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

10  
11 In the Matter of:

12 **JEFFREY SENIOR**

13 Respondent.

FPPC No. 15/033

14 **STIPULATION, DECISION, AND ORDER**

15  
16 **STIPULATION**

17 Complainant, the Enforcement Division of the Fair Political Practices Commission, and  
18 Respondent Jeffrey Senior (Respondent) hereby agree that this Stipulation will be submitted for  
19 consideration by the Fair Political Practices Commission (Commission) at its next regularly scheduled  
20 meeting.

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

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

1 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over  
2 the hearing as a hearing officer, and to have the matter judicially reviewed.

3 It is further stipulated and agreed that Respondent violated the Political Reform Act by failing to  
4 timely file an Annual Statement of Economic Interest in violation of Government Code sections 87300  
5 and 87302 (two counts), all as described in Exhibit 1. Exhibit 1 is attached hereto and incorporated by  
6 reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this  
7 matter.

8 Respondent agrees to the issuance of the Decision and Order, which is attached hereto.  
9 Respondent also agrees to the Commission imposing an administrative penalty in the total amount of  
10 \$2,000. Respondent submitted with this Stipulation a cashier's check in said amount, made payable to  
11 the "General Fund of the State of California," as full payment of the administrative penalty that shall be  
12 held by the State of California until the Commission issues its Decision and Order regarding this matter.  
13 The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null  
14 and void, and within fifteen (15) business days after the Commission meeting at which the Stipulation is  
15 rejected, all payments tendered by Respondent in connection with this Stipulation shall be reimbursed to  
16 Respondent. Respondent further stipulates and agrees that in the event the Commission rejects the  
17 Stipulation, and a full evidentiary hearing before the Commission becomes necessary, neither any  
18 member of the Commission, nor the Executive Director, shall be disqualified because of prior  
19 consideration of this Stipulation.

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22 Dated: \_\_\_\_\_  
23 Galena West, Chief, on behalf of the Enforcement  
24 Division, Fair Political Practices Commission

25 Dated: \_\_\_\_\_  
26 Jeffrey Senior

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Jeffrey Senior,” FPPC No. 15/033,  
3 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political  
4 Practices Commission, effective upon execution below by the Chair.

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6 IT IS SO ORDERED.

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8 Dated: \_\_\_\_\_  
9 Joann Remke, Chair  
10 Fair Political Practices Commission  
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## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Jeffrey Senior (“Senior”) has served as a Commissioner of the California Travel and Tourism Commission since 2009. As a Commissioner, Senior is a “designated employee” as defined in the Political Reform Act (the “Act”)<sup>1</sup>.

Under the Act, a public official must file an Annual Statement of Economic Interests (“SEI”) by April 1 of the following year, disclosing the official’s economic interests.<sup>2</sup> Senior violated the Act by failing to timely file a 2013 Annual SEI and a 2014 Annual SEI.

### **SUMMARY OF THE LAW**

An express purpose of the Act is to ensure that the assets and income of public officials that may be materially affected by their official actions be disclosed, so that conflicts of interests may be avoided.<sup>3</sup> In furtherance of this purpose, the Act requires every state agency to adopt and promulgate a conflict of interest code, and any violation of such a code is deemed a violation of the Act.<sup>4</sup>

An agency’s conflict of interest code must specifically designate the positions within the agency that are required to file SEIs that disclose reportable investments, business positions, interests in real property, and sources of income.<sup>5</sup> The persons who are to be designated in an agency’s conflict of interest code are the officers, employees, members, and consultants of the agency whose position with the agency entails making, or participating in making, governmental decisions that may foreseeably have a material effect on one or more of the person’s economic interests.<sup>6</sup> An agency’s conflict of interest code must require designated employees to file an Annual SEI by April 1 of the following year.<sup>7</sup>

### **SUMMARY OF THE FACTS & VIOLATIONS**

Senior is a Commissioner of the California Travel and Tourism Commission, which is a designated employee position under the Conflict of Interest Code for the Travel and Tourism Commission. Senior assumed office on October 2, 2009 and timely filed a combined Assuming Office SEI and 2009 Annual SEI on April 1, 2010. Senior was referred to the Fair Political Practices Commission (the “Commission”) for failure to timely file his 2010 Annual SEI. Senior and the Enforcement Division reached a one-count stipulated agreement, which was approved by

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<sup>1</sup> 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.

