

1 GALENA WEST  
Chief of Enforcement  
2 THERESA GILBERTSON  
Commission Counsel  
3 Fair Political Practices Commission  
1102 Q Street, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 322-5660  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant  
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA

10 In the Matter of:

11 LONG BEACH CITIZENS' AND  
12 PATIENTS' RIGHTS PAC AND  
13 JEREMY COLTHARP,

14 Respondents.

FPPC Case No. 15/811

STIPULATION, DECISION AND ORDER

15 **INTRODUCTION**

16 Respondent Long Beach Citizens' and Patients' Rights PAC ("Committee") was a primarily formed  
17 committee formed in support of a local medical marijuana initiative. Jeremy Coltharp ("Coltharp") was the  
18 principal officer and assistant treasurer. Respondent Committee and Coltharp violated the Political Reform  
19 Act<sup>1</sup> by failing to timely file semiannual campaign statements.  
20

21 **SUMMARY OF THE LAW**

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

23 When enacting the Political Reform Act, the people of California found and declared that previous  
24 laws regulating political practices suffered from inadequate enforcement by state and local authorities.<sup>2</sup>  
25

26 <sup>1</sup> The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections  
27 81000 through 91014. All statutory references are to this code. 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 this source.

28 <sup>2</sup> Section 81001, subdivision (h).

1 Thus, it was decreed that the Act “should be liberally construed to accomplish its purposes.”<sup>3</sup> One purpose  
2 of the Act is to promote transparency by ensuring that receipts and expenditures in election campaigns are  
3 fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited.<sup>4</sup>  
4 Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be  
5 “vigorously enforced.”<sup>5</sup>

### 6 **Semiannual Campaign Statements**

7 A primarily formed committee must file two semi-annual campaign statements each year no later  
8 than July 31 for the period ending June 30 and no later than January 31 for the period ending December  
9 31.<sup>6</sup> Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a  
10 statement shall be extended to the next regular business day.<sup>7</sup>

### 11 **Joint and Several Liability of Committee and Principal Officer**

12 An assistant treasurer may sign and verify campaign statements and may be held jointly and  
13 severally liable for violations with respect to any statements signed by the assistant treasurer.<sup>8</sup> The assistant  
14 treasurer and the principal officer may be held jointly and severally liable, along with the committee, for  
15 violations committed by the committee.<sup>9</sup>

### 16 **SUMMARY OF THE FACTS**

17 The Committee reported that it qualified on or about August 31, 2012. The Committee was formed  
18 to support the placement of a measure related to medical marijuana on the City of Long Beach ballot. The  
19 Committee was unsuccessful in qualifying the measure in both 2012 and 2013. The Committee remained  
20 opened through December 31, 2014 and reported \$214,730 in contributions and \$213,286 over its lifetime.

21 The Committee failed to timely file two semiannual campaign statements in 2014. For the reporting  
22 period of January 1, 2014 through June 30, 2014, the Committee filed on March 19, 2018. The Committee  
23 reported approximately \$2,500 in contributions and \$2,898 in expenditures. For the reporting period of  
24

---

25 <sup>3</sup> Section 81003.

26 <sup>4</sup> Section 81002, subdivision (a).

27 <sup>5</sup> Section 81002, subdivision (f).

28 <sup>6</sup> Section 84200, subd. (a).

<sup>7</sup> Regulation 18116, subd. (a).

<sup>8</sup> Regulation 18426.1.

<sup>9</sup> Sections 83116.5 and 91006.

1 July 1, 2014 through December 31, 2014, the Committee filed on March 19, 2018. The Committee reported  
2 approximately \$90 in expenditures. These statements were filed about three years after they were due. The  
3 Committee terminated effective December 31, 2014.

4 The Committee has prior enforcement history. On November 14, 2013, the Commission approved  
5 a streamline settlement. The Committee paid a \$200 penalty for failure to file a semiannual campaign  
6 statement for the reporting period of January 1, 2013 through June 30, 2013. The Committee timely filed  
7 the next campaign statement, but failed to subsequently file statements or terminate until being contacted  
8 by the Enforcement Division regarding this matter.

## 9 VIOLATIONS

### 10 Count 1

11 The Committee and Coltharp failed to timely file a semiannual campaign statement for the reporting  
12 period of January 1, 2014 through June 30, 2014 and failed to timely file a semiannual campaign statement  
13 for the reporting period of July 1, 2014 through December 31, 2014, in violation of Section 84200.

