaign statement covers the reporting period ending June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period ending December 31, and must be filed by January 31 of the following year.

### **Duty to File Pre-election Campaign Statements**

In addition to the semi-annual campaign statements, Section 84200.5, subdivision (f), requires political party committees to file pre-election campaign statements in connection with a state election if the committee receives contributions totaling \$1,000 or more, or if it makes contributions or independent expenditures totaling \$500 or more during the period covered by the pre-election statement. The period covered by any statement begins on the day after the closing date of the last statement filed or January 1, if no previous statement has been filed. (Section 82046.)

For elections not held in June or November of an even-numbered year, Section 84200.8 specifies the time for filing the pre-election statements. For political party committees, for the April 11, 2006 special election, the first pre-election campaign statement filing deadline was March 2, 2006, for the period covered January 1, 2006 through February 25, 2006. For elections held in June or November of an even number year, Section 84200.7 specifies the time for filing the pre-election statements. For political party committees, for the June 6, 2006 election, the filing deadline for the second pre-election campaign statement was May 25, 2006, for the period covered February 26, 2006 through May 20, 2006. In addition, for political party committees for the November 7, 2006 election, the first pre-election campaign statement for the period covered July 1, 2006 through September 30, 2006 was due October 5, 2006. The filing deadline for the second pre-election campaign statement was October 26, 2006, for the period covered October 1, 2006 through October 21, 2006.

### **Liability of Committee Treasurers**

As provided in Section 84100, every committee shall have a treasurer. Under Section 84100 and Regulation 18427, subdivision (a), it is the duty of a committee's treasurer to ensure that the committee complies with all of the requirements of the Act concerning the receipt and expenditure of funds and the reporting of such funds. Under Sections 83116.5 and 91006, a committee's treasurer may be held jointly and severally liable, along with the committee, for any reporting violations committed by the committee.

## SUMMARY OF THE FACTS

Respondent Committee is a state general purpose, political party committee. From approximately 2003 through the end of 2006, Respondent Bockwinkel served as treasurer of Respondent Committee. Beginning January 1, 2007 and up and until all times relevant to this matter, Respondent Julian served as a treasurer of Respondent Committee.

### COUNTS 1, 3, 5 - 7

#### **Failure to Timely File Semi-annual Campaign Statements**

In accordance with Section 84200, semi-annual campaign statements are required to be filed each year not later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31. Since January, 2005, Respondents had a duty to file all campaign statements electronically as well as on paper. Below is a chart of the semi-annual campaign statements relevant reporting periods, due dates, and dates the statements were filed with the Yolo County Clerk's office, the local filing officer, and SOS, if applicable.

<b>Count</b>	<b>Reporting Period</b>	<b>Due Date</b>	<b>Date Filed: Local</b>	<b>Date Filed: SOS</b>
1	7/1/05 – 12/31/05	1/31/06	3/17/06	None.
3	5/21/06 – 6/30/06	7/31/06	8/25/06	None.
5	10/22/06 – 12/31/06	1/31/07	1/31/07	None.
6	1/1/07 – 6/30/07	7/31/07	7/26/07	7/11/08
7	7/1/07 – 12/31/07	1/31/08	1/31/08	7/11/08

Respondents Bockwinkel and Committee had a duty to timely file the two semi-annual campaign statements listed as Counts 1 and 3. As illustrated on the chart above, records from the Yolo County Clerk's office and SOS revealed that Respondents Bockwinkel and Committee did not file either of the statements with SOS and the statements were not filed timely with the Yolo County Clerk's office, the local filing officer. Respondents Julian and Committee had a duty to timely file the three semi-annual campaign statements shown as Counts 5 – 7. As illustrated on the chart above, records from the Yolo County Clerk's office and SOS revealed that Respondents Julian and Committee filed no statements timely with SOS, three statements not at all and two paper statements six months and a year late, respectively. However, Respondents Julian and Committee did file all three of these campaign statements timely with the Yolo County Clerk's office.

By failing to file semi-annual campaign statements by the filing due date, Respondents Bockwinkel and Committee twice violated of Section 84200, subdivision (a) of the Government Code. By failing to file semi-annual campaign statements by the filing due date, Respondents Julian and Committee violated of Section 84200, subdivision (a) of the Government Code three times.



