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7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA

10
11 In the Matter of:

12 FRIENDS OF FRANK BIGELOW FOR
13 ASSEMBLY 2016, FRANK BIGELOW,
AND VONA L. COPP,

14 Respondents.

FPPC Case No. 17/79

STIPULATION, DECISION AND ORDER

15
16 INTRODUCTION

17 Frank Bigelow ran for re-election to the California State Assembly in the November 8, 2016
18 General Election. In conjunction with his bid for re-election, Frank Bigelow created the candidate-
19 controlled committee Friends of Frank Bigelow for Assembly 2016 (the “Committee”). The
20 Committee’s treasurer is Vona L. Copp (“Copp”).

21 In advance of the election, the Committee made a number of campaign expenditures without first
22 depositing the respective funds used into the campaign bank account, as is required. Instead, Frank
23 Bigelow paid for the expenses using his own personal funds and the Committee later reimbursed his
24 wife, Barbara Bigelow, for those payments. As a result, Respondents violated the Political Reform Act
25 (the “Act”).¹

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27 ¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the
28 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.

1 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. The violations in this case occurred
3 in 2015 and 2016. For this reason, all legal references and discussions of law pertain to the Act’s
4 provisions as they existed at that time.

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

6 When enacting the Act, the people of California found and declared that previous laws regulating
7 political practices suffered from inadequate enforcement by state and local authorities.² For this reason,
8 the Act is to be construed liberally to accomplish its purposes.³

9 One Bank Account Rule

10 To ensure full disclosure of campaign activity and to guard against improper use of campaign
11 funds, a candidate must establish a single, designated campaign bank account upon filing a statement of
12 intention to be a candidate.⁴ All campaign contributions and loans must be deposited into the campaign
13 account.⁵ Personal funds of the candidate that will be used for the campaign must be deposited in the
14 campaign account prior to expenditure.⁶ All campaign expenditures must be made from the campaign
15 account.⁷

16 Joint and Several Liability of Candidate, Committee, and Treasurer

17 It is the duty of a committee treasurer to ensure that the committee complies with the Act.⁸ A
18 treasurer may be held jointly and severally liable, along with the candidate and the committee, for
19 violations committed by the committee.⁹

20 **SUMMARY OF THE FACTS**

21 The Committee filed its initial statement of organization on or about November 21, 2014 and
22 qualified as a committee on December 29, 2014. Frank Bigelow, who was first elected to the State
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24 ² Section 81001, subd. (h).

25 ³ Section 81003.

26 ⁴ Section 85201, subd. (a).

27 ⁵ Section 85201, subd. (c).

28 ⁶ Section 85201, subd. (d).

⁷ Section 85201, subd. (e).

⁸ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

⁹ Sections 83116.5 and 91006.

1 Assembly in 2012, was successfully re-elected in 2016, receiving approximately 64.5 percent of the vote.
2 The Committee thereafter terminated on or about December 31, 2016.

3 Prior to the election, Respondents followed a procedure that fell outside the bounds of the Act's
4 one bank account rule. Frank Bigelow made campaign expenditures using his personal credit card and,
5 thereafter, submitted the respective invoices and receipts to Copp for reimbursement. Copp then issued
6 reimbursement checks made payable to Barbara Bigelow from the Committee bank account. According
7 to Respondents, the reimbursements were issued to Barbara Bigelow because she handled the couple's
8 finances and the couple used a shared bank account. In this way, Respondents circumvented the
9 campaign bank account.

10 In particular, from January 2015 to August 2016, Frank Bigelow charged approximately
11 \$2,189.78 in campaign expenses to his personal account, summarized as follows:

Date of Expenditure	Payee	Amount	Description
1/14/2015	De Vere's	\$71.84	Donor Lunch meeting
3/18/2015	Café Bernardo	\$92.26	Donor Lunch meeting
3/26/2015	Mayahuel	\$74.33	Donor Lunch meeting
6/30/2015	Chops	\$25.62	Donor Dinner meeting
7/1/2015	Mayahuel	\$72.96	Donor Lunch meeting
8/18/2015	Foundation	\$181.71	Donor Dinner meeting
8/19/2015	Brasserie Capitale	\$96.29	Donor Lunch meeting
8/24/2015	Chops	\$52.03	Donor Dinner meeting
9/9/2015	Aioli Bodega Espanola	\$154.24	Donor Dinner meeting
2/6/2016	Levy Restaurant, Sleep Train Arena	\$1,205.40	Campaign Fundraiser
3/1/2016	Esquire Grill	\$32.04	Donor Meeting
4/13/2016	Hyatt Regency Starbucks	\$13.40	Donor Meeting
8/24/2016	Grange	\$117.66	Donor Dinner meeting
		\$2,189.78	

24 Many of the pertinent expenditures were made in connection with donor lunch and dinner
25 meetings. Although Respondents reported the four expenditures of \$100 or more, which are required to
26 be itemized, on the Committee's campaign statements, Respondents listed the payments on the incorrect
27 schedule. Further, Respondents failed to report \$530.77 in unitemized expenditures from the above list
28 on the Committee's campaign statements.

1 **VIOLATION**

2 Count 1: Failure to Pay Expenses From Campaign Bank Account

3 The Committee, Bigelow, and Copp failed to pay approximately \$2,189.78 in expenditures from
4 the designated campaign bank account, in violation of Section 85201, subdivisions (d) and (e).

