

1 Amend 2 Cal. Code Regs., Section 18360.2 to read:

2 **§ 18360.2 Penalties in Streamline Cases.**

3 Streamline penalty stipulations are approved by the Chief of Enforcement and are
4 reported to the Commission for discussion only before they are executed. The Chief of
5 Enforcement will include those stipulations in the next Commission agenda, as a part of the
6 Executive Staff Report. The Enforcement Division has the discretion to exclude violations that
7 caused minimal public harm when the total penalty meets or exceeds the total amount raised or
8 spent by the filer, the total penalty exceeds the amount that would be paid in a Mainline
9 Stipulation, lack of experience or knowledge of the Act’s requirements caused multiple
10 violations with minimal public harm that were corrected upon contact, or the committee raised
11 and spent less than \$10,000. After the close of the hearing, the Chief of Enforcement may
12 execute all or any of the streamline penalty stipulations, at his or her discretion.

13 Penalties in streamline cases are not to exceed the prescribed maximum fine amount per
14 violation found in Government Code Section 83116, subdivision (c).

15 (a) Late Statement of Economic Interests.

16 (1) Tier One Penalty Amount. The streamline penalty for failing to timely file a
17 Statement of Economic Interests under Tier One is calculated as follows:

18 (A) \$200 per late statement if filed in response to the Enforcement Division’s first contact
19 with the filer.

20 (B) \$400 per late statement if filed prior to issuance of a probable cause report by the
21 Enforcement Division.

22 (C) \$600 per late statement if filed prior to issuance of an accusation by the Enforcement
23 Division.

1 (D) \$800 per late statement if filed prior to adoption of a default decision and order by
2 the Commission.

3 (2) Tier Two Penalty Amount. The streamline penalty for failing to timely file a
4 Statement of Economic Interests under Tier Two is calculated as follows:

5 (A) \$600 per late statement if filed in response to the Enforcement Division’s first contact
6 with the filer.

7 (B) \$800 per late statement if filed prior to issuance of a probable cause report by the
8 Enforcement Division.

9 (C) \$1,000 per late statement if filed prior to issuance of an accusation by the
10 Enforcement Division.

11 (D) \$1,200 per late statement if filed prior to adoption of a default decision and order by
12 the Commission.

13 (b) Unreported Economic Interest(s).

14 (1) Tier One Penalty Amount. The penalty for failing to timely report an economic
15 interest on a Statement of Economic Interests under Tier One is calculated as follows:

16 (A) \$100 per economic interest not disclosed per statement that did not include timely
17 disclosure of an economic interest if filed in response to the Enforcement Division’s first contact
18 with the filer.

19 (B) \$200 per economic interest not disclosed per statement that did not include timely
20 disclosure of an economic interest if filed prior to issuance of a probable cause report by the
21 Enforcement Division.

1 (C) \$300 per economic interest not disclosed per statement that did not include timely
2 disclosure of an economic interest if filed prior to issuance of an accusation by the Enforcement
3 Division.

4 (D) \$400 per economic interest not disclosed per statement that did not include timely
5 disclosure of an economic interest if filed prior to adoption of a default decision and order by the
6 Commission.

7 (2) Tier Two Penalty Amount. The penalty for failing to timely report an economic
8 interest on a Statement of Economic Interests under Tier Two is calculated as follows:

9 (A) \$1,000 per economic interest not disclosed per statement that did not include timely
10 disclosure of an economic interest if filed in response to the Enforcement Division's first contact
11 with the filer.

12 (B) \$1,200 per economic interest not disclosed per statement that did not include timely
13 disclosure of an economic interest if filed prior to issuance of a probable cause report by the
14 Enforcement Division.

15 (C) \$1,400 per economic interest not disclosed per statement that did not include timely
16 disclosure of an economic interest if filed prior to issuance of an accusation by the Enforcement
17 Division.

18 (D) \$1,600 per economic interest not disclosed per statement that did not include timely
19 disclosure of an economic interest if filed prior to adoption of a default decision and order by the
20 Commission.

21 (c) Late Campaign Statement or Report.

22 (1) Tier One Penalty Amount. The penalty for failing to timely file a campaign statement
23 or report under Tier One is calculated as follows:

1 (A) \$200 plus 1% of contributions received or expenditures made, whichever is greater,
2 per late statement if filed in response to the Enforcement Division's first contact with the filer
3 (unless statement or report was due before the relevant election, but filed later than seven days
4 before the election, then the 1% is increased to 3%).

