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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. 2022-00031

12 PATRICK JONES, PATRICK JONES  
13 2019 FOR ASSEMBLY (California  
Secretary of State I.D. No. 1419426), and  
14 LYNDIA KENT AKA LYNDA KENT,

**STIPULATION, DECISION AND ORDER**

15 Respondents.

16 **INTRODUCTION**

17 On June 19, 2019, Governor Newsom called for a special primary election to be held on August  
18 27, 2019 for the purpose of filling a vacancy in the California State Assembly for District 1.

19 Patrick Jones was an unsuccessful candidate in this election. Patrick Jones 2019 for Assembly  
20 was his candidate-controlled recipient committee for this election. Lyndia Kent AKA Lynda Kent was  
21 the treasurer of the committee.

22 This case involves violations of the Political Reform Act (the Act),<sup>1</sup> including failure to keep  
23 required committee records and receipt of unlawful cash contributions (of \$100 or more).

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27 <sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references  
28 are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of  
Title 2 of the California Code of Regulations. All regulatory references are to this source.

1 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. Unless otherwise noted, all legal  
3 references and discussions of law pertain to the Act’s provisions as they existed at the time of the  
4 violations in this case (2019).

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

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

11 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in  
12 election campaigns are “fully and truthfully disclosed in order that the voters may be fully informed and  
13 improper practices may be inhibited.”<sup>4</sup> Along these lines, the Act includes a comprehensive campaign  
14 reporting system—as well as important safeguards, which are meant to create a paper trail to aid the audit  
15 and enforcement process. These safeguards include recordkeeping requirements and rules against cash  
16 contributions of \$100 or more.<sup>5</sup>

17 Yet another purpose of the Act is to provide adequate enforcement mechanisms so that the Act  
18 will be “vigorously enforced.”<sup>6</sup>

19 **Unlawful Cash Contributions**

20 No contribution of \$100 or more may be made or received in cash. A cash contribution is not  
21 deemed to be received if it is not negotiated or deposited—and it is returned to the contributor before the  
22 closing date of the campaign statement on which the contribution otherwise would be reported. If a cash

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

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

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

<sup>5</sup> See Sections 84104; 84200, *et seq.*; 84300, subdivisions (a) and (c); and Regulation 18401.

<sup>6</sup> Section 81002, subdivision (f).

1 contribution is negotiated or deposited, then it is not deemed to be received if it is refunded within 72  
2 hours of receipt. This deadline is reduced to 48 hours, however, if the contribution is a late contribution.<sup>7</sup>

3 In 2019, FPPC Campaign Manual 1 provided the following clarification for state candidates:<sup>8</sup>

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5 **Quick Tip**

6 Even if change is immediately provided, a committee may not accept \$100 or more in cash from a single source. For example, if the committee is holding a fundraiser and charging \$50 per person, an attendee may not pay with a \$100 bill. The payment must be made by personal check, debit card, or credit card.

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11 **Recordkeeping Requirements**

12 It is the duty of each candidate, treasurer, and elected officer to maintain detailed accounts,  
13 records, bills, and receipts necessary to prepare campaign statements, to establish that campaign  
14 statements were properly filed, and to otherwise comply with the Act’s campaign disclosure provisions.<sup>9</sup>

15 For contributions received in amounts of less than \$25 each, records must include a continuous  
16 computation of campaign account balances and include a listing reflecting the dates and daily totals of  
17 the contributions on the dates of the contributions. For contributions received in amounts of \$25 or  
18 more—but less than \$100 each—records must include all of the foregoing, plus the date of each  
19 contribution, the amount, the full name of the contributor, the street address of the contributor, and the  
20 cumulative amount received from the contributor. For contributions received in amounts of \$100 or  
21 more, records must include all of the foregoing, plus the occupation and employer (or the name of the  
22 principal place of business, if self-employed) of the contributor, and all communications caused to be  
23 sent by the candidate, treasurer, elected officer, or committee to secure the information required to be  
24 kept. Generally, these records must be kept for a period of four years following the date the campaign

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26 <sup>7</sup> See Section 84300, subdivisions (a) and (c).

