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

10
11 In the Matter of:

12 JASVIR SIDHU,

13 Respondent.

FPPC No. 12/865

STIPULATION, DECISION AND ORDER

14
15 **STIPULATION**

16 Complainant, the Fair Political Practices Commission, and Respondent Jasvir Sidhu hereby agree
17 that this Stipulation will be submitted for consideration by the Fair Political Practices Commission at its
18 next regularly scheduled meeting.

19 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this
20 matter and to reach a final disposition without the necessity of holding an additional administrative
21 hearing to determine the liability of Respondent, pursuant to section 83116 of the Government Code.

22 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural
23 rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California Code of
24 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to
25 appear personally at any administrative hearing held in this matter, to be represented by an attorney at
26 Respondent's own expense, to confront and cross-examine all witnesses testifying at the hearing, to
27 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
28 the hearing as a hearing officer, and to have the matter judicially reviewed.

1 As described in Exhibit 1, it is further stipulated and agreed that Respondent violated the Political
2 Reform Act by failing to file required pre-election campaign statements for the reporting periods ending
3 September 30 and October 20, 2012, in violation of Government Code sections 84200.5, subdivision (b),
4 and 84200.7, subdivision (b) (one count). Exhibit 1, which is attached hereto and incorporated by
5 reference as though fully set forth herein, is a true and accurate summary of the facts in this matter.

6 Respondent agrees to the issuance of the Decision and Order, which is attached hereto.
7 Respondent also agrees to the Commission imposing upon him an administrative penalty in the amount
8 of \$2,000. One or more cashier's checks or money orders totaling said amount—to be paid to the
9 General Fund of the State of California—is/are submitted with this Stipulation as full payment of the
10 administrative penalty described above, and same shall be held by the State of California until the
11 Commission issues its Decision and Order regarding this matter. The parties agree that in the event the
12 Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15)
13 business days after the Commission meeting at which the Stipulation is rejected, all payments tendered
14 by Respondent in connection with this Stipulation shall be reimbursed to Respondent. Respondent
15 further stipulates and agrees 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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4 Dated: _____

5 Gary S. Winuk, Chief of Enforcement
6 Fair Political Practices Commission

7 Dated: _____

8 Jasvir Sidhu, Respondent

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10 **DECISION AND ORDER**

11 The foregoing Stipulation of the parties “In the Matter of Jasvir Sidhu,” FPPC No. 12/865,
12 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political
13 Practices Commission, effective upon execution below by the Chair.

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15 IT IS SO ORDERED.

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17 Dated: _____

18 Ann Ravel, Chair
19 Fair Political Practices Commission

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EXHIBIT 1

INTRODUCTION

Respondent Jasvir Sidhu was a successful candidate for the Sierra View Local Health Care District Board of Directors in the election held on November 6, 2012.

For purposes of this stipulation, Respondent's violation of the Political Reform Act (the "Act")¹ is stated as follows:

Count 1: In 2012, Respondent Jasvir Sidhu was a candidate for the Sierra View Local Health Care District Board of Directors, but he failed to file pre-election campaign statements by the deadlines of October 5 and 25, 2012 for the reporting periods ending September 30 and October 20, 2012, respectively, in violation of Sections 84200.5, subdivision (b), and 84200.7, subdivision (b).

SUMMARY OF THE LAW

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

When the Political Reform Act was enacted, the people of the state of California found and declared that previous laws regulating political practices suffered from inadequate enforcement by state and local authorities. (Section 81001, subd. (h).) To that end, Section 81003 requires that the Act be liberally construed to achieve its purposes.

One of the purposes of the Act is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited. (Section 81002, subd. (a).) Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be "vigorously enforced." (Section 81002, subd. (f).)

Definition of Controlled Committee

Section 82013, subdivision (a), defines a "committee" to include any person or combination of persons who receive contributions totaling \$1,000 or more in a calendar year. This type of committee commonly is referred to as a "recipient committee."

