

1 GALENA WEST
Chief of Enforcement
2 CHRISTOPHER BURTON
Senior Commission Counsel
3 Fair Political Practices Commission
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 322-5660

5 Attorneys for Complainant
6 Fair Political Practices Commission, Enforcement Division

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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA

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11 In the Matter of:

12 COMMITTEE FOR SAFE VALLEJO
SCHOOLS – YES ON MEASURE S,
13 DEBORAH DICKSON, AND MICHAEL
NICHELINI,

14 Respondents.

FPPC Case No. 19/448

15 STIPULATION, DECISION AND ORDER

16 INTRODUCTION

17 Committee for Safe Vallejo Schools – Yes on Measure S (the “Committee”) is a committee
18 primarily formed to support Vallejo City Unified School District Measure S, which appeared on the
19 ballot in the November 6, 2018 General Election. Deborah Dickson (“Dickson”) is the principal officer
20 of the Committee, and Michael Nichelini (“Nichelini”) is the treasurer of the Committee.

21 Respondents committed numerous violations of the Political Reform Act (the “Act”),¹ including a
22 failure to timely file two preelection campaign statements and one semiannual campaign statement,
23 failure to timely file five 24-hour contribution reports, and failure to include the necessary disclosures on
24 two advertisements.

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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 in
3 2018 and 2019. For this reason, all legal references and discussions of law pertain to the Act’s provisions
4 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 To that end, the
8 Act is to be construed liberally to accomplish its purposes.³

9 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
10 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
11 practices are inhibited.⁴ Along these lines, the Act includes a comprehensive campaign reporting system.⁵
12 Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be
13 “vigorously enforced.”⁶

14 Mandatory Filing of Campaign Statements

15 At the core of the Act’s campaign reporting system is the requirement that committees file
16 campaign statements and reports for certain reporting periods, by certain deadlines, and including
17 certain information.⁷

18 The Act requires elected officers, candidates, and recipient committees to file semiannual
19 campaign statements twice per year disclosing campaign contributions and expenditures. Elected
20 officers, candidates, and recipient committees must file a semiannual statement by January 31 for the
21 period ending December 31 and by July 31 for the period ending June 30, or the next business day if the
22 deadline falls on a weekend or holiday.⁸

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25 ² Section 81001, subd. (h).

26 ³ Section 81003.

27 ⁴ Section 81002, subd. (a).

28 ⁵ Sections 84200, *et seq.*

⁶ Section 81002, subd. (f).

⁷ Sections 84200, *et seq.*

⁸ Section 84200, subd. (a); Regulation 18116, subd. (a).

1 The Act further requires a committee primarily formed to support or oppose a ballot measure
2 appearing on the ballot for the next election to file preelection campaign statements prior to the
3 election.⁹ For the November 6, 2018 General Election, a primarily formed committee was required to
4 file a preelection campaign statement for the period of July 1, 2018 to September 22, 2018, no later than
5 September 27, 2018; and a preelection campaign statement for the period of September 23, 2018 to
6 October 20, 2018, no later than October 25, 2018 ¹⁰

7 Duty to File 24-Hour Contribution Reports

8 Each candidate or committee that makes or receives a late contribution must file a report within
9 24 hours of making or receiving the contribution.¹¹ A “late contribution” includes a contribution
10 aggregating \$1,000 or more that is made to or received by a candidate, controlled committee, or
11 primarily formed committee within 90 days before the date of the election at which the pertinent
12 candidate or measure is to be voted on.¹²

13 Advertisement Disclosure

14 An “advertisement” under the Act means any general or public communication that is authorized
15 and paid for by a committee for the purpose of supporting or opposing a candidate(s) for elective office
16 or a ballot measure(s).¹³

17 Under the Act, any advertisement paid for by a primarily formed committee shall include the
18 words “Paid for by” followed by the name of the committee.¹⁴

19 An advertisement made via social media shall include the required disclosures in a contrasting
20 color and in no less than 8 point font on the committee’s profile, landing page, or other similar location.¹⁵

21 Joint and Several Liability of Committee, Principal Officer, and Treasurer

22 It is the duty of a committee treasurer to ensure that the committee complies with the campaign
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25 ⁹ Section 84200.5.

