EXHIBIT 1

INTRODUCTION

Respondents are Frank Jewett, a candidate for Campbell City Council, and his controlled committee, Committee to Elect Frank Jewett 4 Campbell City Council.

This matter arose out of a referral from the City of Campbell City Clerk's Office ("City Clerk") alleging multiple violations of the Political Reform Act (the "Act")[1], including allegations that the Respondents did not file two pre-election statements due on October 5, 2010 and October 21, 2010. The subsequent investigation by the Enforcement Division revealed that Respondents failed to timely file the pre-election campaign statements as required by the Act.

For the purposes of this Default Decision and Order, Respondents' violations of the Act are stated as follows:

COUNT 1: Respondents Frank Jewett and the Committee to Elect Frank Jewett 4 Campbell City failed to timely file a pre-election campaign statement for the reporting period January 1, 2010 through September 30, 2010, by its October 5, 2010 due date, in violation of Government Code Section 84200.5.

COUNT 2: Respondents Frank Jewett and the Committee to Elect Frank Jewett 4 Campbell City failed to timely file a pre-election campaign statement for the reporting period October 1, 2010 through October 16, 2010, by its October 21, 2010 due date, in violation of Government Code Section 84200.5.

THE RESPONDENTS

Respondent Frank Jewett ("Respondent") was, at all times relevant to this Default Decision and Order, an unsuccessful candidate election to the Campbell City Council, in the November 2, 2010 city election. Committee to Elect Frank Jewett 4 Campbell City Council was, at all times relevant to this Default Decision and Order, Respondent's controlled committee. Respondent is acting individually and on behalf of his committee.

[1] The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the 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.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

When the Enforcement Division of the Fair Political Practices Commission determines that the Act has likely been violated, it may, under the Administrative Procedure Act (the "APA"),[2] formulate and issue a decision by settlement pursuant to an agreement of the parties, without conducting an adjudicative proceeding. (Section 11415.60(a).)

The APA provides that a respondent may waive a right conferred on the person by the administrative adjudication provisions of the APA. (Section 11415.40.) When a respondent waives his right to a probable cause conference and administrative hearing, and fails to complete the terms of the settlement pursuant to an agreement of the parties, the case must proceed to a default recommendation.

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit A, A–1 through A–7, and incorporated herein by reference.

PROCEDURAL HISTORY

In accordance with Section 11415.60(a), the Enforcement Division initiated the enforcement action against Respondents in this matter on April 26, 2011 by sending Respondent a settlement offer in the amount of $600 valid through May 18, 2011. (Certification, Exhibit A–1.) Respondent filed the outstanding documents on April 8 and April 13, 2011, but failed to pay the fine.

On July 1, 2011, Respondent sent via facsimile a letter accepting full responsibility for the violations and requesting additional time to pay the $600 penalty in installments of $100 per month beginning in July. (Certification, Exhibit A–2.)

On October 5, 2011, the Enforcement Division sent Respondent an additional stipulation agreement which notified him that, as an alternative to immediate payment, he could sign a waiver of his rights to a probable cause conference and an administrative hearing in consideration for an October 27, 2011 deadline. This waiver warned that, unless the agreed upon fine of $600 was paid by the deadline, the case would proceed to a default recommendation by the Enforcement Division. (Certification, Exhibit A–3.) On the same day, the Enforcement Division extended via email the deadline for payment to November 15, 2011 provided that the stipulation and waiver were signed and returned by October 15, 2011. (Certification, Exhibit A–4.)

On October 24, 2011, the Enforcement Division received Respondent's stipulation agreement and waiver, both signed and dated October 14, 2011. (Certification, Exhibit A–5.)

[2] The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code.

On November 15, 2011, the Enforcement Division received an email from Respondent including an attached letter, dated November 11, 2011, requesting two installment payments of $300 on November 30, 2011 and December 15, 2011. (Certification, Exhibit A–6.)

Respondent failed to complete the stipulated agreement and waived his rights to request a probable cause conference and an administrative hearing. As a result, on November 22, 2011, Commission Counsel Neal P. Bucknell sent a letter to Respondent advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for April 8, 2010. (Certification, Exhibit A–7.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (a), is to ensure that the contributions and expenditures affecting election campaigns are fully and truthfully disclosed to the public, so that voters may be better informed, and improper practices may be inhibited. To that end, the Act sets forth a comprehensive campaign reporting system designed to accomplish this purpose of disclosure.

The following reflects the Act as it was in effect at the time of the relevant violations.

Duty to File Campaign Statements

The Act includes within the definition of "committee" any person or combination of persons who receives contributions of $1,000 or more during a calendar year. This type of committee is commonly referred to as a "recipient committee." (Section 82013, subd. (a).) A controlled committee is a committee that is controlled directly or indirectly by a candidate. A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee. (Section 82016, subd. (a).)