5 (B) \$400 plus ~~2%~~ 1% of contributions received or expenditures made, whichever is
6 greater, per late statement if filed prior to issuance of a probable cause report by the Enforcement
7 Division (unless statement or report was due before the relevant election, but filed later than
8 seven days before the election, then the ~~2%~~ 1% is increased to ~~4%~~ 3%).

9 (C) \$600 plus ~~3%~~ 1% of contributions received or expenditures made, whichever is
10 greater, per late statement if filed prior to issuance of an accusation by the Enforcement Division
11 (unless statement or report was due before the relevant election, but filed later than seven days
12 before the election, then the ~~3%~~ 1% is increased to ~~5%~~ 3%).

13 (D) \$800 plus ~~4%~~ 1% of contributions received or expenditures made, whichever is
14 greater, per late statement if filed prior to adoption of a default decision and order by th
15 Commission (unless statement or report was due before the relevant election, but filed later than
16 seven days before the election, then the ~~4%~~ 1% is increased to ~~6%~~ 3%).

17 (2) Tier Two Penalty Amount. The penalty for failing to timely file a campaign statement
18 or report under Tier Two is calculated as follows:

19 (A) \$400 plus 1% of contributions received or expenditures made, whichever is greater,
20 per late statement if filed in response to the Enforcement Division's first contact with the filer
21 (unless statement or report was due before the relevant election, but filed later than seven days
22 before the election, then the 1% is increased to 3%).

1 (B) \$800 plus 1% of contributions received or expenditures made, whichever is greater,
2 per late statement if filed prior to issuance of a probable cause report by the Enforcement
3 Division (unless statement or report was due before the relevant election, but filed later than
4 seven days before the election, then the 1% is increased to 3%).

5 (C) \$1,200 plus 1% of contributions received or expenditures made, whichever is greater,
6 per late statement if filed prior to issuance of an accusation by the Enforcement Division (unless
7 statement or report was due before the relevant election, but filed later than seven days before the
8 election, then the 1% is increased to 3%).

9 (D) \$1,600 plus 1% of contributions received or expenditures made, whichever is greater,
10 per late statement if filed prior to adoption of a default decision and order by the Commission
11 (unless statement or report was due before the relevant election, but filed later than seven days
12 before the election, then the 1% is increased to 3%).

13 (d) Unreported Contributions or Expenditures.

14 (1) Tier One Penalty Amount. The penalty for failing to timely report is calculated under
15 Tier One as follows:

16 (A) \$100 plus 1% of contributions received or expenditures made, whichever is greater,
17 per late statement if filed in response to the Enforcement Division's first contact with the filer
18 (unless statement or report was due before the relevant election, but filed later than seven days
19 before the election, then the 1% is increased to 3%).

20 (B) \$200 plus ~~2%~~ 1% of contributions received or expenditures made, whichever is
21 greater, per late statement if filed prior to issuance of a probable cause report by the Enforcement
22 Division (unless statement or report was due before the relevant election, but filed later than
23 seven days before the election, then the ~~2%~~ 1% is increased to ~~4%~~ 3%).

1 (C) \$300 plus ~~3%~~ 1% of contributions received or expenditures made, whichever is
2 greater, per late statement if filed prior to issuance of an accusation by the Enforcement Division
3 (unless statement or report was due before the relevant election, but filed later than seven days
4 before the election, then the ~~3%~~ 1% is increased to ~~5%~~ 3%).

5 (D) \$400 plus ~~4%~~ 1% of contributions received or expenditures made, whichever is
6 greater, per late statement if filed prior to adoption of a default decision and order by the
7 Commission (unless statement or report was due before the relevant election, but filed later than
8 seven days before the election, then the ~~4%~~ 1% is increased to ~~6%~~ 3%).

9 (2) Tier Two Penalty Amount. The penalty for failing to timely report is calculated under
10 Tier Two as follows:

11 (A) \$600 plus 1% of contributions received or expenditures made, whichever is greater,
12 per late statement if filed in response to the Enforcement Division's first contact with the filer
13 (unless statement or report was due before the relevant election, but filed later than seven days
14 before the election, then the 1% is increased to 3%).

