

1 GARY S. WINUK
Chief of Enforcement
2 ANGELA J. BRERETON
Senior Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
4 428 J Street, Suite 620
5 Sacramento, CA 95814
Telephone: (916) 322-5660
6 Facsimile: (916) 322-1932

7 Attorneys for Complainant

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA

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11 In the Matter of) FPPC No. 12/344
12)
13)
14) ROBERT L. GRIFFITH and) DEFAULT DECISION AND ORDER
15) COMMITTEE TO ELECT ROBERT)
16) GRIFFITH)
17) (Gov. Code §11503)
18)
19 Respondents.)

20 Complainant, the Fair Political Practices Commission, hereby submits this Default Decision and
21 Order for consideration at its next regularly scheduled meeting.

22 Pursuant to the California Administrative Procedure Act,¹ Respondents Robert L. Griffith and
23 Committee To Elect Robert Griffith have been served with all of the documents necessary to conduct an
24 administrative hearing regarding the above-captioned matter, including the following:

- 25 1. An Order Finding Probable Cause;
- 26 2. An Accusation;
- 27 3. A Notice of Defense (Two Copies);
- 28 4. A Statement to Respondent; and
5. Copies of Sections 11506 through 11508 of the Government Code.

¹The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code.

1 Government Code Section 11506 provides that failure of a respondent to file a Notice of Defense
2 within 15 days after being served with an Accusation shall constitute a waiver of respondent's right to a
3 hearing on the merits of the Accusation. The Statement to Respondent, served on Respondents Robert
4 L. Griffith and Committee To Elect Robert Griffith, explicitly stated that a Notice of Defense must be
5 filed in order to request a hearing. Respondents failed to file a Notice of Defense within fifteen days of
6 being served with the Accusation.

7 Government Code Section 11520 provides that, if the respondent fails to file a Notice of
8 Defense, the Commission may take action, by way of a default, based upon the respondent's express
9 admissions or upon other evidence, and that affidavits may be used as evidence without any notice to the
10 respondent.

11 Respondents Robert L. Griffith and Committee To Elect Robert Griffith violated the Political
12 Reform Act as described in Exhibit 1, and accompanying declarations, which are attached hereto and
13 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of
14 the law and evidence in this matter. This Default Decision and Order is submitted to the Commission to
15 obtain a final disposition of this matter.

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17 Dated: _____

18 Gary S. Winuk, Chief of Enforcement
19 Fair Political Practices Commission
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1 **DECISION AND ORDER**

2 The Commission issues this Default Decision and Order and imposes an administrative penalty
3 of Thirty-Nine Thousand Dollars (\$39,000) upon Respondents Robert L. Griffith and Committee To
4 Elect Robert Griffith, payable to the “General Fund of the State of California.”

5 IT IS SO ORDERED, effective upon execution below by the Chair of the Fair Political Practices
6 Commission at Sacramento, California.

7
8 Dated: _____

_____ Sean Eskovitz, Vice-Chair
Fair Political Practices Commission

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EXHIBIT 1

INTRODUCTION

Respondent Robert L. Griffith (Respondent Griffith) is an elected governing board member of the Mountain View School District (MVSD) in El Monte, CA. He has served on the MVSD since 1989, was last re-elected to a four-year term on November 3, 2009, and he is currently running for re-election on November 5, 2013. Respondent Committee To Elect Robert Griffith (Respondent Committee) was Respondent Griffith's candidate controlled committee. At all relevant times, Respondent Griffith was treasurer of Respondent Committee.

This matter arose out of two non-filer referrals sent to the Fair Political Practices Commission's Enforcement Division (Enforcement Division) by the Los Angeles County Registrar-Recorder/County Clerk (LACRRCC), for Respondents' failure to file two semi-annual campaign statements. Additionally, the Enforcement Division received a statement of economic interests non-filer referral from the county of Los Angeles Board of Supervisors, alleging that Respondent Griffith failed to file his 2011 annual statement of economic interests.

