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

10
11 In the Matter of

FPPC Case No. 21/725

12 THOMAS PATTI, TOM PATTI FOR
13 COUNTY SUPERVISOR 2016/2020, and
KIMM LOVELACE,

STIPULATION, DECISION AND ORDER

14 Respondents.

15
16 **INTRODUCTION**

17 Thomas Patti is a member of the San Joaquin County Board of Supervisors, District 3. He was
18 first elected on November 8, 2016, and he was re-elected on March 3, 2020. At all relevant times, his
19 controlled committee was Tom Patti for County Supervisor 2016/2020, and Kimm Lovelace was the
20 committee treasurer.

21 This matter arises from a sworn complaint that the Enforcement Division received in August
22 2021.

23 This case involves failure to timely file 24-hour contribution reports, as well as failure to properly
24 report credit card charges and payments to subvendors—in violation of the Political Reform Act.¹ The
25 violations are with respect to reporting periods spanning the period of time from July 1, 2016 through

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27 ¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000
28 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.

1 June 30, 2021. Respondents cooperated with the Enforcement Division by filing corrective
2 amendments—and by entering into a tolling agreement with respect to the statute of limitations.

3 **SUMMARY OF THE LAW**

4 The Act and its regulations are amended from time to time. All legal references and discussions
5 of law are intended to be citations to statutes and regulations as they existed at the time of the violations
6 noted above.

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

8 When enacting the Political Reform Act, the people of California found and declared that:
9 “[p]revious laws regulating political practices have suffered from inadequate enforcement by state and
10 local authorities.”² Thus, it was decreed that the Act “should be liberally construed to accomplish its
11 purposes.”³

12 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
13 election campaigns are “fully and truthfully disclosed in order that the voters may be fully informed and
14 improper practices may be inhibited.”⁴ Along these lines, the Act includes a comprehensive campaign
15 reporting system.⁵

16 Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will
17 be “vigorously enforced.”⁶

18 **Definition of Controlled Committee**

19 The Act defines a “committee” to include any person (or combination of persons) receiving
20 contributions totaling \$2,000 or more in a calendar year.⁷ This type of committee commonly is referred
21 to as a “recipient committee.” A recipient committee that is controlled directly or indirectly by a
22 candidate, or which acts jointly with a candidate in connection with the making of expenditures, is a

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25 ² Section 81001, subdivision (h).

26 ³ Section 81003.

27 ⁴ Section 81002, subdivision (a).

28 ⁵ Sections 84200, et seq.

⁶ Section 81002, subdivision (f).

⁷ Section 82013, subdivision (a).

1 “controlled committee.”⁸ A candidate controls a committee if he or his agent—or any other committee he
2 controls—has a significant influence on the actions or decisions of the committee.⁹

3 **Required Filing of Campaign Statements and Reports by Specific Deadlines**

4 At the core of the Act’s campaign reporting system is the requirement that candidates and their
5 controlled committees must file campaign statements and reports for certain reporting periods and by
6 certain deadlines.¹⁰

7 *Semi-annual Campaign Statements (Form 460’s)*

8 For example, a candidate and his controlled committee must file two semi-annual campaign
9 statements each year. Generally, the first is for the reporting period of January 1 through June 30—and
10 this statement must be filed by the deadline of July 31. The second is for the reporting period of July 1
11 through December 31—and this statement must be filed by January 31.¹¹ Filing obligations continue until
12 termination of the committee.¹²

13 In some cases, the first weeks or months of a semi-annual reporting period will be covered by the
14 required filing of a pre-election campaign statement (as discussed below). When this happens, instead of
15 starting on January 1 or July 1, the reporting period for the semi-annual campaign statement begins on
16 the day after the last day covered by the prior reporting period.¹³

17 *Pre-election Campaign Statements (Form 460’s)*

18 Also, a candidate and his controlled committee must file two pre-election campaign statements
19 before any election in which the candidate is listed on the ballot.¹⁴

20 In this regard, for the election of November 8, 2016, each candidate for local office (and each
21 candidate’s controlled committee) was required to file a first pre-election campaign statement for the
22 reporting period of July 1 through September 24, 2016, by the deadline of September 29, 2016—as well

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24 ⁸ Section 82016.