15 (B) \$800 plus 1% of contributions received or expenditures made, whichever is greater,
16 per late statement if filed prior to issuance of a probable cause report by the Enforcement
17 Division (unless statement or report was due before the relevant election, but filed later than
18 seven days before the election, then the 1% is increased to 3%).

19 (C) \$1,000 plus 1% of contributions received or expenditures made, whichever is greater,
20 per late statement if filed prior to issuance of an accusation by the Enforcement Division (unless
21 statement or report was due before the relevant election, but filed later than seven days before the
22 election, then the 1% is increased to 3%).

1 (D) \$1,200 plus 1% of contributions received or expenditures made, whichever is greater,
2 per late statement if filed prior to adoption of a default decision and order by the Commission
3 (unless statement or report was due before the relevant election, but filed later than seven days
4 before the election, then the 1% is increased to 3%).

5 (e) Late Lobbying Reports.

6 (1) Tier One Penalty Amount. The penalty for failing to timely file a report is calculated
7 under Tier One as follows:

8 (A) \$200 plus 1% of all payments received or payments made for lobbying activity,
9 whichever is greater, if the report is filed in response to the Enforcement Division's first contact
10 with the filer.

11 (B) \$400 plus ~~2%~~ 1% of all payments received or payments made for lobbying activity,
12 whichever is greater, if the report is filed prior to issuance of a probable cause report by the
13 Enforcement Division.

14 (C) \$600 plus ~~3%~~ 1% of all payments received or payments made for lobbying activity,
15 which is greater, if the report is filed prior to issuance of an accusation by the Enforcement
16 Division.

17 (D) \$800 plus ~~4%~~ 1% of all payments received or payments made for lobbying activity,
18 whichever is greater, if the report is filed prior to adoption of a default decision and order by the
19 Commission.

20 (2) Tier Two Penalty Amount. The penalty for failing to timely file a report is calculated
21 under Tier Two as follows:

1 (A) \$600 plus 1% of all payments received or payments made for lobbying activity,
2 whichever is greater, if the report is filed in response to the Enforcement Division’s first contact
3 with the filer.

4 (B) \$800 plus 1% of all payments received or payments made for lobbying activity,
5 whichever is greater, if the report is filed prior to issuance of a probable cause report by the
6 Enforcement Division.

7 (C) \$1,000 plus 1% of all payments received or payments made for lobbying activity,
8 which is greater, if the report is filed prior to issuance of an accusation by the Enforcement
9 Division.

10 (D) \$1,200 plus 1% of all payments received or payments made for lobbying activity,
11 whichever is greater, if the report is filed prior to adoption of a default decision and order by the
12 Commission.

13 (f) Unreported Lobbying Activity.

14 (1) Tier One Penalty Amount. The penalty for failing to timely report lobbying activity is
15 calculated under Tier One as follows:

16 (A) \$100 plus 1% of all payments received or payments made for lobbying activity,
17 whichever is greater, if the report is filed in response to the Enforcement Division’s first contact
18 with the filer.

19 (B) \$200 plus ~~2%~~ 1% of all payments received or payments made for lobbying activity,
20 whichever is greater, if the report is filed prior to issuance of a probable cause report by the
21 Enforcement Division.

1 (C) \$300 plus ~~3%~~ 1% of all payments received or payments made for lobbying activity,
2 whichever is greater, if the report is filed prior to issuance of an accusation by the Enforcement
3 Division.

4 (D) \$400 plus ~~4%~~ 1% of all payments received or payments made for lobbying activity,
5 whichever is greater, if the report is filed prior to adoption of a default decision and order by the
6 Commission.

7 (2) Tier Two Penalty Amount. The penalty for failing to timely report lobbying activity is
8 calculated under Tier Two as follows:

9 (A) \$400 plus 1% of all payments received or payments made for lobbying activity,
10 whichever is greater, if the report is filed in response to the Enforcement Division's first contact
11 with the filer.

12 (B) \$800 plus 1% of all payments received or payments made for lobbying activity,
13 whichever is greater, if the report is filed prior to issuance of a probable cause report by the
14 Enforcement Division.

15 (C) \$1,000 plus 1% of all payments received or payments made for lobbying activity,
16 whichever is greater, if the report is filed prior to issuance of an accusation by the Enforcement
17 Division.