A recipient committee may be formed when a candidate spends his own money on behalf of his candidacy because such funds are included within the definition of "contribution." (Section 82015, subd. (c).)

¹ The 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.

Under Section 82016, a recipient committee which is controlled directly or indirectly by a candidate, or which acts jointly with a candidate in connection with the making of expenditures, is a “controlled committee.” 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).)

Required Filing of Pre-Election Campaign Statements

At the core of the Act’s campaign reporting system is the requirement that a recipient committee must file campaign statements and reports. (See Sections 84200, et seq.) For example, candidates are required to file two pre-election campaign statements before an election in which they are being voted upon. (Sections 84200.5, subd. (b), and 84200.7, subd. (b).) Attached hereto as Exhibit 2 is a schedule of reporting periods and filing deadlines in connection with the primary election that was held on November 6, 2012.

SUMMARY OF THE FACTS

As stated above, Respondent Jasvir Sidhu was a successful candidate for the Sierra View Local Health Care District Board of Directors in the election held on November 6, 2012.

Count 1

During the reporting periods ending September 30 and October 20, 2012, Respondent Jasvir Sidhu used his own money to pay for the following election-related expenses:

Description (based on available information)	Amount
Vista Printing	\$4,386.48
Vista Printing	\$38.96
Vista Printing	\$145.53
Vista Printing	\$145.53
Dons Buttons	\$538.53
Dons Buttons	\$540.35
Porterville Recorder	\$779.00
Central Valley Business	\$3,222.50
Value Village – Porterville Shelter Workshop	\$422.50
Mayberry Broadcasting K-TIP Radio	\$932.13
Total:	\$11,151.51

However, Respondent failed to file pre-election campaign statements for the foregoing reporting periods by the deadlines of October 5 and 25, 2012.

In this way, Respondent committed one violation of Sections 84200.5, subdivision (b), and 84200.7, subdivision (b).

CONCLUSION

This matter consists of one count of violating the Act, which carries a maximum administrative penalty of \$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 the context of the following factors set forth in Regulation 18361.5, subdivision (d)(1) through (6):

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

Regarding Count 1, several recent stipulations involving failure to file pre-election campaign statements imposed penalties in the mid-range. (See *In the Matter of Alex Sanchez and Californian's Against Corrupt Politicians*, FPPC No. 12/193, approved Feb. 28, 2013 [\$2,000 penalty imposed for failure to file pre-election campaign statement by city general purpose committee and its treasurer]; *In the Matter of Republican Central Committee of San Luis Obispo County, Patricia Smith, Elizabeth Van Note, and Danielle Duboff*, FPPC No. 11/441, approved Sep. 13, 2012 [\$2,000 penalty imposed for failure to file pre-election campaign statement by county central committee and its treasurer]; *In the Matter of Davis Democratic Club and Elizabeth R. Weir*, FPPC No. 08/390, approved Mar. 15, 2012 [\$2,000 penalty imposed for failure to file pre-election campaign statements by county general purpose committee and its treasurer].)

The failure to file pre-election campaign statements is a serious violation of the Act because it deprives the public of important information prior to an election. In this case, Respondent had been given guidance and a candidacy handbook by a Tulare County Elections official.

Under these circumstances, it is respectfully submitted that imposition of an agreed upon penalty in the amount of \$2,000 is justified. A higher penalty is not being sought because Respondent cooperated with the Enforcement Division of the Fair Political Practices Commission by agreeing to an early settlement of this matter well in advance of the Probable Cause Conference that otherwise would have been held. Also, there is no history of prior violations of the Act by Respondent. Additionally, Respondent maintains that he was a novice, and he mistakenly believed he did not need to file his campaign statements until after the election. Also, after Respondent was notified about the complaint that gave rise to this case, he filed a campaign statement disclosing many of the expenditures that are the subject of this stipulation.

PROPOSED PENALTY

Based on the facts of this case, including the factors discussed above, an agreed upon penalty of \$2,000 is recommended.