25 ⁹ Section 82016, subdivision (a).

26 ¹⁰ Sections 84200, et seq.

27 ¹¹ Section 84200.

27 ¹² Section 84214.

28 ¹³ Section 82046, subdivision (b).

¹⁴ Section 84200.5.

1 as a second pre-election campaign statement for the reporting period of September 25 through October
2 22, 2016, by the deadline of October 27, 2016.¹⁵

3 Also, in connection with the election of March 3, 2020, each candidate for local office (and each
4 candidate’s controlled committee) was required to file a first pre-election campaign statement for the
5 reporting period of January 1 through January 18, 2020, by the deadline of January 23, 2020—as well as
6 a second pre-election campaign statement for the reporting period of January 19 through February 15,
7 2020, by the deadline of February 20, 2020.¹⁶

8 *24-hour Contribution Reports (Form 497’s)*

9 Additionally, each candidate or committee that makes or receives a “late contribution” must file a
10 Form 497 24-hour contribution report—within 24 hours of making or receiving the contribution.¹⁷

11 In the case of a candidate who is on the ballot for an election, a “late contribution” includes any
12 contribution of \$1,000 or more that is received by the candidate or his committee within 90 days before
13 the election—or on the date of the election. During this time period, a “late contribution” also includes
14 multiple smaller contributions from the same source that add up to \$1,000 or more.¹⁸

15 In this regard, for the elections of November 8, 2016 and March 3, 2020, the 90-day 24-hour
16 reporting periods began on August 10, 2016—and December 4, 2019—respectively.

17 *Deadline Extensions for Weekends and Holidays*

18 When a filing deadline falls on a Saturday, Sunday, or official state holiday, the deadline is
19 extended to the next regular business day. However, for 24-hour contribution reports, this extension does
20 not apply if the weekend/holiday is immediately prior to the election.¹⁹

21 *Place of Filing*

22 As for the place of filing, candidates for San Joaquin County office and their controlled
23 committees are required to file their campaign statements and reports with the Registrar of Voters.²⁰

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25 ¹⁵ See Sections 84200.5 and 84200.8, as in effect at the time.

26 ¹⁶ See Sections 84200.5 and 84200.8, as in effect at the time.

27 ¹⁷ Section 84203, subdivisions (a) and (b).

28 ¹⁸ See Section 82036.

¹⁹ See Regulation 18116, as in effect before 10/14/20—and Section 81005, as in effect on and after that date.

²⁰ Section 84215.

1 **Required Contents of Campaign Statements (Form 460's)**

2 Semi-annual and pre-election campaign statements are required to disclose accurate information
3 about committee receipts and expenditures, including accrued expenses (unpaid bills for goods and
4 services that have been received or provided to the candidate/committee during the reporting period).²¹

5 When campaign expenditures are paid with a credit card, the following information must be
6 reported: name of the credit card company, street address, city, state, zip code, and the amount of
7 payment. With respect to the credit card charges, themselves, similar information must be provided for
8 each vendor who received \$100 or more; plus, a description of the payment must be provided.²²

9 Also, each expenditure of \$500 or more that is made by an agent or independent contractor on
10 behalf of, or for the benefit of, any candidate or committee (other than an expenditure for overhead or
11 normal operating expenses)—must be reported during the reporting period as if the expenditure were
12 made directly by the candidate or committee.²³ This type of information commonly is referred to as
13 “subvendor information.”

14 Specifically, for each such payment of \$500 or more, the following information must be reported:
15 the full name and street address of the payee; the amount of the expenditure; and a brief description of
16 the consideration for which the expenditure was made.²⁴ (Without this required information, a committee
17 simply could disclose that it made large payments to a single consultant for campaign services, and the
18 details of how the money was spent by the consultant—on behalf of the committee—never would be
19 disclosed to the public.)