18 (D) \$1,200 plus 1% of all payments received or payments made for lobbying activity,
19 whichever is greater, if the report is filed prior to adoption of a default decision and order by the
20 Commission.

21 (g) Cash Contributions or Expenditures of \$100 or More.

22 (1) Tier One Penalty Amount. The streamline penalty for receiving a contribution or
23 making an expenditure of \$100 or more in cash under Tier One is calculated as follows:

1 (A) An amount equal to 25% of the amount of the contribution or expenditure in response
2 to the Enforcement Division's first contact with the person.

3 (B) An amount equal to 50% of the amount of the contribution or expenditure if prior to
4 issuance of a probable cause report by the Enforcement Division.

5 (C) An amount equal to 100% of the amount of the contribution or expenditure if prior to
6 issuance of an accusation by the Enforcement Division.

7 (D) An amount equal to two times the amount of the contribution or expenditure if prior
8 to adoption of a default decision and order by the Commission.

9 (2) Tier Two Penalty Amount. The streamline penalty for receiving a contribution or
10 making an expenditure of \$100 or more in cash under Tier Two is calculated as follows:

11 (A) An amount equal to 50% of the amount of the contribution or expenditure in response
12 to the Enforcement Division's first contact with the person.

13 (B) An amount equal to 75% of the amount of the contribution or expenditure if prior to
14 issuance of a probable cause report by the Enforcement Division.

15 (C) An amount equal to 100% of the amount of the contribution or expenditure if prior to
16 issuance of an accusation by the Enforcement Division.

17 (D) An amount equal to two times the amount of the contribution or expenditure if prior
18 to adoption of a default decision and order by the Commission.

19 (h) Campaign Bank Account.

20 (1) Tier One Penalty Amount. The streamline penalty for failing to deposit a contribution
21 into a campaign bank account, or failing to make a campaign expenditure from the campaign
22 bank account is calculated under Tier One as follows:

1 (A) \$100 plus ~~4%~~ 2% of the amount not processed through the campaign bank account per
2 statement period during which a violation occurred if settled in response to the Enforcement
3 Division's first contact with the person.

4 (B) \$200 plus ~~2%~~ 1% of the amount not processed through the campaign bank account per
5 statement period during which a violation occurred if settled prior to issuance of a probable
6 cause report by the Enforcement Division.

7 (C) \$300 plus ~~3%~~ 1% of the amount not processed through the campaign bank account per
8 statement period during which a violation occurred if settled prior to issuance of an accusation
9 by the Enforcement Division.

10 (D) \$400 plus ~~4%~~ 1% of the amount not processed through the campaign bank account per
11 statement period during which a violation occurred if settled prior to adoption of a default
12 decision and order by the Commission.

13 (2) Tier Two Penalty Amount. The streamline penalty for failing to deposit a contribution
14 into a campaign bank account, or failing to make a campaign expenditure from the campaign
15 bank account is calculated under Tier Two as follows:

16 (A) \$400 plus 1% of the amount not processed through the campaign bank account per
17 statement period during which a violation occurred if settled in response to the Enforcement
18 Division's first contact with the person.

19 (B) \$600 plus 1% of the amount not processed through the campaign bank account per
20 statement period during which a violation occurred if settled prior to issuance of a probable
21 cause report by the Enforcement Division.

1 (C) \$800 plus 1% of the amount not processed through the campaign bank account per
2 statement period during which a violation occurred if settled prior to issuance of an accusation
3 by the Enforcement Division.

4 (D) \$1,000 plus 1% of the amount not processed through the campaign bank account per
5 statement period during which a violation occurred if settled prior to adoption of a default
6 decision and order by the Commission.

7 (i) Committee Naming.

8 (1) Tier One Penalty Amount. The streamline penalty under Tier One for failing to name
9 the committee properly is calculated as follows:

10 (A) \$400 per reporting period if settled in response to the Enforcement Division's first
11 contact with the person.

12 (B) \$600 per reporting period if settled prior to issuance of a probable cause report by the
13 Enforcement Division.

14 (C) \$800 per reporting period if settled prior to issuance of an accusation by the
15 Enforcement Division.

16 (D) \$1,000 per reporting period if settled prior to adoption of a default decision and order
17 by the Commission.

