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

11
12 In the Matter of:

FPPC No. 17/268

13 XILONIN CRUZ-GONZALEZ FOR
SCHOOL BOARD 2013, XILONIN
14 CRUZ-GONZALEZ and IXCHEL
CRUZ-GONZALEZ,

STIPULATION, DECISION, AND ORDER

15
16 Respondents.
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18 **INTRODUCTION**

19 Respondent Xilonin Cruz-Gonzalez (“X. Cruz-Gonzalez”) has been elected into office as a
20 member of the Azusa Unified School District’s Board of Education (the “Azusa USD Board”) since 2001.
21 X. Cruz-Gonzalez currently serves as the President of the Azusa USD Board, and her term will expire in
22 2022. Respondent Xilonin Cruz-Gonzalez for School Board 2013 (“Committee”), was her candidate
23 controlled committee established to support X. Cruz-Gonzalez’s re-election campaign in 2013.
24 Respondent IxChel Cruz-Gonzalez (“I. Cruz-Gonzalez”) served as treasurer for the Committee.
25 Respondents violated the Political Reform Act (the “Act”),¹ by failing to file two campaign statements
26 for the reporting periods ending on December 31, 2016 and December 31, 2017.

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28 ¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory
references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110
through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

1 **SUMMARY OF THE LAW**

2 The violations in this case occurred in 2017 and 2018, and all legal references and discussions of
3 law pertain to the Act’s provisions as they existed at that time.

4 Need for Liberal Construction and Vigorous Enforcement of the Act

5 When enacting the Act, the people of California found and declared that previous laws regulating
6 political practices suffered from inadequate enforcement by state and local authorities.² Thus, it was
7 decreed that the Act “should be liberally construed to accomplish its purposes.”³ One purpose of the Act
8 is to promote transparency by ensuring that receipts and expenditures in election campaigns are fully and
9 truthfully disclosed so that voters are fully informed and improper practices are inhibited.⁴ Another
10 purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be “vigorously
11 enforced.”⁵

12 Committees

13 A committee qualifies as a “recipient committee” when it received two thousand dollars (\$2,000)
14 or more in contributions in a single calendar year.⁶ A committee is a “controlled committee” when it is
15 controlled directly by or indirectly by a candidate.⁷

16 Semi-Annual Campaign Statements

17 A controlled committee must file two semi-annual campaign statements each year no later than
18 July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.⁸

19 Joint and Several Liability

20 It is the duty of a committee treasurer and the candidate to ensure that the committee complies
21 with the Act.⁹ A treasurer and candidate may be held jointly and severally liable, along with the committee,
22 for violations committed by the committee.¹⁰

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24 _____
25 ² Section 81001, subd. (h).

26 ³ Section 81003.

27 ⁴ Section 81002, subd. (a).

28 ⁵ Section 81002, subd. (f).

⁶ Former section 82013, subd. (a).

⁷ Section 82016, subd. (a).

⁸ Section 84200, subd. (a).

⁹ Sections 81004, 84100, and 84104; Regulation 18427.

¹⁰ Sections 83116.5 and 91006.

1 **SUMMARY OF THE FACTS**

2 X. Cruz-Gonzalez was a successful candidate for the Azusa USD Board in the November 5, 2013
3 election. The Committee, X. Cruz-Gonzalez, and I. Cruz-Gonzalez filed an initial statement of
4 organization with the Secretary of State (“SOS”) on March 6, 2013 and filed an amendment on
5 August 8, 2013 to report that the Committee qualified on July 29, 2013. Respondents then filed a
6 statement of organization on August 2, 2018 to terminate the Committee as of June 30, 2018.

7 While the Committee remained open, the Committee, X. Cruz-Gonzalez, and I. Cruz-Gonzalez
8 were required to continue filing semi-annual statements. The following is a chart showing some of the
9 campaign statements filed by Respondents:

10 Reporting Period	Due Date	Filed Date	Days Late	Amounts Reported
11 January 1, 2016 – June 30, 2016	August 1, 2016	August 3, 2016	2	\$0 contributions; \$59 expenditures
12 July 1, 2016 – December 31, 2016	January 31, 2017	October 2, 2019	974	\$0 contributions; \$0 expenditures
13 January 1, 2017 – June 30, 2017	July 31, 2017	August 2, 2017	2	\$0 contributions; \$0 expenditures
14 July 1, 2017 – December 31, 2017	January 31, 2018	October 2, 2019	609	\$0 contributions; \$0 expenditures
15 January 1, 2018 – June 30, 2018	July 31, 2018	August 2, 2018	2	\$0 contributions; \$0 expenditures

17 As demonstrated above, the Committee, X. Cruz-Gonzalez, and I. Cruz-Gonzalez have a history
18 of failing to timely file campaign statements. Respondents filed the semi-annual campaign statements for
19 the reporting periods ending on December 31, 2016 and December 31, 2017 only after the Enforcement
20 Division contacted them. In the meantime, the public remained uninformed about the Committee’s
21 activities, or the lack thereof.

22 **VIOLATION**

23 Count 1: Failure to Timely File a Semi-Annual Campaign Statement

24 The Committee, X. Cruz-Gonzalez, and I. Cruz-Gonzalez failed to timely file the semi-annual
25 campaign statement for the reporting period of July 1, 2016 through December 31, 2016, in violation of
26 Government Code section 84200.

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1 Count 2: Failure to Timely File a Semi-Annual Campaign Statement

2 The Committee, X. Cruz-Gonzalez, and I. Cruz-Gonzalez failed to timely file the semi-annual
3 campaign statement for the reporting period of July 1, 2017 through December 31, 2017, in violation of
4 Government Code section 84200.