20 **Joint and Several Liability of Candidate, Committee, and Treasurer**

21 It is the duty of a committee treasurer to ensure that the committee complies with the Act.²⁵ A
22 treasurer may be held jointly and severally liable, along with the candidate and the committee, for
23 violations committed by the committee.²⁶

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25 ²¹ Sections 82025 and 84211.

26 ²² Regulation 18421.9.

27 ²³ Section 84303.

28 ²⁴ See Section 84211, subdivision (k)(6).

²⁵ Sections 81004, 84100, and Regulation 18427.

²⁶ Sections 83116.5 and 91006.

SUMMARY OF THE FACTS

As noted above, Patti was first elected to the San Joaquin County Board of Supervisors on November 8, 2016. (He garnered 55.21% of the vote.) In connection with the election, his committee reported raising and spending approximately \$283,424 and \$307,352, respectively (based on year-end, reported totals, beginning in 2014, when Patti first declared his candidacy, and continuing through 2016).

Patti was re-elected on March 3, 2020. (He garnered 53.9% of the vote.) In and between January 2019 and June 2020, his committee reported raising and spending approximately \$203,028 and \$200,115, respectively.

Filing Issues

This case involves failure—on the part of Patti, his committee, and Lovelace—to timely file four pre-election campaign statements, more than two dozen 24-hour reports, and one semi-annual campaign statement, as noted in the chart below (which reaches back to the oldest activity that may be charged under Enforcement’s tolling agreement with the respondents):

Filing	Receipts	Expenditures	Due Date	Date Filed
Form 497 re: contribution from Vino Farms, LLC	\$2,500.00		9/12/16	9/13/16
Form 497 re: contribution from Randall Fried	\$1,000.00		9/15/16	not filed
Form 497 re: contribution from Big W Sales	\$1,000.00		9/16/16	not filed
Form 497 re: contributions from Golden Bear Insurance Co. and BAC Community Bank	\$3,500.00		9/19/16	not filed
Form 497 re: contribution from Gary Alegre	\$1,000.00		9/27/16	9/30/16
Form 497 re: contributions from RLD Partners, LP and Stephen Sinnock	\$2,000.00		9/28/16	*
Form 460 for period ending (P/E) 9/24/16 (erroneously filed for P/E 9/30/16; corrected on amendment)	\$36,617.88	\$17,472.84	9/29/16	10/7/16
Form 497 re: contribution from Ronald M. Guntert, Jr.	\$1,000.00		10/3/16	10/4/16
Form 497 re: contribution from Emmi Physician Services, Inc.	\$1,000.00		10/5/16	not filed
Form 497 re: contribution from Wire 2 Wire (in-kind: record and edit video for social media)	\$6,500.00		10/11/16	not filed