18 (2) Tier Two Penalty Amount. The streamline penalty for failing to name the committee
19 properly is calculated under Tier Two as follows:

20 (A) \$800 if settled in response to the Enforcement Division's first contact with the
21 person.

22 (B) \$1,000 if settled prior to issuance of a probable cause report by the Enforcement
23 Division.

1 (C) \$1,200 if settled prior to issuance of an accusation by the Enforcement Division.

2 (D) \$1,400 if settled prior to adoption of a default decision and order by the Commission.

3 (j) Advertising and Mass Mailing Disclosures.

4 (1) Tier One Penalty Amount. The streamline penalty for failing to include all required
5 advertisement or mass mailing requirements under Tier One is calculated as follows:

6 (A) \$100 plus 1% of each advertisement buy if settled in response to the Enforcement
7 Division's first contact with the person.

8 (B) \$200 plus ~~2%~~ 1% of each advertisement buy if settled prior to issuance of a probable
9 cause report by the Enforcement Division.

10 (C) \$300 plus ~~3%~~ 1% of each advertisement buy if settled prior to issuance of an
11 accusation by the Enforcement Division.

12 (D) \$400 plus ~~4%~~ 1% of each advertisement buy if settled prior to adoption of a default
13 decision and order by the Commission.

14 (2) Tier Two Penalty Amount. The streamline penalty for failing to include all required
15 advertisement or mass mailing requirements under Tier Two is calculated as follows:

16 (A) \$400 plus 1% of each advertisement buy if settled in response to the Enforcement
17 Division's first contact with the person.

18 (B) \$600 plus 1% of each advertisement buy if settled prior to issuance of a probable
19 cause report by the Enforcement Division.

20 (C) \$800 plus 1% of each advertisement buy if settled prior to issuance of an accusation
21 by the Enforcement Division.

22 (D) \$1,000 plus 1% of each advertisement buy if settled prior to adoption of a default
23 decision and order by the Commission.

1 (k) Recordkeeping.

2 (1) Tier One Penalty Amount. The streamline penalty for failing to maintain adequate
3 records under Tier One is calculated as follows:

4 (A) \$200 per reporting period if settled in response to the Enforcement Division's first
5 contact with the person.

6 (B) \$400 per reporting period if settled prior to issuance of a probable cause report by the
7 Enforcement Division.

8 (C) \$600 per reporting period if settled prior to issuance of an accusation by the
9 Enforcement Division.

10 (D) \$800 per reporting period if settled prior to adoption of a default decision and order
11 by the Commission.

12 (2) Tier Two Penalty Amount. The streamline penalty for failing to maintain adequate
13 records under Tier Two is calculated as follows:

14 (A) \$600 per reporting period if settled in response to the Enforcement Division's first
15 contact with the person.

16 (B) \$800 per reporting period if settled prior to issuance of a probable cause report by the
17 Enforcement Division.

18 (C) \$1,000 per reporting period if settled prior to issuance of an accusation by the
19 Enforcement Division.

20 (D) \$1,200 per reporting period if settled prior to adoption of a default decision and order
21 by the Commission.

22 (l) Gift Limit.

1 (1) Tier One Penalty Amount. The penalty for a gift limit violation is calculated under
2 Tier One as follows:

3 (A) \$200 per gift received over the limit if settled in response to the Enforcement
4 Division's first contact with the person.

5 (B) \$400 per gift received over the limit if settled prior to issuance of a probable cause
6 report by the Enforcement Division.

7 (C) \$600 per gift received over the limit if settled prior to issuance of an accusation by
8 the Enforcement Division.

9 (D) \$800 per gift received over the limit if settled prior to adoption of a default decision
10 and order by the Commission.

11 (2) Tier Two Penalty Amount. The penalty for a gift limit violation is calculated under
12 Tier Two as follows:

13 (A) \$600 per gift received over the limit or the amount over the limit, if higher, if settled
14 in response to the Enforcement Division's first contact with the person.

15 (B) \$800 per gift received over the limit or the amount over the limit, if higher, if settled
16 prior to issuance of a probable cause report by the Enforcement Division.

17 (C) \$1,000 per gift received over the limit if settled prior to issuance of an accusation by
18 the Enforcement Division.

19 (D) \$1,200 per gift received over the limit if settled prior to adoption of a default decision
20 and order by the Commission.