5 **PROPOSED PENALTY**

6 This matter consists of two counts. The maximum penalty that may be imposed is \$5,000 per
7 count. Thus, the maximum penalty that may be imposed is \$10,000.

8 In determining the appropriate penalty for a particular violation of the Act, the Commission
9 considers the facts of the case, the public harm involved, and the purpose of the Act. Also, the
10 Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of
11 any intention to conceal, deceive, or mislead; (c) whether the violation was deliberate, negligent, or
12 inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective amendments
13 voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior record of
14 violations.¹¹

15 This violation resulted in a lack of transparency for the public into the Committee's activities, but
16 there is no evidence of an intention to conceal, deceive, or mislead the public. The violation seems to
17 have been negligent, but the Committee, X. Cruz-Gonzalez, and I. Cruz-Gonzalez have exhibited a
18 pattern of failing to timely file campaign statements since the Commission had approved a stipulated
19 agreement in 2017 against Respondents for failing to timely file three semi-annual campaign statements.
20 In mitigation, the late-filed campaign statements show very little activity and Respondents had terminated
21 the Committee as of June 30, 2018.

22 The Commission also considers penalties in prior cases with comparable violations. Recent cases
23 with a similar violation include the following:

24 Count 1 and 2

25 *In the Matter of Janet McClean for SMUSD School Board 2012 and Janet McClean*; FPPC No.
26 17/274. (The Commission approved a stipulated agreement on September 19, 2019.) McClean was re-
27 elected into office on November 8, 2016. She and her committee late-filed a semi-annual campaign
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¹¹ Regulation 18361.5, subd. (d).

1 statement for the reporting period covering October 19, 2014 through December 31, 2014 by 913 days
2 after receiving contact from the Enforcement Division and reported minimal activity. McClean also
3 terminated her committee at this time. McClean and her committee had prior enforcement history for
4 failing to timely file five semi-annual campaign statements. The Commission approved a penalty of
5 \$1,000 for this violation.

6 Like *McClean*, the Committee, X. Cruz-Gonzalez, and I. Cruz-Gonzalez failed to timely file semi-
7 annual campaign statements and did not file them until after receiving contact from the Enforcement
8 Division. Similarly, Respondents reported minimal campaign activity when they eventually filed the
9 delinquent semi-annual campaign statements. Respondents also have prior enforcement history for the
10 same violation. Due to these similarities between *McClean* and this case, a penalty of \$1,000 is
11 recommended for both Count 1 and Count 2.

12 CONCLUSION

13 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
14 Respondents Xilonin Cruz-Gonzalez for School Board 2013, Xilonin Cruz-Gonzalez, and IxChel Cruz-
15 Gonzalez hereby agree as follows:

16 1. Respondents violated the Act as described in the foregoing pages, which are a true and
17 accurate summary of the facts in this matter.

18 2. This stipulation will be submitted for consideration by the Fair Political Practices
19 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.

20 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose
21 of reaching a final disposition without the necessity of holding an administrative hearing to determine
22 the liability of Respondents pursuant to Section 83116.

23 4. Respondents understand, and hereby knowingly and voluntarily waive, any and all
24 procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9.
25 This includes, but is not limited to the right to appear personally at any administrative hearing held in
26 this matter, to be represented by an attorney at Respondents' own expense, to confront and cross-examine
27 all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial

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1 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
2 reviewed.

3 5. Respondents agree to the issuance of the decision and order set forth below. Also,
4 Respondents agree to the Commission imposing against it an administrative penalty in the amount of
5 \$2,000. One or more cashier's checks or money orders totaling said amount—to be paid to the General
6 Fund of the State of California—is/are submitted with this stipulation as full payment of the
7 administrative penalty described above, and same shall be held by the State of California until the
8 Commission issues its decision and order regarding the matter.

9 6. If the Commission declines to approve this stipulation—then this stipulation shall become
10 null and void, and within fifteen business days after the Commission meeting at which the stipulation is
11 rejected, all payments tendered by the Respondents in connection with this stipulation shall be reimbursed
12 to Respondents. If this stipulation is not approved by the Commission, and if a full evidentiary hearing
13 before the Commission becomes necessary, neither any member of the Commission, nor the Executive
14 Director, shall be disqualified because of prior consideration of this Stipulation.

15 7. The parties to this agreement may execute their respective signature pages separately. A
16 copy of any party's executed signature page including a hardcopy of a signature page transmitted via fax
17 or as a PDF email attachment is as effective and binding as the original.

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19 Dated: _____
20 Galena West, Chief of Enforcement
21 Fair Political Practices Commission

22 Dated: _____
23 Xilonin Cruz-Gonzalez, individually and on behalf of
24 Xilonin Cruz-Gonzalez for School Board 2013

25
26 Dated: _____
27 IxChel Cruz-Gonzalez, individually and on behalf of
28 Xilonin Cruz-Gonzalez for School Board 2013

1 The foregoing stipulation of the parties “In the Matter of Xilonin Cruz-Gonzalez for School Board 2013,
2 Xilonin Cruz-Gonzalez, and IxChel Cruz-Gonzalez,” FPPC No. 17/268, is hereby accepted as the final
3 decision and order of the Fair Political Practices Commission, effective upon execution below by the
4 Chair.

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6 IT IS SO ORDERED.

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8 Dated: _____

_____ Richard C. Miadich, Chair
Fair Political Practices Commission