Filing	Receipts	Expenditures	Due Date	Date Filed
Form 497 re: contribution from Western Electrical Contractors Assoc., Inc. Good Govt. PAC	\$2,500.00		10/19/16	10/21/16
Form 497 re: contribution from Delta Crane Service (in-kind: theater rental)	\$2,400.00		10/26/16	not filed
Form 460 for P/E 10/22/16 (erroneously filed for period beginning 10/1/16; corrected on amendment)	\$53,923.00	\$56,683.51	10/27/16	10/28/16
Form 497 re: contribution from Republic Services, Inc.	\$1,000.00		10/27/16	not filed
Form 497 re: contribution from Lovotti, Inc.	\$2,500.00		10/31/16	not filed
Form 497 re: contribution from Delta Crane Service (in-kind: donated cranes to display banners)	\$8,000.00		11/7/16	not filed
Form 497 re: contribution from Bennett Omalu Pathology, Inc.	\$3,000.00		12/6/19	not filed
Form 497 re: contributions from Sukjhit S. Sandhu and Joseph H. T. Zeiter, M.D.	\$7,500.00		12/20/19	not filed
Form 497 re: contribution from San Joaquin County Deputy Sheriffs Association PAC	\$10,000.00		12/24/19	not filed
Form 497 re: contribution from Maxwell M. Freeman-Property Trust	\$1,000.00		1/9/20	not filed
Form 460 for P/E 1/18/20	\$1,500.00	\$34,715.30	1/23/20	1/24/20
Form 497 re: contribution from Law Offices of Thomas M. Bruen	\$1,000.00		1/23/20	not filed
Form 497 re: contributions from A&A Intermodal Terminal, Inc.; California Real Estate PAC; Chadha Construction Co. Inc.; and Highway Farm, LLC	\$4,000.00		2/3/20	not filed
Form 497 re: contribution from Woods Property Investments, LLC	\$2,000.00		2/5/20	not filed
Form 497 re: contributions from Grin Investments, Inc. and Vanco Truck & Auto Plaza	\$2,000.00		2/14/20	not filed
Form 497 re: contributions from Harpreet S. Randhawa and Tara Coatings, Inc.	\$2,000.00		2/18/20	not filed
Form 460 for P/E 2/15/20	\$14,041.41	\$41,848.09	2/20/20	2/24/20
Form 497 re: contribution from Global Carrier, Inc.	\$1,000.00		2/21/20	not filed
Form 497 re: contribution from Woods Property Investments, LLC	\$2,333.00		2/25/20	not filed

Filing	Receipts	Expenditures	Due Date	Date Filed
Form 497 re: contribution from The Grupe Company	\$1,000.00		2/26/20	not filed
Form 497 re: contributions from Elizabeth Blanchard and Grupe Abbot Real Estate dba Grupe Real Estate	\$2,000.00		2/27/20	not filed
Form 460 for P/E 12/31/21	\$6,500.00	\$39,675.87	1/31/22	2/2/22

* Based on dates of receipt, both contributors could be reported on a single Form 497 (\$1,000 from each). Receipt from the first contributor noted was disclosed on a Form 497 that was filed two days late on September 30, 2016, but receipt from the second contributor was not reported on a Form 497.

For the Form 497 filings that are identified in the chart above, approximately 73% of the reportable activity was reported on at least one campaign filing of the committee before the relevant elections.

Reporting Issues

In addition to the filing issues that are noted above, this case involves failure to report and itemize substantial credit card charges (of \$100 or more) and payments to subvendors (in amounts of \$500 or more) on Form 460 Schedule G, as noted in the chart below:

Form 460 P/E	Unreported Amount (Sched. G)
9/24/16	\$7,598.92
10/22/16	\$65,999.96
12/31/16	\$35,338.68
6/30/17	\$1,472.53
12/31/17	\$611.35
6/30/18	\$1,331.27
6/30/19	\$2,008.62
12/31/19	\$21,329.18
1/18/20	\$43,905.98
2/15/20	\$68,208.69
6/30/20	\$44,756.76
12/31/20	\$3,513.60
6/30/21	\$15,664.39
TOTAL:	\$311,739.93

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1 **Amendments**

2 Generally, the above-noted reporting violations were corrected, albeit late, with amended
3 campaign statements that respondents filed in October and November 2021—in connection with
4 settlement of this case.

5 **VIOLATIONS**

6 **Counts 1 and 2: Failure to Timely File 24-hour Reports**

7 As noted in the first chart above, during the months of September through November 2016, and
8 December 2019 through February 2020, Patti, his committee, and Lovelace failed to timely file 27 Form
9 497 24-hour reports—in violation of Section 84203.

