

1 GARY S. WINUK
Chief of Enforcement
2 ZACHARY W. NORTON
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. 12/805
13)
14 JASS SINGH, COMMITTEE AGAINST THE)
RECALL OF JASS SINGH MHCS)
15 DIRECTOR 2012, and RENU SINGH) STIPULATION, DECISION and
ORDER
16 Respondents.)
17)

18 Complainant Gary S. Winuk, Enforcement Chief of the Fair Political Practices Commission, and
19 Respondents Jass Singh, the Committee Against the Recall of Jass Singh MHCS D Director 2012, and
20 Renu Singh, treasurer, agree that this Stipulation will be submitted for consideration by the Fair Political
21 Practices Commission at its next regularly scheduled meeting.

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

25 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural
26 rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Sections 18361.1
27 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to,
28 the right to personally appear at any administrative hearing held in this matter, to be represented by an

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

4 It is further stipulated and agreed that Respondents Jass Singh, the Committee Against the Recall
5 of Jass Singh MHCSD Director 2012, and Renu Singh, treasurer, violated the Political Reform Act by
6 (1) failing to timely file a second pre-election campaign statement by October 25, 2012, for the reporting
7 period October 1, 2012 through October 20, 2012, in violation of Government Code Sections 84200.5,
8 subdivision (b), and 84200.7, subdivision (b). (1 count). This count is described in Exhibit 1, which is
9 attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and
10 accurate summary of the facts in this matter.

11 Respondents agree to the issuance of the Decision and Order, which is attached hereto.
12 Respondents also agree to the Commission imposing upon them an administrative penalty in the amount
13 of Two Thousand Dollars (\$2,000). A cashier's check from Respondents in said amount, made payable
14 to the "General Fund of the State of California," is submitted with this Stipulation as full payment of the
15 administrative penalty, to be held by the State of California until the Commission issues its decision and
16 order regarding this matter. The parties agree that in the event the Commission refuses to accept this
17 Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission
18 meeting at which the Stipulation is rejected, all payments tendered by Respondents in connection with
19 this Stipulation shall be reimbursed to Respondents. Respondents further stipulate and agree that in the
20 event the Commission rejects the Stipulation, and a full evidentiary hearing before the Commission
21 becomes necessary, neither any member of the Commission, nor the Executive Director, shall be
22 disqualified because of prior consideration of this Stipulation.

23
24
25 Dated: _____

Gary S. Winuk, Chief of Enforcement
Fair Political Practices Commission

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: _____

Respondent Jass Singh Individually and
on behalf of the Committee Against the
Recall of Jass Singh MHCSD Director 2012,
Respondent

Dated: _____

Respondent Renu Singh Individually and
on behalf of the Committee Against the
Recall of Jass Singh MHCSD Director 2012,
Respondent

EXHIBIT 1

INTRODUCTION

Respondent Committee “Committee against the Recall of Jass Singh MHCS D Director 2012” (“Committee”) qualified as a candidate controlled recipient committee under the Political Reform Act (the “Act”)¹ on or about October 3, 2012. The Committee was controlled by Jass Singh, a Director with the Mountain House Community Services District, who was ultimately recalled from office in the November 6, 2012 election, with approximately 40% of votes cast against the recall. Renu Singh, his wife, served as Treasurer. The Committee made expenditures totaling \$7,193.59, and was entirely self funded with Respondent Singh’s own money. Respondents violated the Act by failing to comply with campaign reporting provisions.

For the purposes of this Stipulation, Respondents’ violation is stated as follows:

COUNT 1: Respondents Jass Singh, the Committee against the Recall of Jass Singh MHCS D Director 2012, and Renu Singh, failed to timely file a second pre-election campaign statement by October 25, 2012, for the reporting period October 1, 2012 through October 20, 2012, in violation of Government Code Sections 84200.5, subdivision (b), and 84200.7, subdivision (b).

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.

Section 82013, subdivision (a), defines a “committee” to include any person who receives contributions totaling \$1,000 or more in a calendar year. This type of committee is commonly known as a “recipient committee.” A committee controlled directly or indirectly by a candidate, or that acts jointly with a candidate, is known as a candidate-controlled committee. (Section 82016.) Under the Act’s campaign reporting system, candidate-controlled committees are required to file specified campaign statements and reports disclosing contributions received and expenditures made.