27 <sup>8</sup> See agenda item 46 for Commission meeting of 8/16/18 here: <https://www.fppc.ca.gov/about-fppc/hearings-meetings-workshops/current-agenda/past-agendas/2018-agendas/aug-2018-agenda.html>. A link to the 2018 version of Manual 1 is part of the agenda item. The cited Quick Tip appears on page 5.2 of the draft manual, which was approved at the meeting. Also, the [current version of Manual 1](#) uses this same Quick Tip on page 5.3.

28 <sup>9</sup> Section 84104.

1 statement to which they relate is filed (or two years after the adoption of an audit report under Sections  
2 90000 – 90009).<sup>10</sup>

3 **Joint and Several Liability of**  
4 **Candidate, Committee and Treasurer**

5 It is the duty of a committee treasurer to ensure that the committee complies with the Act.<sup>11</sup> A  
6 treasurer may be held jointly and severally liable, along with the candidate and the committee, for  
7 violations committed by the committee.<sup>12</sup>

8 **SUMMARY OF THE FACTS**

9 Respondents cooperated with the Enforcement Division by entering into a tolling agreement with  
10 respect to the statute of limitations.

11 **Count 1: Recordkeeping**

12 Patrick Jones 2019 for Assembly formed as a recipient committee in June 2019, and in December  
13 of that year, the committee filed statements retroactively terminating as of October 1, 2019. During its  
14 life, the committee reported raising approximately \$94,456 (and spending \$96,866).

15 Of the amount raised, approximately \$21,262 was cash, consisting of 116 hundred-dollar bills  
16 totaling \$11,600—and smaller bills totaling \$9,662.

17 Of the cash received, respondents provided Enforcement with records purporting to identify the  
18 sources of approximately three dozen contributions totaling \$4,155. (Approximately ten of the  
19 contributions were in amounts ranging from \$10 to \$20; 18 were in amounts ranging from \$25 to \$80;  
20 eight were in amounts ranging from \$100 to \$1,394.25.)

21 If these records are accurate, they account for approximately 19.5% of the cash that was received  
22 by the committee. Respondents did not keep a ledger identifying the dates, sources, amounts, and  
23 occupation/employer information for the remaining 80.5% of the cash that was received, totaling  
24 approximately \$17,107 (which included numerous one-hundred-dollar bills, as noted above).

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27 <sup>10</sup> See Section 84104 and Regulation 18401.

28 <sup>11</sup> Sections 81004, 84100, and Regulation 18427.

<sup>12</sup> Sections 83116.5 and 91006.

1 Kent admitted to Enforcement that some of the missing records involved roughly 25 contributions  
2 of \$100 each—in the form of envelopes filled with cash—from contributors who asked to remain  
3 anonymous. To honor these requests, Kent claims that she gave one dollar back to each of the  
4 contributors. In so doing, she sought to reduce the net amount of each contribution below \$100—so the  
5 contributors would not need to be identified on campaign statements (under Section 84211, subd. (f)). In  
6 furtherance of this scheme, Kent did not keep any of the required records to identify the contributors.  
7 (Irrespective of what is required to be itemized on campaign filings, committee records are required to  
8 identify all persons contributing \$25 or more, including dates, amounts, etc.)

9 In this way, respondents Jones, Patrick Jones 2019 for Assembly, and Kent violated Section  
10 84104. For settlement purposes, one count is charged.

### 11 **Count 2: Unlawful Cash Contributions**

12 Respondents provided QuickBooks deposit summaries (for 7/13/19 and 8/19/19), which purport  
13 to identify eight persons who made cash contributions of \$100 or more—totaling approximately \$3,009.  
14 (One of the cash contributions was in the amount of \$1,394.25. The rest were in amounts ranging from  
15 \$100 to \$482.63. These dollar amounts were designated by respondents as cash.) The denominations of  
16 the bills that were used to make these contributions are unknown. Based on the individual amounts of  
17 these contributions, they could account for up to 28 of the 116 one-hundred-dollar bills that were  
18 deposited by the committee (on 13 separate occasions in June, July, and August 2019). However, the  
19 committee also deposited smaller denomination bills (totaling \$9,662), and these smaller bills might have  
20 been used to make some or all of the above-noted eight cash contributions. Either way, each contribution  
21 was in violation of Section 84300, subdivisions (a) and (c), by being in the form of cash and totaling  
22 \$100 or more.