COUNTS 2 & 4

**Failure to Timely File First and Second Pre-election Campaign Statements**

In connection with the primary and general elections held June 6, 2006, and November 7, 2006 and the special election held April 11, 2006, Respondents Bockwinkel and Committee had a duty to file a first and second pre-election campaign statement if Respondent Committee received contributions of \$1,000 or more or made independent expenditures or contributions totaling \$500 or more during the period covered by the pre-election period. The chart below outlines each pre-election reporting period in which Respondent Committee received more than \$1,000 in contributions and was therefore required to file a pre-election campaign statement. The chart also includes the relevant reporting periods, due dates, and dates the statements were filed with the Yolo County Clerk's office and SOS, if applicable.

<b>Count</b>	<b>Reporting Period/ Type of Statement</b>	<b>Due Date</b>	<b>Date Filed: Local</b>	<b>Date Filed: SOS</b>
2	1/1/06 – 2/25/06: 1 <sup>st</sup> Pre-election	3/2/06	None.	None.
2	2/26/06 – 5/20/06: 2 <sup>nd</sup> Pre-election	5/25/06	None.	None.
4	7/1/06 – 9/30/06: 1 <sup>st</sup> Pre-election	10/5/06	10/5/06	None.
4	10/1/06 – 10/21/06: 2 <sup>nd</sup> Pre-election	10/26/06	11/2/06	None.

According to campaign statements and supporting documents provided by Respondents, Respondents were required to file a pre-election campaign statement for each of the reporting periods listed in the chart above by the due dates listed. Records from the Yolo County Clerk's office and SOS revealed that Respondents did not file any of the statements with SOS and only filed one statement timely with the Yolo County Clerk's office.

By failing to file a first and second pre-election campaign statement by the filing due date, Respondents Bockwinkel and Committee twice violated Sections 84200.5, subdivision (f), 84200.7, and 84200.8 of the Government Code.

**CONCLUSION**

This matter consists of seven counts of violating the Act, which carry a maximum administrative penalty of five thousand dollars (\$5,000) per count.

In determining the appropriate penalty for a particular violation of the Act, the Commission considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act.

The public harm inherent in these types of violations is that the public is deprived of important information, such as the sources and amounts of contributions to a campaign and the

amounts expended by the campaign. In this case, Respondents failed to timely file campaign statements required under the Act, some of which were due before the election.

Counts 1, 3, 5 – 7: Semi-annual Campaign Statements  
(Respondent Bockwinkel & Respondent Committee – Counts 1 & 3)  
(Respondent Julian & Respondent Committee – Counts 5 - 7)

The typical administrative penalty for failing to timely file semi-annual campaign statement is in the low-to-mid section of the penalty range.

**AGGRAVATION**

This was a pattern of non-filing of campaign statements that continued for several years, which included several campaign statements filed untimely with both the local filing officer and with SOS. In addition, several statements were not filed with SOS at all.

**MITIGATION**

Since being contacted by Enforcement, Respondents are currently filing both on paper and electronically. The last four semi-annual campaign statements, which encompasses the last part of 2006 through the middle of 2008, were filed timely with the Yolo County Clerk's office. Respondents do not have a history of violations of the Act. In addition, Respondents contend that the local county clerk's office advised them that they were in compliance with all of their filing requirements during this time period. Counts 5, 6, and 7 include statements that were filed timely at the local level.

Accordingly, the facts of this case justify an administrative penalty in the amount of two thousand dollars (\$2,000) per count for Counts 1 and 3 and one thousand five hundred dollars (\$1,500) for Counts 5, 6, and 7.

Counts 2 & 4: Pre-election Campaign Statements  
(Respondent Bockwinkel & Respondent Committee)

The typical administrative penalty for failing to timely file a pre-election campaign statement has been in the middle of the penalty range, depending on the circumstances.

**AGGRAVATION**

The pre-election campaign statements for the November election contained approximately \$17,000 in contributions received and expenditures made that was disclosed only on paper at the local level. None of these campaign statements were filed with SOS. Respondent Committee is a long-standing, established county central committee that has been in existence since 1974, as such, Respondents should have known or been familiar with the requirements of the Act.

## MITIGATION

The pre-election campaign statements for the April and June elections would have reflected very limited activity, which was disclosed on the semi-annual campaign statement filed locally with the Yolo County Clerk's office. The pre-election campaign statements for the November election were filed before the election at the local level. The first pre-election campaign statement was filed timely with the Yolo County Clerk's office and the second was not filed timely but was filed with the Yolo County Clerk's office before the election.

Accordingly, the facts of this case justify an administrative penalty in the amount of two thousand five hundred dollars (\$2,500) per count for Counts 2 and 4.

The facts of this case justify an imposition of an administrative penalty of thirteen thousand five hundred dollars (\$13,500).