

1 GALENA WEST
Acting 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. 13/1327
13)
14 VIRGINIA MARI GOODMAN, MARI)
GOODMAN FOR ASSEMBLY 34-2012, and) STIPULATION, DECISION and
15 JOAN SLATER,) ORDER
16 Respondents.)
17

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
19 Respondents Virginia Mari Goodman, Mari Goodman for Assembly 34-2012, and Joan Slater agree
20 that this Stipulation will be submitted for consideration by the Fair Political Practices Commission at its
21 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 Virginia Mari Goodman, Mari Goodman for Assembly 34-2012, and Joan Slater understand,
26 and hereby knowingly and voluntarily waive, any and all procedural rights set forth in Sections
27 83115.5, 11503 and 11523 of the Government Code, and in Sections 18361.1 through 18361.9 of Title
28 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally

1 appear at any administrative hearing held in this matter, to be represented by an attorney at Virginia
2 Mari Goodman's, Mari Goodman for Assembly 34-2012's, and Joan Slater's own expense, to confront
3 and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the
4 hearing, to have an impartial administrative law judge preside over the hearing as a hearing officer, and
5 to have the matter judicially reviewed.

6 It is further stipulated and agreed that Virginia Mari Goodman, Mari Goodman for Assembly
7 34-2012, and Joan Slater violated the Political Reform Act by failing to file a first pre-election
8 campaign statement by October 5, 2012, for the reporting period January 1, 2012 through September
9 30, 2012, and a second pre-election campaign statement by October 25, 2012, for the reporting period
10 October 1, 2012 through October 20, 2012, in violation of Government Code Sections 84200.5,
11 subdivision (b), and 84200.7 (1 count). This count is described in Exhibit 1, which is attached hereto
12 and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary
13 of the facts in this matter.

14 Virginia Mari Goodman, Mari Goodman for Assembly 34-2012, and Joan Slater agree to the
15 issuance of the Decision and Order, which is attached hereto. Virginia Mari Goodman, Mari Goodman
16 for Assembly 34-2012, and Joan Slater also agree to the Commission imposing upon them an
17 administrative penalty in the amount of \$2,500. A cashier's check from Virginia Mari Goodman, Mari
18 Goodman for Assembly 34-2012, and Joan Slater in said amount, made payable to the "General Fund
19 of the State of California," is submitted with this Stipulation as full payment of the administrative
20 penalty, to be held by the State of California until the Commission issues its decision and order
21 regarding this matter. The parties agree that in the event the Commission refuses to accept this
22 Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission
23 meeting at which the Stipulation is rejected, all payments tendered by Virginia Mari Goodman, Mari
24 Goodman for Assembly 34-2012, and Joan Slater in connection with this Stipulation shall be
25 reimbursed to Virginia Mari Goodman, Mari Goodman for Assembly 34-2012, and Joan Slater.
26 Virginia Mari Goodman, Mari Goodman for Assembly 34-2012, and Joan Slater further stipulate and
27 agree that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the
28

1 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
2 shall be disqualified because of prior consideration of this Stipulation.

3
4
5
6 Dated: _____
7 Galena West, Acting Chief of Enforcement
8 Fair Political Practices Commission

9
10 Dated: _____
11 Virginia Mari Goodman, Respondent, individually, and
12 on behalf of, Mari Goodman for Assembly 34-2012,
13 Respondent

14
15 Dated: _____
16 Joan Slater, Respondent, individually, and
17 on behalf of Mari Goodman for Assembly 34-2012,
18 Respondent

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Virginia Mari Goodman, Mari
3 Goodman for Assembly 34-2012, and Joan Slater,” FPPC No. 13/1327, including all attached exhibits,
4 is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective
5 upon execution below by the Chair.

6
7 **IT IS SO ORDERED.**

8
9 Dated: _____

Joann Remke, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Virginia Mari Goodman was an unsuccessful candidate for Assembly District 34 in the November 6, 2012 General Election. Respondent Mari Goodman for Assembly 34-2012 was her candidate controlled committee. Respondent Joan Slater was the Treasurer.

The Franchise Tax Board (“FTB”) performed an audit of Mari Goodman for Assembly 34-2012 for the period from January 1, 2012 through December 31, 2012. During that period, Mari Goodman for Assembly 34-2012 received contributions totaling \$20,466 and made expenditures totaling \$16,673.