Duty to File Pre-election Campaign Statements

Under the Act's campaign reporting system, candidates and committees are required to file periodic campaign statements and reports disclosing their financial activities. Section 84215, subdivision (d), requires all county candidates, elected officers, and their controlled committees

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.

to file the committee's campaign statements with the elections official of the county in which the candidate or officeholder is domiciled.

For an election held in June or November of an even-numbered year, candidates and their controlled committees are required to file two pre-election campaign statements according to a specified schedule. (Sections 84200.5, subdivision (b), and 84200.7, subdivision (b).)

In this case, the first pre-election campaign statement for the reporting period July 1, 2012 through September 30, 2012, was not required; as the Committee did not qualify until October 3, 2012, after the first pre-election campaign statement filing period had ended.

However, the second pre-election campaign statement for the reporting period October 1, 2012 through October 20, 2012, was due by October 25, 2012.

Liability of Committee Treasurers

Under Section 81004, subdivision (b), Section 84100, and Regulation 18427, subdivision (c), 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. A committee's treasurer may be held jointly and severally liable, along with the committee, for any reporting violations committed by the committee. (Sections 83116.5 and 91006.)

SUMMARY OF THE FACTS

Respondent Committee "Committee Against the Recall of Jass Singh MHCS D Director 2012" qualified as a candidate controlled recipient committee under the Act on or about October 3, 2012, when Respondent Jass Singh first made expenditures exceeding \$1,000 in connection with the campaign to oppose his recall as a Director with the Mountain House Community Services District in the November 6, 2012 election.

The Committee was controlled by Jass Singh, who was ultimately lost his seat as Director, with approximately 40% of votes cast against the recall. Renu Singh, his wife, served as Treasurer. The Committee Reported expenditures totaling \$7,193.59, and was entirely self funded with Respondent Singh's own money.

COUNT 1

Failure to File a Second Pre-Election Campaign Statement

In connection with an election held on November 6, 2012, Respondents has a duty to file the second pre-election campaign statement covering October 1, 2012 through October 20, 2012, by the October 25, 2012, due date. No pre-election statement was filed prior to the election.

By failing to timely file a second pre-election statement, Respondents violated Sections 84200.5, subdivision (b), and 84200.7, subdivision (b) of the Government Code.

CONCLUSION

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

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division 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 Enforcement Division also considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6), which include: the seriousness of the violations; the presence or lack of intent to deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the Respondent demonstrated good faith in consulting with Commission staff; whether there was a pattern of violations; and whether upon learning of the violation the Respondent voluntarily filed amendment to provide full disclosure. Additionally, liability under the Act is governed in significant part by the provisions of Section 91001, subdivision (c), which requires the Commission to consider whether or not a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith, in applying remedies and sanctions.

Recent stipulations involving failure to file pre-election campaign statements settled two counts with similar underlying fact patterns for \$2,000 to \$2,500 per count.

In the Matter of Sacramento County Democratic Central Committee and William Guy Crouch, FPPC No. 09/740. Respondents failed to timely file two pre-election campaign statements, disclosing contributions totaling approximately \$11,550. The commission approved settlement of this case in August 12, 2010, and the agreed upon penalty for each of these violations was \$2,000 per count.

In the Matter of Alvina Sheeley and Alvina Sheeley for Election F-SUSD Governing Board 2011, FPPC No. 11/1124, had a similar fact pattern; both of the required pre-election statements, which disclosed receipts and expenditures totaling approximately \$30,000, were not filed until after the election. The commission approved settlement of this case in August 16, 2012, and the agreed upon penalty for each of these violations was \$2,500 per count.

The public harm inherent in this type of violation, where pertinent information is not disclosed by the committee, is that the public is deprived of a means to discover the identity of contributors, the amounts contributed, and the nature of the committee's campaign expenses.

In this case, Respondents failed to timely file a required pre-election statement. Respondents cooperated fully with the investigation, and have no prior Enforcement history. Respondents have no prior experience in public office. Respondents contend that there was no intent to deceive the public and were unaware that campaign statements were required in recall elections. The Committee was entirely self funded with Respondent Singh's own money. In addition, Respondent contends that the San Joaquin County Registrar of Voters office was not helpful in providing filing information for recall elections.

PROPOSED PENALTY

After consideration of the factors of Regulation 18361.5, including whether the behavior in question was inadvertent, negligent or deliberate and the Respondent's pattern of behavior, as well as consideration of penalties in prior enforcement actions, the imposition of a penalty of Two Thousand Dollars (\$2,000) is recommended.