23 In addition to this, respondents admitted to receiving roughly 25 cash contributions—in amounts  
24 of \$100 each—and respondents claim that they provided change in the amount of one dollar to each of  
25 these contributors (as described above). However, providing change in this manner does not allow  
26 respondents to accept these cash contributions. (See the campaign manual quick tip cited in the summary  
27 of law above.) The denominations of the bills that were used to make these contributions are unknown.

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1 At most, these contributions could account for roughly 25 of the 116 one-hundred-dollar bills that were  
2 deposited by the committee.

3 Thus, as many as 53 one-hundred-dollar bills (28 plus 25) may be accounted for by the foregoing  
4 cash contributions. This leaves at least 63 one-hundred-dollar bills unaccounted for, which were received  
5 in connection with one or more other contributions of \$100 or more. Although exact numbers cannot be  
6 determined (due to the lack of records), more likely than not, based on the available evidence,  
7 respondents accepted at least 34 cash contributions (each one in the amount of \$100 or more), and the  
8 total amount of these contributions was at least \$11,600.<sup>13</sup>

9 In this way, respondents Jones, Patrick Jones 2019 for Assembly, and Kent violated Section  
10 84300, subdivisions (a) and (c). For settlement purposes, one count is charged.

### 11 **Streamline Exclusion**

12 Count 1 involves deliberate failure to keep required records in order to protect the anonymity of  
13 contributors (which inhibited Enforcement’s audit efforts). Although the streamline settlement program  
14 encompasses inadvertent or negligent recordkeeping violations, deliberate violations are excluded.<sup>14</sup>

### 15 **PROPOSED PENALTY**

16 The maximum penalty that may be imposed per count is \$5,000.<sup>15</sup> In this case, two counts are  
17 recommended. The maximum penalty for the counts charged is \$10,000.

18 In determining the appropriate penalty for a particular violation of the Act, the Enforcement  
19 Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an  
20 emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division  
21 considers the facts and circumstances of the violation in the context of the following factors:<sup>16</sup>

- 22 1. the extent and gravity of the public harm caused by the specific violation;
- 23 2. the level of experience of the violator with the requirements of the Act;
- 24 3. penalties previously imposed by the Commission in comparable cases;

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25 <sup>13</sup> The phrase “more likely than not” corresponds with Enforcement’s burden of proof at any trial or administrative  
26 hearing held in this matter. (Evid. Code, § 115; Cal. Code Regs., tit. 2, § 18361.5, subd. (d).)

<sup>14</sup> Regulation 18360.1, subdivision (e)(8)(C).

<sup>15</sup> Section 83116, subdivision (c).

<sup>16</sup> These factors are set forth in Regulation 18361.5, subdivision (e)(1) through (8).

- 1 4. the presence or absence of any intention to conceal, deceive or mislead;
- 2 5. whether the violation was deliberate, negligent or inadvertent;
- 3 6. whether the violator demonstrated good faith by consulting Commission staff or any other  
4 governmental agency in a manner not constituting a complete defense under Section 83114,  
5 subdivision (b);
- 6 7. whether the violation was isolated or part of a pattern—and whether the violator has a prior  
7 record of violations of the Act or similar laws; and
- 8 8. whether the violator, upon learning of a reporting violation, voluntarily filed amendments to  
9 provide full disclosure.

### 8 **Count 1 (recordkeeping)**

9 The Act’s recordkeeping requirements are meant to create a paper trail to aid the audit and  
10 Enforcement process. Failure to keep these required records results in significant public harm, making it  
11 difficult (or even impossible) to track/verify campaign financial activity and to identify other potential  
12 violations. Without proper records, investigations and audits of committee activity take longer to  
13 complete, require more public resources—and the lack of a paper trail may serve to conceal other  
14 potential violations, including failure to report the true sources of campaign contributions.

#### 15 *Comparable Case*

16 Recently, the Commission considered another case involving this type of violation. [In the Matter](#)  
17 [of Fiona Ma for State Treasurer 2018, Fiona Ma, and James Santos](#); FPPC Case No. 22/195 (approved  
18 Jan. 18, 2024), the Commission imposed a penalty in the amount of \$5,000 for failure to keep required  
19 records of subvendor payments. The missing records involved payments totaling approximately 17.7%  
20 (\$481,290) of reported expenditures for the audit period (of 1/1/16 – 12/31/18).

