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

10
11 In the Matter of:

12 **DEBRA GRAVERT**

13 Respondent.

FPPC No. 14/253

14 **STIPULATION, DECISION, AND ORDER**

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17 **STIPULATION**

18 Complainant, the Fair Political Practices Commission (Commission), and respondent Debra
19 Gravert (Respondent) hereby agree that this Stipulation will be submitted for consideration by the Fair
20 Political Practices Commission at its next regularly scheduled meeting.

21 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised by this
22 matter and to reach a final disposition without the necessity of holding an additional administrative
23 hearing to determine the liability of Respondent.

24 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural
25 rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California Code of
26 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to
27 personally appear at any administrative hearing held in this matter, to be represented by an attorney at
28 Respondent's own expense, to confront and cross-examine all witnesses testifying at the hearing, to

1 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
2 the hearing as a hearing officer, and to have the matter judicially reviewed.

3 It is further stipulated and agreed that Respondent violated the Political Reform Act by receiving
4 a gift arranged by a lobbying firm in violation of Government Code section 86204 all as described in
5 Exhibit 1. Exhibit 1 is attached hereto and incorporated by reference as though fully set forth herein.
6 Exhibit 1 is a true and accurate summary of the facts in this matter.

7 Respondent agrees to the issuance of the Decision and Order, which is attached hereto.
8 Respondent also agrees to the Commission imposing an administrative penalty in the total amount of
9 One Thousand Dollars (\$1,000). Respondent submitted with this Stipulation a cashier's check in said
10 amount, made payable to the "General Fund of the State of California," as full payment of the
11 administrative penalty that shall be held by the State of California until the Commission issues its
12 Decision and Order regarding this matter. The parties agree that in the event the Commission refuses to
13 accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the
14 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent in
15 connection with this Stipulation shall be reimbursed to Respondent. Respondent further stipulates and
16 agrees that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the
17 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
18 shall be disqualified because of prior consideration of this Stipulation.

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21 Dated: _____ Gary S. Winuk, on behalf of the Enforcement Division
22 Fair Political Practices Commission

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25 Dated: _____ Debra Gravert
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1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Debra Gravert,” FPPC No. 14/253,
3 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political
4 Practices Commission, effective upon execution below by the Chair.

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6 IT IS SO ORDERED.

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8 Dated: _____
9 Joann Remke, Chair
10 Fair Political Practices Commission
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EXHIBIT 1

INTRODUCTION

In 2012, respondent Debra Gravert (“Respondent”) was Chief of Staff for Assembly Member Jim Frazier. The Political Reform Act of 1974 (the “Act”)¹ prohibits a legislative official from receiving a gift arranged by a registered lobbyist or lobbying firm. Respondent violated the Act by receiving a gift of tickets to a San Francisco Forty Niners football game that was arranged by a lobbying firm.

For the purposes of this Stipulation, Respondent’s violation of the Act is as follows:

COUNT 1: Respondent knowingly received a gift arranged by lobbying firm Sloat Higgins Jensen & Associates in violation of Section 86204.

SUMMARY OF THE LAW

Gifts by Lobbyists

It is unlawful for a lobbyist, or lobbying firm, to make gifts to a legislative official aggregating more than ten dollars in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person if the lobbyist or lobbying firm is registered to lobby the legislature. (Sections 86203 and 86201.) A “legislative official” means any employee or consultant of the Legislature whose duties are not solely secretarial, clerical, or manual. (Section 82038.)

Receiving Unlawful Gifts from Lobbyists

Under Section 86204, it is unlawful for a person to knowingly receive a gift that is arranged by a lobbying firm in violation of Section 86203.

SUMMARY OF THE FACTS

In December, 2012, while employed as Chief of Staff for Assembly Member Jim Frazier, Respondent received two tickets to a San Francisco Forty Niners (“Forty Niners”) football game. The Forty Niners gave the tickets to Respondent at no cost. The lobbying firm Sloat Higgins Jensen & Associates arranged the gift by contacting the Forty Niners in order to obtain the tickets for Respondent. At that time, the Forty Niners were a client of Sloat Higgins Jensen & Associates, which was registered to lobby the Assembly. Respondent reported receiving the gift of the tickets from the Forty Niners on her 2012 Statement of Economic Interest.

¹ 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.

On February 20, 2014, the Fair Political Practices Commission (“Commission”) approved a stipulation, decision and order in which Sloat Higgins Jensen & Associates, and its principal officer Kevin Sloat, admitted to arranging the gift of the tickets from the Forty Niners to Respondent in violation of Section 86203, amongst other violations. Respondent contends she was not aware of conversations that Sloat had with the Forty Niners to facilitate the arrangement of the gift.

COUNT 1
(Receipt of Unlawful Gift)

Respondent knowingly received a gift from the Forty Niners arranged by lobbying firm Sloat Higgins Jensen & Associates in violation of Section 86204.

CONCLUSION

This matter consists of one count, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000).

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. Additionally, the Enforcement Division considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6): 1) the seriousness of the violations; 2) the presence or lack of intent to deceive the voting public; 3) whether the violation was deliberate, negligent, or inadvertent; 4) whether the Respondent demonstrated good faith in consulting with Commission staff; 5) whether there was a pattern of violations; and 6) whether the Respondent, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

The case of *In the Matter of Jeff Miller*, FPPC No. 14/255 involved nearly identical facts as Respondent’s case. Jeff Miller received a gift of Forty Niners tickets from the Forty Niners. Sloat Higgins Jensen & Associates arranged the gift from the Forty Niners. On April 17, 2014, the Commission approved a stipulation, decision and order imposing a penalty of \$1,000 on Jeff Miller for receiving the arranged gift.

Like in the case discussed above, Respondent timely reported receiving the tickets from the Forty Niners on her SEI. Also, she cooperated with the Commission in reaching a settlement of this case, and has no prior enforcement history.

PROPOSED PENALTY

After consideration of the factors of Regulation 18361.5, as well as consideration of penalties in prior enforcement actions, the imposition of a penalty of \$1,000 is recommended.

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