26 ¹⁰ Section 84200.8, subds. (a) and (b).

27 ¹¹ Section 84203.

28 ¹² Section 82036.

¹³ Section 84501.

¹⁴ Section 84502.

¹⁵ Section 84504.3, subd. (f).

1 reporting provisions of the Act.¹⁶ It is the duty of the committee's principal officer to authorize the
2 content of communications made by the committee, authorize expenditures made by the committee, and
3 determine the committee's campaign strategy.¹⁷ A treasurer and principal officer may be held jointly
4 and severally liable, along with the committee, for violations committed by the committee.¹⁸

5 SUMMARY OF THE FACTS

6 The Committee qualified on August 27, 2018. According to committee records, in 2018, the
7 Committee received \$50,042 and spent \$44,125. Measure S was successful, receiving approximately
8 69.72 percent of the vote.

9 The Committee failed to timely file all campaign statements covering 2018, as summarized
10 below:

11 Statement/ Report Type	Reporting Period	Due Date	Date Filed	Days Late	Amount of Contributions/ Expenditures
12 Preelection	7/1/18 – 9/22/18	9/27/18	11/1/18	35	\$8,200/\$6,922
13 Preelection	9/23/18 – 10/20/18	10/25/18	11/2/18	8	\$9,265/\$13,937
14 Semiannual	10/21/18 – 12/31/18	1/31/19	1/31/20	365	\$29,100/\$48,449

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18 Although the Committee filed its two preelection campaign statements prior to the election, those
19 statements failed to report certain activity. In particular, the Committee's statement for the period of July
20 1, 2018 to September 22, 2018 failed to report \$6,863 in accrued expenses, and the statement for the
21 period of September 23, 2018 to December 31, 2018 failed to report \$12,593 in accrued expenses.

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27 ¹⁶ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

¹⁷ Section 82047.6; Regulation 18402.1, subd. (b).

28 ¹⁸ Sections 83116.5 and 91006.

The Committee also failed to timely file certain 24-hour contribution reports, as follows:

Statement/ Report Type	Payment Date	Due Date	Date Filed	Contribution Amount	Contributor
24-Hour Contribution	8/27/2018	8/28/2018	11/1/2018	\$3,000.00	Napa Solano Labor Council
24-Hour Contribution	8/27/2018	8/28/2018	11/1/2018	\$5,000.00	VEA PAC ID#931476
24-Hour Contribution	10/11/2018	10/12/2018	11/1/2018	\$2,500.00	TBP Architecture
24-Hour Contribution	10/18/2018	10/19/2018	11/1/2018	\$1,000.00	Addison and Debbie Covert
24-Hour Contribution	10/18/2018	10/19/2018	11/1/2018	\$2,000.00	Napa Solano Labor Council
24-Hour Contribution	10/18/2018	10/19/2018	11/1/2018	\$1,000.00	Laborers International Local 324
24-Hour Contribution	10/18/2018	10/19/2018	11/1/2018	\$1,000.00	Vallejo Police Officer's Association PAC ID#871400
24-Hour Contribution	10/29/2018	10/30/2018	11/1/2018	\$3,000.00	Dutra Cerro Graden Inc
24-Hour Contribution	10/29/2018	10/30/2018	11/1/2018	\$1,000.00	ATI-AC Martin Inc
24-Hour Contribution	10/29/2018	10/30/2018	11/1/2018	\$1,000.00	Earthquake Protection Systems Inc
24-Hour Contribution	10/30/2018	10/31/2018	11/1/2018	\$2,000.00	Int Assoc. of Heat & Frost Insulators- Local 16
24-Hour Contribution	10/30/2018	10/31/2018	11/1/2018	\$2,500.00	Fagen Friedman & Fulfrost LLP
			Total:	\$25,000	

The Committee also failed to include the required disclosures on certain advertisements. The Committee paid for 100 12"x18" campaign signs that were distributed prior to the election. Although the signs read "Safe Vallejo Schools" and "Yes on S," they failed to include the required "Paid for by" and

1 committee name disclosure. These signs were not corrected prior to the election.