10 **Counts 3 - 6: Campaign Reporting Violations**

11 As noted in the last chart above, Patti, his committee, and Lovelace failed to report and itemize
12 credit card charges (of \$100 or more) and payments to subvendors (in amounts of \$500 or more) on 13
13 semi-annual and pre-election campaign statements (that were filed for the periods ending 9/24/16 –
14 6/30/21, excluding the period ending 12/31/18). In this way, they violated Sections 84211, subdivision
15 (k); 84303; and Regulation 18421.9.

16 **STREAMLINE EXCLUSION**

17 In this case, the volume of violations resulted in public harm that was more than minimal, so a
18 mainline stipulation is being recommended.²⁷

19 **PROPOSED PENALTY**

20 The maximum penalty that may be imposed per count is \$5,000.²⁸ In this case, six counts are
21 recommended, for a maximum penalty of \$30,000.

22 In determining the appropriate penalty for a particular violation of the Act, the Enforcement
23 Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an

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26 ²⁷ Regulation 18360.1, subdivision (c)(2)(B)(v) [exclusions from both streamline programs include when the extent and
27 gravity of the public harm in the aggregate is more than minimal]. Also, see the first paragraphs of Regulations 18360.1 and
28 18360.3, which authorize the Chief of Enforcement to exclude a proposed settlement from the streamline program based on
aggravating circumstances and the totality of the circumstances.

²⁸ See Section 83116, subdivision (c).

1 emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division
2 considers the facts and circumstances of the violation in the context of the following factors:²⁹

- 3 1. the extent and gravity of the public harm caused by the specific violation;
- 4 2. the level of experience of the violator with the requirements of the Act;
- 5 3. penalties previously imposed by the Commission in comparable cases;
- 6 4. the presence or absence of any intention to conceal, deceive or mislead;
- 7 5. whether the violation was deliberate, negligent or inadvertent;
- 8 6. whether the violator demonstrated good faith by consulting Commission staff or any other
9 governmental agency in a manner not constituting a complete defense under Section 83114,
10 subdivision (b);
- 11 7. whether the violation was isolated or part of a pattern—and whether the violator has a prior
12 record of violations of the Act or similar laws; and
- 13 8. whether the violator, upon learning of a reporting violation, voluntarily filed amendments to
14 provide full disclosure.

15 The public harm inherent in campaign filing and reporting violations is that the public is deprived
16 of important, time-sensitive information regarding political activity. Generally, these types of violations
17 are considered to be more serious where the public is deprived of information that was required to be
18 disclosed before an election because this has the potential to affect how votes are cast—so greater public
19 harm is involved, and a higher penalty is warranted. Another factor that influences the amount of the
20 penalty is whether the public harm was mitigated because some of the reportable activity was disclosed
21 to the public on another campaign filing.

22 This case involves violations beginning in 2016, when Patti was an inexperienced, first-time
23 candidate. No intention to conceal, deceive, or mislead was found. Respondents' violations appear to be
24 the result of negligence or inadvertence. Patti contends that his treasurer made the errors inadvertently,
25 and when Patti was made aware of the errors, he immediately hired a new professional treasurer to
26 voluntarily identify and correct all errors. The violations in this case comprise a pattern spanning

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28 ²⁹ These factors are set forth in Regulation 18361.5, subdivision (e)(1) through (8).

1 multiple years, but respondents do not have a history of prior, similar violations of the Act. In connection
2 with settlement, respondents voluntarily filed corrective amendments in late 2021.

3 **Counts 1 and 2: Comparable Case**

4 Regarding Counts 1 and 2, the Commission recently approved settlement of a case with similar
5 campaign filing violations. [In the Matter of Friends of Long Beach City College – Yes on Measure LB](#)
6 [and Lexi Donovan](#); FPPC Case No. 17/1003 (approved Sep. 16, 2021), the Commission imposed a
7 combined penalty in the amount of \$8,000 for three counts involving failure to timely file 24-hour
8 contribution reports regarding the receipt of 44 late contributions, totaling approximately \$306,900.