The Political Reform Act (the “Act”)¹ requires a committee to timely file campaign statements and reports. Goodman, Mari Goodman for Assembly 34-2012 and Slater violated the Act by failing to timely file pre-election campaign statements.

SUMMARY OF THE LAW

An express purpose of the Act 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.² The Act, therefore, establishes a campaign reporting system designed to accomplish this purpose of disclosure.

Duty to File Pre-election Campaign Statements

Under the Act's campaign reporting system, candidate controlled committees are required to file periodic campaign statements and reports disclosing their financial activities. For an election held in June or November of an even-numbered year, candidate controlled committees are required to file two pre-election campaign statements according to a specified schedule.³

For an election held on November 6, 2012, the first pre-election campaign statement for the reporting period January 1, 2012 through September 30, 2012, was due on or before October 5, 2012, and the second pre-election campaign statement for the reporting period October 1, 2012 through October 20, 2012, was due on or before October 25, 2012.

Liability of Committee Treasurers

Every committee must have a treasurer.⁴ 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

¹The Political Reform Act is contained in Government Code Sections 81000 through 91014. The Regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations.

² Section 81002, subdivision (a).

³ Sections 84200.5, subdivision (b), and 84200.7, subdivision (b).

⁴ Section 84100.

and expenditure of funds and the reporting of such funds.⁵ A committee's treasurer may be held jointly and severally liable with the committee for any reporting violations.⁶

SUMMARY OF THE FACTS

FTB's audit found, and the Enforcement Division of the Fair Political Practices Commission confirmed, that Goodman, Mari Goodman for Assembly 34-2012 and Slater, by in large, complied with the Act's campaign reporting requirements. However, Goodman, Mari Goodman for Assembly 34-2012 and Slater failed to timely file a first pre-election and second pre-election campaign statement.

The first pre-election statement, covering July 1, 2012 through September 30, 2012, although due by October 5, 2012 was not filed until November 13, 2012; and disclosed receipts of \$8,560 and expenditures of \$4,646. The second pre-election statement, covering October 1, 2012 through October 20, 2012, although due by October 25, 2012 was not filed until January 16, 2013; and disclosed receipts of \$134 and expenditures of \$4,752. These figures represent 42.48% of Mari Goodman for Assembly 34-2012's total receipts, and 56.37% of its total expenses.

VIOLATION

Count 1: Late filing of Pre-election Campaign Statements

Goodman, Mari Goodman for Assembly 34-2012 and Slater failed to file a first pre-election campaign statement by October 5, 2012, for the reporting period January 1, 2012 through September 30, 2012, and 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.

CONCLUSION

This matter consists of one count of violating the Act, which carries a maximum administrative penalty of \$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 Commission considers the facts and circumstances of the violation in the context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6): the seriousness of the violations; the presence or lack of intent to conceal, deceive or mislead; whether the violation was deliberate, negligent, or inadvertent; whether the respondents demonstrated good faith in consulting with Commission staff; whether there was a pattern of violations; and whether respondent voluntarily amended.

⁵ Section 84100 and Regulation 18427, subdivision (a).

⁶ Sections 83116.5 and 91006.

The Commission also considers penalties in prior cases involving similar violations. A recent similar case involving the failure to file pre-election campaign statement includes:

- *In the Matter of San Mateo County Democratic Central Committee and Xavier Martinez*; FPPC No. 15/79. Respondents failed to file both pre-election campaign statements by the due dates of March 22 and May 24, respectively. This included contributions received totaling approximately \$3,940 and expenditures made totaling approximately \$8,670 for the first pre-election reporting period, and contributions received totaling approximately \$68,225, and expenditures made totaling approximately \$4,249 for the second pre-election reporting period. On April 16, 2015 the Commission approved a penalty of \$2,500 for the count.

In mitigation, a review of the audit report and papers indicates a misunderstanding of the law by a group with little prior experience with the Act, and do not have a prior enforcement history. As in the *San Mateo* case, charging the failure to file timely both pre-election statements as one count is warranted because of the comparably smaller amount of activity in one of the two reporting periods. The Enforcement Division confirmed the FTB's audit findings showing that Virginia Mari Goodman, Mari Goodman for Assembly 34-2012 and Joan Slater substantially complied with the Act's campaign reporting requirements during the audit period. In aggravation, however, other reporting and itemization issues were uncovered in the course of the FTB audit.

PROPOSED PENALTY

After considering the factors listed above, a penalty of \$2,500 is recommended.