21 The current case involves a recordkeeping violation that inhibited audit efforts. Similar facts were  
22 present in the Fiona Ma case.

23 Both cases involve experienced candidates who should have been familiar with the Act’s  
24 requirements. (Jones served on the Redding City Council from 2006 to 2014, and he was Mayor in 2010.  
25 In the Fiona Ma case, it was noted that Ma had controlled multiple committees since 2001. She  
26 successfully ran for the San Francisco Board of Supervisors in 2002, the California State Assembly in  
27 2006, and the California State Board of Equalization in 2014.)

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1 Both cases involve respondents with no history of prior, similar violations. (In Ma, it was noted  
2 that Santos, the committee treasurer, did have a prior history with respect to campaign reporting, but not  
3 with respect to recordkeeping.)

4 The current case involves failure to keep required records with respect to approximately 18.1% of  
5 reported receipts—comparable to 17.7% of reported expenditures in Ma.

6 Despite the foregoing similarities, there are some mitigating differences between the cases, which  
7 might support a lesser penalty if they were not offset by aggravating differences, as well. These are both  
8 discussed below.

9 *Mitigating Differences*

10 Ma involved a professional treasurer—with prior campaign reporting experience—who should  
11 have been familiar with the Act’s requirements. In the current case, Enforcement has not found evidence  
12 that Kent possessed significant campaign reporting experience at the time of her violations.

13 The treasurer in Ma provided information to the auditor that later was proven to be inaccurate and  
14 misleading. Similar facts are not present in the current case.

15 *Aggravating Differences*

16 In Ma, the recordkeeping violation was noted to be the result of negligence, but in the current  
17 case, at least some failure to keep required records was deliberate with respect to concealing the identities  
18 of contributors who wanted to remain anonymous.

19 The current case involves other counts, which are not being charged in the interest of  
20 settlement—but are being noted as aggravating information in support of a higher penalty.<sup>17</sup> Similar facts  
21 are not noted in Ma, where all potential counts appear to have been charged.

22 *Recommended Penalty: \$5,000*

23 Under these circumstances, an agreed-upon penalty in the amount of \$5,000 is recommended for  
24 Count 1.

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28 <sup>17</sup> These include four 24-hour reports (disclosing contributions received by the committee), which were filed three to 14  
days late, but still before the election—and miscellaneous reporting violations on Form 460 filings, including mis-reporting of  
various contributions as lump sums on Schedule I and failure to identify some contributors on Schedule A.



1 **Count 2 (unlawful cash contributions)**

2 It is unlawful to make or receive contributions of \$100 or more—in the form of cash—because  
3 cash contributions leave no paper trail. The public harm for this type of violation is very similar to what  
4 is described above for recordkeeping violations.

5 *Comparable Case*

6 Recently, the Commission considered another case involving this type of violation. [In the Matter](#)  
7 [of Kern Citizens for Patient Rights, Larry Hiestand, and Jeff Jarvis](#); FPPC Case No. 23/819 (approved  
8 Jan. 18, 2024), a ballot measure committee accepted five cash contributions (of \$100 or more) totaling  
9 \$16,000. For these violations, one count was charged, and the Commission imposed a penalty in the  
10 amount of \$3,500.

11 In the current case, respondent Jones was unsuccessful in the election. In the Kern case, the  
12 efforts of the ballot measure committee were unsuccessful, as well. (Both measures supported by the  
13 committee were defeated.)

14 Both cases involve respondents with no history or pattern of prior, similar violations. Neither case  
15 involved a treasurer with significant campaign experience at the time of the violations.

16 In addition to the foregoing similarities, there are some mitigating differences between the cases,  
17 but these are outweighed by aggravating differences, as discussed below.

18 *Mitigating Differences*

19 The current case appears to involve a smaller amount of unlawful cash contributions. (The figure  
20 in the current case is at least \$11,600, based on the available evidence, vs. \$16,000 in Kern.)