9 Both cases involve failure to timely file the same type of reports. Also, in both cases, it appears
10 that the violations were the result of inexperience/negligence by respondents who have no history of
11 prior, similar violations.

12 *Number of Counts*

13 Although three counts were charged in Long Beach, only two are recommended in the current
14 case, which involves a fewer number of late contributions that were not reported in a timely manner (36
15 in the current case, versus 44 in Long Beach).

16 *Aggravating Differences*

17 Differences between the cases, which may warrant a higher penalty in the current case, include:

- 18 1. In the current case, for the 24-hour reports that were not timely filed, roughly 83% of the
19 reports never were filed, at all—compared to about 33% in Long Beach.
- 20 2. Another consideration is the extent to which the reportable activity was disclosed for the
21 public, prior to the relevant election—if not on the proper 24-hour report, then at least on
22 another filing of the committee. In Long Beach, about 90% of the activity charged was
23 disclosed before the election—compared to about 73% for the current case.
- 24 3. Long Beach involved a single election, only—versus two elections in the current case.

25 *Mitigating Differences*

26 On a per election basis, in terms of average receipts and expenditures, Patti’s committee was a bit
27 smaller than the Long Beach committee (roughly two-thirds the size)—and the average reportable
28 activity per count in the current case is about one-third of Long Beach (approximately \$37,367 versus

1 \$102,300). These are mitigating differences between the cases, which may warrant a lower penalty in the
2 current case.

3 *Recommended Penalty: \$3,000 per count*

4 In Long Beach, for three counts involving failure to timely file 24-hour reports, a total penalty in
5 the amount of \$8,000 was imposed. In the current case, a comparable penalty for two counts would be
6 roughly just under \$5,500—but due to the differences noted above, a penalty in the amount of \$3,000 per
7 count is recommended for Counts 1 and 2.

8 **Counts 3 - 6: Comparable Case**

9 Counts 3 through 6 involve failure to report and itemize payments to subvendors on Form 460
10 Schedule G. Also, these counts involve failure to report and itemize credit card charges on the same
11 schedule, which is a similar type of violation. Recently, the Commission approved settlement of a case
12 that involved these types of violations. [In the Matter of Roger Aceves for Supervisor 2014, Roger S.
13 Aceves, and Tony Vallejo](#); FPPC Case No. 17/145 (approved Jun. 21, 2018), the Commission imposed a
14 combined penalty in the amount of \$4,000 for two counts that were charged for failure to properly report
15 payments to subvendors on four campaign statements.

16 Both cases involve failure to report similar information on Schedule G of semi-annual and pre-
17 election campaign statements. In the current case, the payments and charges that were not properly
18 reported comprised about 62% of reported expenditures for the periods in question. This is close to the
19 figure of 54% that was noted in Aceves.

20 Also, both cases involve violations that appear to be the result of negligence by respondents who
21 have no history of prior, similar violations. Additionally, both cases involve violations that later were
22 corrected with amendments. (In the current case, the amendments were filed after the elections in
23 question. In Aceves, it is unclear when the amendments were filed, but the stipulation does not mention
24 that there was correction before the election.)

25 Besides Schedule G reporting violations, Aceves involved additional violations of the Act, which
26 were noted as aggravating—but not charged—in the interest of settlement. (These included filing
27 violations, as well as minor violations related to recordkeeping, the one bank account rule, and campaign
28 reporting.) Similarly, the current case involves additional reporting and late-filing violations, which are

1 noted as aggravating—but not charged. (These include the use of incorrect beginning/ending dates for
2 some reporting periods, as well as mis-reporting of receipts, expenditures, and accrued expenses on
3 Schedules A, B, E, and F. Also, these include one semi-annual and four pre-election statements that were
4 filed before the relevant elections—albeit one to eight days late—as noted in the top-most chart above.)

5 *Number of Counts*

6 Aceves involved violations with respect to four reporting periods, but one of the periods involved
7 a minor amount (of less than \$2,500). The bulk of the reporting violations were found in campaign filings
8 for three periods—for which two counts were charged.

