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

11 In the Matter of:

12 CITIZENS FOR A SAFER BUTTE
13 COUNTY,

14
15 Respondent.
16
17

FPPC No. 16/432

STIPULATION, DECISION, AND ORDER

18 **STIPULATION**

19 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
20 respondent Citizens for a Safer Butte County (“Respondent”) hereby agree that this Stipulation will be
21 submitted for consideration by the Fair Political Practices Commission (“Commission”) at its next
22 regularly-scheduled meeting.

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

26 The Respondent understands, and hereby knowingly and voluntarily waives, any and all
27 procedural rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California
28 Code of Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to, the

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

5 It is further stipulated and agreed that the Respondent violated the Political Reform Act by placing
6 a disclosure statement on thirty 4'x8' campaign signs and fifty 4'x4' campaign signs that did not meet the
7 requirement that disclosure statements on large print media must be at least 5% the height of the
8 advertisement, in violation of Government Code section 84504, subsection (c) and Regulation 18450.4,
9 subd. (b)(3)(D) as described in Exhibit 1. Exhibit 1 is attached hereto and incorporated by reference as
10 though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

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

23
24 Dated: _____
25 Galena West, Chief, on behalf of the Enforcement
26 Division of the Fair Political Practices Commission

27 Dated: _____
28 Kelly Lawler, Treasurer of Citizens for a Safer Butte

County

DECISION AND ORDER

The foregoing Stipulation of the parties “In the Matter of Citizens for a Safer Butte County,” FPPC No. 16/432, including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated: _____

Joann Remke, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Citizens for a Safer Butte County (the “Committee”) is a general purpose committee in Butte County, California. At all times relevant to this matter, Kelly Lawler (“Lawler”) has served as the treasurer of the Committee.

The Committee produced campaign signs supporting Measures G and H in Butte County with disclosure statements that did not meet the size requirements of the Political Reform Act (the “Act”)¹.

SUMMARY OF THE LAW

All statutory references and discussions of law pertain to the Act’s provisions as they existed in 2016.

Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act

When enacting the Political Reform Act, the people of the state of California found and declared that previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.² To that end, the Act must be liberally construed to achieve its purposes.³

Advertisement

Under the Act, an “advertisement” means any general or public advertisement which is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate for elective office or a ballot measure or ballot measures.⁴

Advertisement Disclosure

The Act requires any committee which supports or opposes a ballot measure, to print or broadcast its name as part of any advertisement or other paid public statement.⁵

The disclosure must include the words “paid for by” in the same manner as, and immediately adjacent to and above, or immediately adjacent to and in front of, the required identification, and for oversized print media, must constitute at least five percent (5%) of the height of the advertisement printed in a contrasting color.⁶

¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² § 81001, subd. (h).

³ § 81003.

⁴ § 84501

⁵ § 84504, subd. (c).

⁶ Regulation 18450.4, subd. (b)(1) and subd. (b)(3)(D).

SUMMARY OF THE FACTS

The Committee set up signs in Butte County supporting Measures G and H that had a disclosure statement that did not meet the requirement that disclosure statements on large print media must be at least 5% the height of the advertisement.

The Committee produced thirty 4'x8' campaign signs and fifty 4'x4' campaign signs that had a disclosure statement not meeting the size requirement. The lettering on both signs was .339". In order to meet the height requirement, the lettering should have been to be at least 2.4".

On May 24, 2016, the Enforcement Division contacted Lawler about the disclosure statement on the Committee's signs. The next day Lawler and the Committee agreed to the Fair Political Practices Commission's issuance of a press release provided to the local media and posted on the Commission's website that identified the Committee as being responsible for the signs in order to achieve disclosure prior to the election on June 7, 2016.

VIOLATION

Count 1: Failure to Identify Committee in Disclosure Statement

The Committee placed a disclosure statement on thirty 4'x8' campaign signs and fifty 4'x4' campaign signs that did not meet the requirement that disclosure statements on large print media must be at least 5% the height of the advertisement, in violation of Government Code section 84504, subsection (c) and Regulation 18450.4, subd. (b)(3)(D).

CONCLUSION

This matter consists of one count of violating the Act, which carries a maximum administrative penalty of \$5,000 per count, totaling \$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 context of the factors set forth in Regulation 18361.5, subdivision (d): 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, upon learning of the violation, the violator voluntarily provided amendments to provide full disclosure.

Recent penalties approved by the Commission for failure to place a proper disclosure statement on an advertisement are as follows:

- ❖ *In the Matter of Yes on Prop. 47, Californians for Safe Neighborhoods and Schools, Sponsored by Vote Safe, A Project of the Advocacy Fund; FPPC No. 14/1204.* Respondent failed to disclose its name and its two highest donors of \$50,000 or more in two video advertisements. After being contacted by the Enforcement Division in late October, the committee added a disclosure statement in its advertisement. On November 20, 2014, the Commission approved a penalty of \$2,000 for the violation.

- ❖ *In the Matter of Southern California Taxpayers Association, Sponsored by and with Major Funding from Milan Rei IV, LLC, Barrett Garcia, and Ann Garrett.* FPPC No. 12/782. Respondents failed to display required committee identification on 750 yard signs paid for by the committee to support Measure FF in the city of Orange. None of the yard signs identified that it paid for them. On November 20, 2014, the Commission approved a penalty of \$2,500.

The Committee's disclosure statement on their campaign signs did not meet the 5% size requirement. However, a lower penalty than those issued by the Commission in the *Southern California Taxpayers Association* case cited above is warranted because here the Committee took responsibility for the signs and worked with the Commission to achieve better disclosure before the election by the issuance of a press release that identified the Committee as the true source of the signs. It is similar to *Yes on Prop. 47* in that disclosure was achieved prior to the election.

PROPOSED PENALTY

After considering the factors listed in Regulation 18361.5, prior similar cases, and other relevant factors, the imposition of a \$2,000 penalty on the Committee.