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

10  
11 In the Matter of:

FPPC No. 06/892

12 STIPULATION, DECISION AND ORDER

13 STEVE WESTLY, WESTLY FOR GOVERNOR,  
14 and KINDE DURKEE,

15 Respondents.

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17 **STIPULATION**

18 Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission,  
19 and Respondents Steve Westly, Westly for Governor, and Kinde Durkee hereby agree that this  
20 Stipulation will be submitted for consideration by the Fair Political Practices Commission at its next  
21 regularly scheduled meeting.

22 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this  
23 matter and to reach a final disposition without the necessity of holding an additional administrative  
24 hearing to determine the liability of Respondents.

25 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural  
26 rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California Code of  
27 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to  
28 personally appear at any administrative hearing held in this matter, to be represented by an attorney at

1 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to  
2 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over  
3 the hearing as a hearing officer, and to have the matter judicially reviewed.

4 As described in Exhibit 1, it is further stipulated and agreed that Respondents Steve Westly,  
5 Westly for Governor, and Kinde Durkee:

- 6 1. failed to report or timely report required subvendor information for payments made on behalf  
7 of Respondent Westly for Governor to various subvendors, in violation of Sections 84200.7,  
8 subdivision (a)(2), 84211, subdivision (k), and 84303 (29 counts);
- 9 2. failed to report accrued expenses, in violation of Section 84211, subdivisions (b), (i), and (k),  
10 and Regulation 18421.6 (2 counts); and
- 11 3. failed to report expenditures paid to Durkee & Associates, in violation of Section 84211,  
12 subdivisions (b), (i), and (k) (1 count).

13 Exhibit 1, which is attached hereto and incorporated by reference as though fully set forth herein,  
14 is a true and accurate summary of the facts in this matter.

15 Respondents agree to the issuance of the Decision and Order, which is attached hereto, and  
16 Respondents agree to the Commission imposing upon them an administrative penalty in the amount of  
17 \$104,500. A cashier's check or checks from one or more Respondents totaling said amount, made  
18 payable to the "General Fund of the State of California," is/are submitted with this Stipulation as full  
19 payment of the administrative penalty for all Respondents and shall be held by the State of California  
20 until the Commission issues its Decision and Order regarding this matter. The parties agree that in the  
21 event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen  
22 (15) business days after the Commission meeting at which the Stipulation is rejected, all payments  
23 tendered by Respondents in connection with this Stipulation shall be reimbursed to Respondents.

24 Respondents further stipulate and agree that in the event the Commission rejects the Stipulation and a full

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1 evidentiary hearing before the Commission becomes necessary, neither any member of the Commission,  
2 nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

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5 Dated: \_\_\_\_\_

\_\_\_\_\_  
Roman G. Porter, Executive Director  
Fair Political Practices Commission

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7  
8 Dated: \_\_\_\_\_

\_\_\_\_\_  
Steve Westly, Individually and on Behalf of  
Westly for Governor, Respondents

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10  
11 Dated: \_\_\_\_\_

\_\_\_\_\_  
Kinde Durkee, Respondent

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13  
14 **DECISION AND ORDER**

15 The foregoing Stipulation of the parties “In the Matter of Steve Westly, Westly for Governor, and  
16 Kinde Durkee,” FPPC No. 06/892, including all attached exhibits, is hereby accepted as the final decision  
17 and order of the Fair Political Practices Commission, effective upon execution below by the Chairman.

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19 IT IS SO ORDERED.

20  
21 Dated: \_\_\_\_\_

\_\_\_\_\_  
Ross Johnson, Chairman  
Fair Political Practices Commission