5 **PROPOSED PENALTY**

6 This matter consists of one count. The maximum penalty that may be imposed is \$5,000 per
7 count. Thus, the maximum penalty that may be imposed is \$5,000.¹⁰

8 In determining the appropriate penalty for a particular violation of the Act, the Commission
9 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the
10 Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of
11 any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or
12 inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective
13 amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior
14 record of violations.¹¹

15 In this case, the type of violation charged herein is generally serious in nature. However, the
16 amount of expenditures paid outside of the campaign bank account here falls on the lower end, somewhat
17 lessening the harm caused by the violation. Further, during its investigation, the Enforcement Division
18 did not discover any evidence displaying any intention by Respondents to conceal, deceive, or mislead
19 the public. Instead, it appears that Respondents were simply negligent in their actions. Finally,
20 Respondents do not have a prior history of violations of the Act.

21 The Commission also considers penalties in prior cases involving similar violations. Comparable
22 cases involving violations of the one bank account rule include the following:

- 23 • *In the Matter of Patricia Lopez, Patty Lopez for Assembly 2014, and Carolina Perez*; FPPC Nos.
24 15/313 and 15/314. Respondents, a candidate for State Assembly, her controlled committee, and its
25 treasurer, improperly made campaign expenditures totaling \$4,698 that were not paid from the campaign
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27 _____
¹⁰ Section 83116, subd. (c).

28 _____
¹¹ Regulation 18361.5, subd. (d).

1 bank account, but instead were paid for with the candidate's personal funds, in violation of Section
2 85201. Further, \$545.97 of this amount was not timely reported on a campaign statement. In March
3 2016, the Commission approved a penalty of \$1,500 on one count.

4 As to Count 1, a penalty higher than that approved in the comparable case is recommended given
5 the fact that Respondents committed additional violations that are not charged herein. In 2015 and 2016,
6 the Committee made three separate reimbursements to Barbara Bigelow that covered expenditures that
7 were not for a political, legislative, or governmental purpose. These personal use expenditures included
8 a \$134.38 laundry charge and spa purchases of \$20.52 and \$431.68, all at Fairmont hotels. As to the
9 \$134.38 and \$431.68 charges, Frank Bigelow instructed Copp to exclude those charges from the
10 respective reimbursements paid to his wife. Despite these instructions, however, the amounts were
11 included in the reimbursements. All three personal use charges were paid back to the Committee after
12 Respondents were contacted by the Enforcement Division. Given the small amounts at issue, and in the
13 interest of settlement, these additional violations are not being charged here.

14 Based on the foregoing, a penalty in the amount of \$2,000 is recommended.

15 CONCLUSION

16 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
17 Respondents, Friends of Frank Bigelow for Assembly 2016, Frank Bigelow, and Vona L. Copp, hereby
18 agree as follows:

- 19 1. The Respondents violated the Act as described in the foregoing pages, which are a true
20 and accurate summary of the facts in this matter.
- 21 2. This stipulation will be submitted for consideration by the Fair Political Practices
22 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.
- 23 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose
24 of reaching a final disposition without the necessity of holding an administrative hearing to determine the
25 liability of the Respondent pursuant to Section 83116.
- 26 4. Respondents have consulted with their attorney, Ashlee Titus, Bell, McAndrews &
27 Hiltachk, LLP, and understand, and hereby knowingly and voluntarily waive, all procedural rights set
28 forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9. This includes, but is

1 not limited to the right to appear personally at any administrative hearing held in this matter, to be
2 represented by an attorney at Respondents' own expense, to confront and cross-examine all witnesses
3 testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
4 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
5 reviewed.

6 5. The Respondents agree to the issuance of the decision and order set forth below. Also, the
7 Respondents agree to the Commission imposing against them an administrative penalty in the amount of
8 \$2,000. One or more cashier's checks or money orders totaling said amount—to be paid to the General
9 Fund of the State of California—is/are submitted with this stipulation as full payment of the
10 administrative penalty described above, and same shall be held by the State of California until the
11 Commission issues its decision and order regarding this matter.

12 6. If the Commission declines to approve this stipulation—then this stipulation shall become
13 null and void, and within fifteen business days after the Commission meeting at which the stipulation is
14 rejected, all payments tendered by the Respondents in connection with this stipulation shall be
15 reimbursed to the Respondents. If this stipulation is not approved by the Commission, and if a full
16 evidentiary hearing before the Commission becomes necessary, neither any member of the Commission,
17 nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

18 7. The parties to this agreement may execute their respective signature pages separately. A
19 copy of any party's executed signature page including a hardcopy of a signature page transmitted via fax
20 or as a PDF email attachment is as effective and binding as the original.

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22 Dated: _____
23 Galena West, Chief of Enforcement
24 Fair Political Practices Commission

25 Dated: _____
26 Frank Bigelow, individually and on behalf of Friends of
27 Frank Bigelow for Assembly 2016
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Dated: _____
Vona L. Copp, individually and on behalf of Friends of
Frank Bigelow for Assembly 2016

1 The foregoing stipulation of the parties “In the Matter of Friends of Frank Bigelow for Assembly 2016,
2 Frank Bigelow, and Vona L. Copp,” FPPC Case No. 17/79 is hereby accepted as the final decision and
3 order of the Fair Political Practices Commission, effective upon execution below by the Chair.

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5 IT IS SO ORDERED.

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7 Dated: _____

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9 Joann Remke, Chair
10 Fair Political Practices Commission
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