21 In Kern, the unlawful cash comprised approximately 87.3% of committee receipts during a six-  
22 month reporting period (1/1/18 - 6/30/18). In the current case, the unlawful cash comprised roughly  
23 12.3% of reported receipts over the life of the committee, which was less than five months. This is a  
24 much lower percentage (over a shorter period of time).

25 *Aggravating Differences*

26 In Kern, respondents claimed to be unaware that cash contributions of \$100 or more could not be  
27 accepted—and their violations were noted to be the result of negligence. Consistent with this, the  
28 principal officer of the committee in Kern was an inexperienced volunteer.

1 Similar facts are not present in the current case. Although it appears Kent was inexperienced,  
2 Jones was an experienced candidate who had reason to be familiar with the Act (as noted above in  
3 connection with Count 1), and he was responsible for selecting Kent to be his treasurer. The violations in  
4 this case appear to be closer to intentional than negligent.

5 Whereas Kern only involved five unlawful contributions, the current case involves at least 34.

6 In Kern, the contributors primarily used cash due to federal banking restrictions on marijuana-  
7 related businesses. However, the respondents kept a thorough cash ledger, and all of the unlawful cash  
8 contributions were timely reported. Similar facts are not present in the current case. (At least some of the  
9 cash contributors were not reported, but the extent of the reporting issues is not known due to the lack of  
10 a cash ledger.)

11 *Recommended Penalty: \$5,000*

12 Under these circumstances, an agreed-upon penalty in the amount of \$5,000 is recommended for  
13 Count 2.

#### 14 **Summary Chart**

15 The following agreed-upon penalty is recommended in this case, based on the foregoing  
16 circumstances:

Count	Description	Respondents	Penalty
1	Recordkeeping	Patrick Jones	\$5,000
2	Unlawful Cash Contributions	Patrick Jones 2019 for Assembly Lyndia Kent AKA Lynda Kent	\$5,000
<b>TOTAL:</b>			<b>\$10,000</b>

#### 21 **CONCLUSION**

22 Complainant, the Enforcement Division of the Fair Political Practices Commission, and  
23 respondents Patrick Jones, Patrick Jones 2019 for Assembly, and Lyndia Kent AKA Lynda Kent hereby  
24 agree as follows:

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

1           3.       This stipulation resolves all factual and legal issues raised in this matter—for the purpose  
2 of reaching a final disposition without the necessity of holding an administrative hearing to determine the  
3 liability of respondents pursuant to Section 83116.

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

12           5.       Respondents agree to the issuance of the decision and order set forth below. Also,  
13 respondents agree to the Commission imposing against them an administrative penalty in the amount of  
14 \$10,000. One or more payments totaling this amount—to be paid to the General Fund of the State of  
15 California—is/are submitted with this stipulation as full payment of the administrative penalty described  
16 above and will be held by the State of California until the Commission issues its decision and order  
17 regarding this matter.

18           6.       If the Commission refuses to approve this stipulation—then this stipulation shall become  
19 null and void, and within fifteen business days after the Commission meeting at which the stipulation is  
20 rejected, all payments tendered by respondents in connection with this stipulation shall be reimbursed to  
21 respondents. If this stipulation is not approved by the Commission, and if a full evidentiary hearing  
22 before the Commission becomes necessary, neither any member of the Commission, nor the Executive  
23 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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5 Dated: \_\_\_\_\_

\_\_\_\_\_  
6 James M. Lindsay, Chief of Enforcement  
Fair Political Practices Commission

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8 Dated: \_\_\_\_\_

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9 Patrick Jones, individually, and on behalf of Patrick  
Jones 2019 for Assembly, Respondents

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11 Dated: \_\_\_\_\_

\_\_\_\_\_  
12 Lyndia Kent AKA Lynda Kent, individually, and on  
behalf of Patrick Jones 2019 for Assembly, Respondents

13  
14 The foregoing stipulation of the parties "In the Matter of Patrick Jones, Patrick Jones 2019 for  
15 Assembly, and Lyndia Kent AKA Lynda Kent," FPPC Case No. 2022-00031, is hereby accepted as the  
16 final decision and order of the Fair Political Practices Commission, effective upon execution below by  
17 the Chair.  
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19 IT IS SO ORDERED.

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21 Dated: \_\_\_\_\_

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22 Adam E. Silver, Chair  
Fair Political Practices Commission  
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