Under the Act's campaign reporting system, recipient committees are required to file certain specified campaign statements and reports. Candidates for city office and their controlled committees must file the original and one copy of all campaign statements with the clerk of the city. (Section 84215, subd. (e).)

Candidates and their controlled committees are required to file two pre-election campaign statements before an election in which the candidate is being voted upon. (Section 84200.5.)

SUMMARY OF THE FACTS

Unless otherwise indicated, documents supporting the following summary of evidence are included in the attached Certification of Records filed herewith at Exhibit A, A–8 through A–12, and incorporated herein by reference.

Respondent Frank Jewett ("Respondent") unsuccessfully ran for election as a Member of the Campbell City Council in the November 2, 2010 election. Committee to Elect Frank Jewett 4 Campbell City Council was Respondent's controlled committee for the November 2, 2010 election. Respondent is acting individually and on behalf of his committee.

On October 5, 2010, the Campbell City Clerk sent an email to Respondent reminding him that his first pre-election statement was due at 5:00 p.m. and requesting submission as soon as possible. (Certification, Exhibit A–8.) On October 22, 2010, the Campbell City Clerk sent an email to Respondent reminding him that his second pre-election statement was due on October 21, 2010, that he is subject to a late fee, and that his first pre-election filing was still delinquent. (Certification, Exhibit A–9.) On February 1, 2011, the Campbell City Clerk sent a letter to Respondent notifying him that his two pre-election statements required to be filed in conjunction with the November 2, 2010 election were never filed. The letter instructed Respondent to file immediately, and advised that the matter would be referred to the Commission if he failed to comply by February 7, 2011. (Certification, Exhibit A–10.) On February 10, 2011, the Commission received a referral from the Campbell City Clerk. (Certification, Exhibit A–11.) After reviewing the referral, Commission staff determined that Respondent committed two violations of the Act.

Respondent had a duty to file two pre-election campaign statements relating to the November 2, 2010 election: 1) by the October 5, 2010 due date, for the reporting period of January 1, 2010 through September 30, 2010; and 2) by the October 21, 2010 due date, for the reporting period of October 1, 2010 through October 16, 2010. Respondent did not file these pre-election campaign statements, despite receiving $3,435 in monetary contributions and expending $1,576 during these reporting periods. Instead, on April 8, 2011 (185 days after the due date for the first pre-election statement) and April 13, 2011 (174 days after the due date for the second pre-election statement) Respondent filed the "pre-election" statements. (Certification, Exhibit A–12.) Thus, though Respondent eventually reported the activity, Respondent failed to disclose any of these contributions before the November 2, 2010 election in the required pre-election campaign statements for the above mentioned reporting periods.

By failing to file the required pre-election campaign statements for the above mentioned reporting periods, Respondent violated Government Code Sections 84200.5.

CONCLUSION

This matter consists of two counts of violating the Act, which carries a maximum administrative penalty of Five Thousand Dollars per count ($5,000).

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6): the seriousness of the violations;

the presence or lack of intent to deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the Respondents demonstrated good faith in consulting with Commission staff; and whether there was a pattern of violations.

The failure to file campaign statements is a serious violation of the Act. The public harm inherent in these violations is that the public is deprived of important and timely information about a candidate's contributors and financial activities. The typical administrative penalty for failing to timely file a pre-election campaign statement has been in the middle-to-high end of the applicable penalty range. A recent case concerning violations of Section 84200.5 imposed a penalty in the mid-range. (See *In the Matter of Edwin Jacinto*, FPPC No. 10/225 (Default Decision), approved June 9, 2011 [$3,500 per count imposed for two counts of failure to file pre-election campaign statements by an unsuccessful City Counsel candidate].)

In this matter, Respondent failed to file two pre-election campaign statements related to the November 2, 2010 election. Respondent's failure to timely file the campaign statements and reports deprived the public of important information about the payments received and amounts expended in connection with the activities of the Committee to Elect Frank Jewett 4 Campbell City Council.

Respondent was well aware of his filing obligations. Respondent was requested multiple times by his filing officer to file the pre-election campaign statements for the periods ending September 30, 2010 and October 16, 2010, and had reportable activity during those periods. Respondent has a prior enforcement history of non-filing and has received a warning letter from the Commission in connection with another case. Accordingly, he should have been aware of the importance of complying with the filing requirements of the Act. Although it is not being charged in this default, Respondent also failed to file a semi-annual campaign statement for the October 17, 2010 through December 31, 2010 period. Lastly, Respondent was provided with numerous opportunities to cooperate with the Enforcement Division and take action as to the violations set forth above and allowed multiple extensions on the payment deadline. Unfortunately, Respondent still failed to pay the fines.

However, in mitigation, as requested during this investigation, Respondent did eventually file all of his outstanding statements. He also submitted two letters and placed several phone calls voicing his inability to pay the fines.

Under these circumstances, it is respectfully submitted that imposition of a penalty in the amount of $1,000 per count is justified, for a total penalty in the amount of $2,000.

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