21 (m) Slate Mailer Organization Filing Issues.

22 (1) Penalty Amount. The streamline penalty for failing to properly file slate mailer
23 organization statements is calculated as follows:

1 (A) \$400 per reporting period if settled in response to the Enforcement Division’s first
2 contact with the person.

3 (B) \$600 per reporting period if settled prior to issuance of a probable cause report by the
4 Enforcement Division.

5 (C) \$800 per reporting period if settled prior to issuance of an accusation by the
6 Enforcement Division.

7 (D) \$1,000 per reporting period if settled prior to adoption of a default decision and order
8 by the Commission.

9 (n) Proper Recusal for a Conflict of Interest.

10 (1) Penalty Amount. The streamline penalty for failing to properly recuse for a conflict of
11 interest is calculated as follows:

12 (A) \$400 per incident if settled in response to the Enforcement Division’s first contact
13 with the person.

14 (B) \$600 per incident if settled prior to issuance of a probable cause report by the
15 Enforcement Division.

16 (C) \$800 per incident if settled prior to issuance of an accusation by the Enforcement
17 Division.

18 (D) \$1,000 per incident if settled prior to adoption of a default decision and order by the
19 Commission.

20 (o) Major Donor Notifications.

21 (1) Penalty Amount. The streamline penalty for failing to properly notify a potential
22 major donor is calculated as follows:

1 (A) \$200 per reporting period if settled in response to the Enforcement Division’s first
2 contact with the person.

3 (B) \$400 per reporting period if settled prior to issuance of a probable cause report by the
4 Enforcement Division.

5 (C) \$600 per reporting period if settled prior to issuance of an accusation by the
6 Enforcement Division.

7 (D) \$800 per reporting period if settled prior to adoption of a default decision and order
8 by the Commission.

9 (p) Major Donor Filers.

10 (1) Tier One Penalty Amount. The streamline penalty for failing to properly file
11 campaign statements and reports as a major donor committee under Tier One is calculated as
12 follows:

13 (A) \$400 per statement or report if settled in response to the Enforcement Division’s first
14 contact with the person.

15 (B) \$600 per statement or report if settled prior to issuance of a probable cause report by
16 the Enforcement Division.

17 (C) \$800 per statement or report if settled prior to issuance of an accusation by the
18 Enforcement Division.

19 (D) \$1,000 per statement or report if settled prior to adoption of a default decision and
20 order by the Commission.

21 (2) Tier Two Penalty Amount. The streamline penalty for failing to properly file
22 campaign statements and reports as a major donor committee under Tier Two is calculated as
23 follows:

1 (A) \$800 per statement or report if settled in response to the Enforcement Division’s first
2 contact with the person.

3 (B) \$1,000 per statement or report if settled prior to issuance of a probable cause report
4 by the Enforcement Division.

5 (C) \$1,200 per statement or report if settled prior to issuance of an accusation by the
6 Enforcement Division.

7 (D) \$1,400 per statement or report if settled prior to adoption of a default decision and
8 order by the Commission.

9 (q) Behested Payment Reports.

10 (1) Tier One Penalty Amount. The streamline penalty for failing to properly file behested
11 payment reports under Tier One is calculated as follows:

12 (A) \$200 per statement or report if settled in response to the Enforcement Division’s first
13 contact with the person.

14 (B) \$400 per statement or report if settled prior to issuance of a probable cause report by
15 the Enforcement Division.

16 (C) \$600 per statement or report if settled prior to issuance of an accusation by the
17 Enforcement Division.

18 (D) \$800 per statement or report if settled prior to adoption of a default decision and
19 order by the Commission.

20 (2) Tier Two Penalty Amount. The streamline penalty for failing to properly file behested
21 payment reports under Tier Two is calculated as follows:

22 (A) \$600 per statement or report if settled in response to the Enforcement Division’s first
23 contact with the person.

1 (B) \$800 per statement or report if settled prior to issuance of a probable cause report by
2 the Enforcement Division.

3 (C) \$1,000 per statement or report if settled prior to issuance of an accusation by the
4 Enforcement Division.

5 (D) \$1,200 per statement or report if settled prior to adoption of a default decision and
6 order by the Commission.

7 Note: Authority cited: Section 83112, Government Code. Reference: Section 83116,
8 Government Code.