9 The current case involves violations across 13 periods, but four of the periods involve minor
10 amounts. The bulk of the reporting violations are found in the filings for nine periods. This is three times
11 more than Aceves. A comparable number of counts would be six for the current case.

12 However, for Aceves, the average amount of spending per reporting period—for which Schedule
13 G information was not properly disclosed—was approximately \$68,362, which is more than three-and-a-
14 half times the current case. As a compromise, instead of charging six counts in the current case, four
15 counts are recommended.

16 *Aggravating Differences*

17 The violations in the current case spanned two elections, as opposed to Aceves, which involved a
18 single election, only.

19 *Mitigating Differences*

20 Aceves was an experienced candidate, with several years of prior service as a city councilperson.
21 The same is not true in the current case.

22 *Recommended Penalty: \$1,500 per count*

23 Based on the above comparison to Aceves, a penalty in the amount of \$1,500 per count is
24 recommended in the current case for Counts 3 through 6.

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1 **Summary Chart**

2 Under these circumstances, the following agreed-upon penalty is recommended:

Count	Description	Penalty
1	Failure to Timely File 24-hour Reports	\$3,000
2	Failure to Timely File 24-hour Reports	\$3,000
3	Campaign Reporting Violations	\$1,500
4	Campaign Reporting Violations	\$1,500
5	Campaign Reporting Violations	\$1,500
6	Campaign Reporting Violations	\$1,500
TOTAL:		\$12,000

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9 A higher penalty is not being sought because respondents cooperated with the Enforcement
10 Division by agreeing to an early settlement—in advance of the probable cause proceedings that otherwise
11 would have been held. Also, respondents cooperated by entering into a tolling agreement with respect to
12 the statute of limitations.

13 **CONCLUSION**

14 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
15 Respondents Thomas Patti, Tom Patti for County Supervisor 2016/2020, and Kimm Lovelace
16 hereby agree as follows:

- 17 1. Respondents violated the Act as described in the foregoing pages, which are a true and
18 accurate summary of the facts in this matter.
- 19 2. This stipulation will be submitted for consideration by the Fair Political Practices
20 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.
- 21 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose
22 of reaching a final disposition without the necessity of holding an administrative hearing to determine the
23 liability of Respondents pursuant to Section 83116.
- 24 4. Respondents have consulted with their attorney, Gary Winuk—of the Kaufman Legal
25 Group. Respondents understand and hereby knowingly and voluntarily waive, any and all procedural
26 rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9. This
27 includes, but is not limited to the right to appear personally at any administrative hearing held in this
28 matter, to be represented by an attorney at respondents’ own expense, to confront and cross-examine all

1 witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
2 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
3 reviewed.

4 5. Respondents agree to the issuance of the decision and order set forth below. Also,
5 Respondents agree to the Commission imposing against them an administrative penalty in the amount of
6 \$12,000. One or more payments totaling this amount—to be paid to the General Fund of the State of
7 California—is/are submitted with this stipulation as full payment of the administrative penalty described
8 above, and they will be held by the State of California until the Commission issues its decision and order
9 regarding this matter.

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

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

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6 Dated: _____

Angela Brereton, Chief of Enforcement
Fair Political Practices Commission

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10 Dated: _____

Thomas Patti, individually, and on behalf of Tom Patti
for County Supervisor 2016/2020, Respondents

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14 Dated: _____

Kimm Lovelace, Respondent

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16 The foregoing stipulation of the parties “In the Matter of Thomas Patti, Tom Patti for County
17 Supervisor 2016/2020, and Kimm Lovelace,” FPPC Case No. 21/725, is hereby accepted as the final
18 decision and order of the Fair Political Practices Commission, effective upon execution below by the
19 Chair.

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21 IT IS SO ORDERED.

22
23 Dated: _____

Richard C. Miadich, Chair
Fair Political Practices Commission