### 14 PROPOSED PENALTY

15 This matter consists of one count. The maximum penalty that may be imposed is \$5,000.

16 In determining the appropriate penalty for a particular violation of the Act, the Commission  
17 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the Commission  
18 considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention  
19 to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d)  
20 whether the violation was isolated or part of a pattern; (e) whether corrective amendments voluntarily were  
21 filed to provide full disclosure; and (f) whether the violator has a prior record of violations.<sup>10</sup> Here, the  
22 violation appears negligent. The Committee has prior enforcement history; however, the Committee has  
23 since terminated and ended its filing obligation after reporting the remainder of its financial activity.

24 Additionally, the Commission considers penalties in prior cases with comparable violations.  
25 *In the Matter of Nancy Bui-Thompson and Nancy Bui-Thompson for SMUD 2012*, FPPC No. 15/1586 (The  
26 Commission approved a stipulated decision on November 17, 2016.) The committee failed to timely file  
27 two semiannual campaign statements that disclosed minimal activity. For one statement, the committee  
28

---

<sup>10</sup> Regulation 18361.5, subdivision (d).

1 reported \$3,048 in expenditures. The second statement reported \$8,106 in expenditures and \$8,850 in  
2 contributions. Bui-Thompson was in office but the statements were for a period after the election and she  
3 had no prior enforcement history. The Commission imposed a penalty of \$1,500 for this count. Unlike *Bui-*  
4 *Thompson*, the Committee here has prior enforcement history for the same violation. In both cases, the  
5 missing campaign statements were for a reporting period after a relevant election. In mitigation, the  
6 Committee failed to qualify its intended measure for the ballot, in contrast to Bui-Thompson who was in  
7 office and planning to run again. Additionally, the amount that was unreported was less than in *Bui-*  
8 *Thompson*. Therefore, a penalty of \$1,000 is recommended.

### 9 CONCLUSION

10 Complainant, the Enforcement Division of the Fair Political Practices Commission, and  
11 Respondents Long Beach Citizens' and Patients' Rights PAC and Jeremy Coltharp, hereby agree as  
12 follows:

- 13 1. Respondents violated the Act as described in the foregoing pages, which are a true and  
14 accurate summary of the facts in this matter.
- 15 2. This stipulation will be submitted for consideration by the Fair Political Practices  
16 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.
- 17 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose  
18 of reaching a final disposition without the necessity of holding an administrative hearing to determine the  
19 liability of Respondents pursuant to Section 83116.
- 20 4. Respondents have consulted with their attorney, Harvey Ginns, and understand, and  
21 hereby knowingly and voluntarily waive, all procedural rights set forth in Sections 83115.5, 11503,  
22 11523, and Regulations 18361.1 through 18361.9. This includes, but is not limited to the right to appear  
23 personally at any administrative hearing held in this matter, to be represented by an attorney at  
24 Respondent's own expense, to confront and cross-examine all witnesses testifying at the hearing, to  
25 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over  
26 the hearing as a hearing officer, and to have the matter judicially reviewed.
- 27 5. Respondents agree to the issuance of the decision and order set forth below. Also,  
28 Respondents agree to the Commission imposing against them an administrative penalty in the amount of

1 \$1,000. One or more cashier's checks or money orders totaling said amount—to be paid to the General  
2 Fund of the State of California—is/are submitted with this stipulation as full payment of the  
3 administrative penalty described above, and same shall be held by the State of California until the  
4 Commission issues its decision and order regarding this matter.

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

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

14 Dated: \_\_\_\_\_

\_\_\_\_\_  
Galena West, Chief of Enforcement  
Fair Political Practices Commission

15  
16  
17 Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeremy Coltharp, individually and on behalf of Long  
Beach Citizens' and Patients' Rights PAC, Respondents

18  
19  
20 The foregoing stipulation of the parties Long Beach Citizens' and Patients' Rights PAC and  
21 Jeremy Coltharp, FPPC Case No. 15/811, is hereby accepted as the final decision and order of the Fair  
22 Political Practices Commission, effective upon execution below by the Chair.

23 IT IS SO ORDERED.

24 Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Fair Political Practices Commission