Under the Political Reform Act (the "Act")¹, Respondents were required to file specific campaign statements, and statements of economic interests. In this matter, Respondents failed to file eight semi-annual campaign statements and two pre-election campaign statements. Additionally, Respondent Griffith failed to file his 2011 annual statement of economic interests. Lastly, Respondents have an extensive history of non-filing violations of the Act.

For the purposes of this Default Decision and Order, Respondents' violations of the Act are stated as follows:

COUNT 1: Respondents Robert L. Griffith and Committee To Elect Robert Griffith, failed to file a semi-annual campaign statement for the reporting period of January 1 through June 30, 2009, by the July 31, 2009 due date, in violation of Government Code Section 84200, subdivision (a).

COUNT 2: Respondents Robert L. Griffith, and Committee To Elect Robert Griffith, failed to file a pre-election campaign statement for the reporting period July 1 through September 19, 2009, by the September 24, 2009 due date, in violation of Government Code Sections 84200.5, subdivision (c) and 84200.8, subdivision (a).

¹ 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.

- COUNT 3:** Respondents Robert L. Griffith, and Committee To Elect Robert Griffith, failed to file a pre-election campaign statement for the reporting period September 20 through October 17, 2009, by the October 22, 2009 due date, in violation of Government Code Sections 84200.5, subdivision (c) and 84200.8, subdivision (b).
- COUNT 4:** Respondents Robert L. Griffith, and Committee To Elect Robert Griffith, failed to file a semi-annual campaign statement for the reporting period of October 18 through December 31, 2009, by the February 1, 2010 due date, in violation of Government Code Section 84200, subdivision (a).
- COUNT 5:** Respondents Robert L. Griffith, and Committee To Elect Robert Griffith, failed to file a semi-annual campaign statement for the reporting period of January 1 through June 30, 2010, by the August 2, 2010 due date, in violation of Government Code Section 84200, subdivision (a).
- COUNT 6:** Respondents Robert L. Griffith, and Committee To Elect Robert Griffith, failed to file a semi-annual campaign statement for the reporting period of July 1 through December 31, 2010, by the January 31, 2011 due date, in violation of Government Code Section 84200, subdivision (a).
- COUNT 7:** Respondents Robert L. Griffith, and Committee To Elect Robert Griffith, failed to file a semi-annual campaign statement for the reporting period of January 1 through June 30, 2011, by the August 1, 2011 due date, in violation of Government Code Section 84200, subdivision (a).
- COUNT 8:** Respondents Robert L. Griffith, and Committee To Elect Robert Griffith, failed to file a semi-annual campaign statement for the reporting period of July 1 through December 31, 2011, by the January 31, 2012 due date, in violation of Government Code Section 84200, subdivision (a).
- COUNT 9:** Respondents Robert L. Griffith, and Committee To Elect Robert Griffith, failed to file a semi-annual campaign statement for the reporting period of January 1 through June 30, 2012, by the July 31, 2012 due date, in violation of Government Code Section 84200, subdivision (a).

COUNT 10: Respondents Robert L. Griffith, and Committee To Elect Robert Griffith, failed to file a semi-annual campaign statement for the reporting period of July 1 through December 31, 2012, by the January 31, 2013 due date, in violation of Government Code Section 84200, subdivision (a).

COUNT 11: Respondent Robert L. Griffith, as a Mountain View School District Governing Board Member, failed to file a 2011 annual statement of economic interests by the April 2, 2012 due date, in violation of Government Code Section 87300.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

When the Fair Political Practice Commission (the “Commission”) determines that there is probable cause for believing that the Act has been violated, it may hold a hearing to determine if a violation has occurred. (Section 83116.) Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the “APA”).² (Section 83116.) A hearing to determine whether the Act has been violated is initiated by the filing of an accusation, which shall be a concise written statement of the charges specifying the statutes and rules which the respondent is alleged to have violated. (Section 11503.)

Included among the rights afforded a respondent under the APA, is the right to file the Notice of Defense with the Commission within 15 days after service of the accusation, by which the respondent may (1) request a hearing, (2) object to the accusation’s form or substance or to the adverse effects of complying with the accusation, (3) admit the accusation in whole or in part, or (4) present new matter by way of a defense. (Section 11506, subd. (a)(1)-(6).)

