

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
OF THE STATE OF CALIFORNIA

In the Matter of the Alleged Violation )  
of Title 9 of the California Government )  
Code by: )

ROBERT B. ST. CLAIR, CHARLES J. BOERIO )  
and ST. CLAIR FOR STATE SENATE COMMITTEE, )

Respondents. )

NO. SI-47/77  
OAH NO. 11765

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DECISION

This matter came on for hearing before the Fair Political Practices Commission, Daniel Lowenstein, Chairman, Patricia Lapan, Colleen McAndrews, T. Anthony Quinn and Joseph Remcho, members, and Rudolf H. Michaels, an Administrative Law Judge of the Office of Administrative Hearings, presiding, on November 9, 1978, in Sacramento, California.

The complainant was represented by Roger Brown, attorney.

The respondents were present without being otherwise represented.

Evidence and a stipulation were received, the hearing was closed and the matter was submitted.

The Commission makes the following

FINDINGS OF FACT

I

Michael Bennett made the Accusation in his official capacity as Executive Director of the Fair Political Practices Commission.

II

At all times material herein, Robert B. St. Clair was a candidate for the State Senate, Sixth District, in a special election held on May 11, 1976; Charles J. Boerio was

Treasurer of the St. Clair for State Senate Committee (hereafter referred to as the "Committee"); the Committee was a committee within the meaning of Government Code Section 82013- of the Political Reform Act of 1974 (hereafter referred to as the "Act"); and the Committee was controlled by Robert B. St. Clair within the meaning of Section 82016.

III

Following proceedings held in compliance with the applicable statutes and regulations, a Finding of Probable Cause of violation of the Act was made on September 10, 1978.

IV

The allegations contained in paragraph (9) of the Accusation were not established.

V

Charles J. Boerio and the Committee negligently failed to report up to \$2,250 in contributions received from up to 14 separate contributors between May 2 and May 10, 1976.

VI

Charles J. Boerio and the Committee negligently failed to report the true source of \$547 in contributions, attributed by them to the Gun Owners of California.

VII

Charles J. Boerio and the Committee negligently failed to report a non-monetary contribution of \$962.40 made by the Gun Owners of California on May 4, 1976.

VIII

Charles J. Boerio and the Committee negligently failed to report expenditures up to \$3,306.95 for the period from February 1 to July 15, 1976.

IX

Charles J. Boerio and the Committee negligently accepted a \$100 cash contribution on March 11, 1976.

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\*/ All statutory references are to the Government Code.

X

Robert B. St. Clair, Charles J. Boerio and the Committee failed to file a timely semi-annual campaign statement for the period from July 16 to December 31, 1976.

DETERMINATION OF ISSUES

I

Respondents Charles J. Boerio and the Committee violated each of the following sections under the facts contained, respectively, in the Finding listed opposite each section number:

<u>Section</u>	<u>Finding</u>
84210(b) and (g)	V
84210(g)	VI
84210(b) and (g)	VII
84210(a), (d), (e) and (h)	VIII
84300	IX

II

Respondents Robert B. St. Clair, Charles J. Boerio and the Committee violated Section 84206(b) of the Act under the facts contained in Finding X.

III

No violation of Chapter 4 of the Act was established under Finding IV.

IV

Cause was established under Determinations I and II for the issuance of an order pursuant to Section 83116.

ORDER

1. Respondents Robert B. St. Clair, Charles J. Boerio and the Committee shall, by December 1, 1978, file a semi-annual campaign statement for the period from July 16 to December 31, 1976.

2. Upon the timely compliance by respondents with paragraph 1. of this Order, paragraph (18) of the Accusation shall be dismissed.

3. Respondents Charles J. Boerio and the Committee shall, to the extent feasible in light of the existing state of their records, file with the Commission any and all amended statements and information required by the Act.

4. Respondents Charles J. Boerio and the Committee shall, jointly and severally, pay a monetary penalty of five hundred dollars (\$500) to the General Fund of the State.

5. Paragraph (9) of the Accusation is dismissed.

Dated: January 5, 1979.

FAIR POLITICAL PRACTICES COMMISSION

By *Daniel H. Lowenstein*  
Daniel H. Lowenstein  
Chairman