2 The Committee also created a Facebook page that failed to include the required disclosures.
3 Although the page was named “YES on S for Safe Vallejo Schools,” the page failed to include the
4 required “Paid for by” and committee name disclosure on the Facebook landing page. The landing page
5 did include a link to the Committee’s website, which included the necessary disclosures at the bottom of
6 the page. The Facebook page was not updated to display the proper disclosures prior to the election.

7 **VIOLATIONS**

8 Count 1: Failure to Timely File Campaign Statements

9 The Committee, Dickson, and Nichelini failed to timely file the Committee’s preelection
10 campaign statements for the reporting periods of July 1, 2018 to September 22, 2018, and September 23,
11 2018 to October 20, 2018; and the Committee’s semiannual campaign statement for the reporting period
12 of October 21, 2018 to December 31, 2018, in violation of Sections 84200; 84200.5, subdivision (a); and
13 84200.8, subdivisions (a) and (b).

14 Count 2: Failure to Timely File 24-Hour Contribution Reports

15 The Committee, Dickson, and Nichelini failed to timely file five 24-hour contributions reports
16 covering \$25,000 in late contributions made from August 27, 2018 to October 30, 2018, in violation of
17 Section 84203.

18 Count 3: Failure to Comply With Disclosure Requirements for Political Advertisements

19 The Committee and Dickson failed to include the required “Paid for by” and committee name
20 disclosure on campaign sign and social media advertisements, in violation of Sections 84502 and
21 84504.3, subdivision (f).

22 **PROPOSED PENALTY**

23 This matter consists of three counts. The maximum penalty that may be imposed is \$5,000 per
24 count. Thus, the maximum penalty that may be imposed is \$15,000.¹⁹

25 In determining the appropriate penalty for a particular violation of the Act, the Commission
26 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the
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¹⁹ Section 83116, subd. (c).

1 Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of
2 any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or
3 inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective
4 amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior
5 record of violations.²⁰

6 Here, the Enforcement Division found no evidence that Respondents intended to conceal,
7 deceive, or mislead the public. Further, Respondents do not have a prior history of violating the Act.

8 Additionally, the Commission considers penalties in prior cases involving similar violations.
9 Recent similar cases involving a failure to timely file campaign statements include the following:

10 • *In the Matter of Dan Medina for Gardena Mayor 2017, Dan Medina, and Susana Weltz Medina;*
11 FPPC No. 15/2256. Respondents, a candidate, his controlled committee, and its treasurer, failed to timely
12 file three semiannual campaign statements and one preelection campaign statement, covering a total of
13 \$33,976 in financial activity, in violation of Sections 84200 and 84200.5. In February 2020, the
14 Commission approved a penalty of \$2,500 on one count.

15 As to Count 1, Respondents are deserving of a penalty similar to that approved in the *Medina*
16 case. Although an additional campaign statement was at issue in the comparable case, the violations in
17 this case involved a higher amount of total financial activity (\$115,873) and two preelection statements.

18 Recent similar cases involving a failure to timely file 24-hour contribution reports include the
19 following:

20 • *In the Matter of Alhambra Kids 2016 Support Measure AE & Measure HS, Robert Gin, and*
21 *Stephen Perry;* FPPC No. 17/917. Respondents, a primarily formed ballot measure committee, and its
22 principal officer and treasurer, failed to timely file five 24-hour contribution reports for late contributions
23 totaling \$27,000, in violation of Section 84203. In November 2019, the Commission approved a penalty
24 of \$2,500 on one count.