<sup>2</sup> Section 87302, subdivision (b)

<sup>3</sup> Section 81002, subdivision (c)

<sup>4</sup> Section 87300

<sup>5</sup> Section 87302, subdivision (a)

<sup>6</sup> Sections 82019, subdivision (a) and 87302

<sup>7</sup> Section 87302, subdivision (b)

the Commission on March 19, 2012. Senior filed his 2011 Annual SEI late on May 3, 2012 (due April 2, 2012). He filed his 2012 Annual SEI late on November 21, 2013 (due April 1, 2013).

Senior failed to file a 2013 Annual SEI by the April 1, 2014 deadline. He also failed to file a 2014 Annual SEI by the April 1, 2015 deadline. Senior filed both of these delinquent statements in conjunction with this settlement.

#### Count 1: Failure to Timely File a Statement of Economic Interests

Senior failed to timely file a 2013 Annual SEI, in violation of Sections 87300 and 87302.

#### Count 2: Failure to Timely File a Statement of Economic Interests

Senior failed to timely file a 2014 Annual SEI, in violation of Sections 87300 and 87302.

### CONCLUSION

This matter consists of two counts of violating the Act, which carries a maximum administrative penalty of \$5,000 per violation, or \$10,000 total.

In determining the appropriate penalty for a particular violation of the Act, the Commission 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 Commission 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 conceal, deceive or mislead; whether the violation was deliberate, negligent, or inadvertent; whether the respondents demonstrated good faith in consulting with Commission staff; whether there was a pattern of violations; and whether the violator, upon learning of the violations, voluntarily filed amendments.

The Commission also considers penalties in prior cases involving similar violations. Similar cases include the following:

- *In the Matter of Alfonso Perez*, FPPC No. 13/844. (Commission approved a stipulated decision on October 16, 2014.) The respondent failed to timely file his 2012 Annual SEI. He did not qualify for the SEI streamline program because he had a prior enforcement action for the same type of violation. The Commission imposed a penalty of \$1,000. This is analogous to the current case, in which Senior agreed to a prior streamline stipulation for the same type of violation.
- *In the Matter of Jerry Baker*, FPPC No. 14/122. (Commission approved a stipulated decision on June 19, 2014.) The respondent failed to timely file his 2012 Annual SEI, and did not qualify for a streamlined fine because of a prior enforcement action for the same type of violation. The Commission imposed a penalty of \$1,000. This is also analogous to the current case.
- *In the Matter of Travis Svensson*, FPPC No. 13/1197. (Commission approved a stipulated decision on February 20, 2014.) The respondent failed to timely file one Annual SEI.

Although he did not have a history of violating the act and qualified for the SEI Streamline Program, the respondent did not respond to the offers of a streamline stipulation. The Commission imposed a penalty of \$1,000. Although the circumstances are different than the instant case, this shows the Commission's penalties are consistent for Annual SEI non-filers.

The failure to timely file statements of economic interest violates one of the Act's central purposes: that the assets and income of public officials that may materially affect their official decisions should be disclosed in order to avoid conflicts of interest. Senior's violations deprived the public of important and timely information regarding his economic interests. However, there is no evidence of intent to conceal, and Senior cooperated with the Enforcement Division to reach this stipulated settlement.

### **PROPOSED PENALTY**

After considering the factors of Regulation 18361.5, the penalties imposed in prior cases, and other relevant information, we propose a penalty of \$1,000 per count for a total penalty of \$2,000.