25 As to Count 2, a penalty similar to that approved in the *Alhambra Kids* case is warranted given
26 the similar amount of financial activity and number of reports at issue.

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²⁰ Regulation 18361.5, subd. (d).

1 Recent similar cases involving a failure to comply with the Act’s advertising disclosure
2 requirements include the following:

3 • *In the Matter of Bluff Cove Homeowners’ Association Measure E Opposition Committee, Jennifer*
4 *Hope, and Robert L. Chapman, Jr.*; FPPC No. 18/188. Respondents, a primarily formed ballot measure
5 committee, and its principal officer and treasurer, failed to include the name of the committee or requisite
6 “Paid for by” phrase on 25,900 total copies of five different mailer advertisements, in violation of
7 Sections 84502 and 84504.2, subdivision (a). The mailers also included the name of a group other than
8 the responsible committee, causing further confusion as to who was behind the mailers. In October 2018,
9 the Commission approved a fine of \$2,000 on one count.

10 As to Count 3, Respondents are deserving of a penalty lower than that approved in the
11 comparable case since, here, the subject advertisements had some identifying information that indicated
12 the accurate committee responsible for the ads.

13 Based on the foregoing, the following penalties are recommended:

Count	Violation	Proposed Penalty
1	Failure to Timely File Campaign Statements	\$2,500
2	Failure to Timely File 24-Hour Contribution Reports	\$2,500
3	Failure to Comply With Disclosure Requirements for Political Advertisements	\$1,500
TOTAL:		\$6,500

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20 **CONCLUSION**

21 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
22 Respondents, Committee for Safe Vallejo Schools – Yes on Measure S, Deborah Dickson, and Michael
23 Nichelini, hereby agree as follows:

- 24 1. Respondents violated the Act as described in the foregoing pages, which are a true and
25 accurate summary of the facts in this matter.
- 26 2. This stipulation will be submitted for consideration by the Fair Political Practices
27 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.
- 28 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose

1 of reaching a final disposition without the necessity of holding an administrative hearing to determine the
2 liability of Respondents pursuant to Section 83116.

3 4. Respondents have consulted with their attorney, Lance H. Olson, Olson Remcho, and
4 understand, and hereby knowingly and voluntarily waive, any and all procedural rights set forth in
5 Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9. This includes, but is not
6 limited to, the right to appear personally at any administrative hearing held in this matter, to be
7 represented by an attorney at Respondents' own expense, to confront and cross-examine all witnesses
8 testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
9 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
10 reviewed.

11 5. Respondents agree to the issuance of the decision and order set forth below. Also,
12 Respondents agree to the Commission imposing against them an administrative penalty in the amount of
13 \$6,500. One or more payments totaling this amount, to be paid to the General Fund of the State of
14 California, is/are submitted with this stipulation as full payment of the administrative penalty described
15 above, and they will be held by the State of California until the Commission issues its decision and order
16 regarding this matter.

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

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

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27 Dated: _____
28 Galena West, Chief of Enforcement
Fair Political Practices Commission

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Dated: _____
Deborah Dickson, individually and on behalf of
Committee for Safe Vallejo Schools – Yes on Measure S

Dated: _____
Michael Nichelini, individually and on behalf of
Committee for Safe Vallejo Schools – Yes on Measure S

1 The foregoing stipulation of the parties “In the Matter of Committee for Safe Vallejo Schools – Yes on
2 Measure S, Deborah Dickson, and Michael Nichelini,” FPPC Case No. 19/448 is hereby accepted as the
3 final decision and order of the Fair Political Practices Commission, effective upon execution below by
4 the Chair.

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6 IT IS SO ORDERED.

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8 Dated: _____

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10 Richard C. Miadich, Chair
11 Fair Political Practices Commission
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