The APA provides that a respondent’s failure to file a Notice of Defense within 15 days after service of an accusation constitutes a waiver of the respondent’s right to a hearing. (Section 11506, subd. (c).) Moreover, when a respondent fails to file a Notice of Defense, the Commission may take action based on the respondent’s express admissions or upon other evidence, and affidavits may be used as evidence without any notice to the respondent. (Section 11520, subd. (a).)

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

Section 91000.5 provides that “[t]he service of the probable cause hearing notice, as required by Section 83115.5, upon the person alleged to have violated this title shall constitute the commencement of the administrative action.” (Section 91000.5, subd. (a).)

² The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code.

Section 83115.5 prohibits a finding of probable cause by the Commission unless the person alleged to have violated the Act is 1) notified of the violation by service of process or registered mail with return receipt requested; 2) provided with a summary of the evidence; and 3) informed of his right to be present in person and represented by counsel at any proceeding of the Commission held for the purpose of considering whether probable cause exists for believing the person violated the Act. Additionally, Section 83115.5 states that the required notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office.

Section 91000.5 provides that no administrative action pursuant to Chapter 3 of the Act, alleging a violation of any of the provisions of Act, shall be commenced more than five years after the date on which the violation occurred.

Documents supporting the procedural history are included in the attached Certification of Records (“Certification”) filed herewith at Exhibit A, A-1 through A-7, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Respondents in this matter by serving them with a packet containing a cover letter, a Report in Support of a Finding of Probable Cause (the “Report”), a fact sheet regarding probable cause proceedings, selected sections of the California Government Code regarding probable cause proceedings for the Fair Political Practices Commission, and selected regulations of the Fair Political Practices Commission regarding probable cause proceedings. (Certification, Exhibit A-1.) Respondents were served by certified mail, return receipt requested.³ The original return receipts addressed to Respondents were signed on February 22, 2013, and were returned to the Enforcement Division. (Certification, Exhibit A-2.) Therefore, the administrative action commenced on February 22, 2013, the date the registered mail was signed, and the five year statute of limitations was effectively tolled on this date.

The information contained in the above-mentioned packet advised Respondents that they had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification, Exhibit A-3.) Respondents neither requested a probable cause conference nor submitted a written response to the Report.

B. Ex Parte Request for a Finding of Probable Cause

Since Respondent failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served to General Counsel Zackery P. Morazzini on April 22, 2013. (Certification, Exhibit A-4.)

³ Where any communication is required by law to be mailed by registered mail to or by the state, or any officer or agency thereof, the mailing of such communication by certified mail is sufficient compliance with the requirements of the law. (Section 8311.)

On June 6, 2013, General Counsel Zachery P. Morazzini's designee, Senior Commission Counsel Jack Woodside, issued a Finding of Probable Cause and Order to Prepare and Serve an Accusation. (Certification, Exhibit A-5.)

C. The Issuance and Service of the Accusation

Under the Act, if the Hearing Officer makes a finding of probable cause, an accusation shall be prepared pursuant to Section 11503 of the APA, and it shall be served on the persons who are the subject of the probable cause finding. (Regulation 18361.4, subd. (e).)

Section 11503 states:

A hearing to determine whether a right, authority, license or privilege should be revoked, suspended, limited or conditioned shall be initiated by filing an accusation. The accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

Section 11505, subdivision (a), requires that, upon the filing of the accusation, the agency shall 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.

Section 11505, subdivision (b), sets forth the language required in the accompanying statement to the respondent.

Section 11505, subdivision (c), provides that the Accusation and accompanying information may be sent to the respondent by any means selected by the agency, but that no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent has been served personally or by registered mail as set forth in Section 11505.

On July 1, 2013, the Commission's Chief of Enforcement, Gary S. Winuk, issued an Accusation against Respondent in this matter. In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice

of Defense Form, copies of Government Code Sections 11506 through 11508, and a cover letter dated July 2, 2013, were personally served on Respondents on October 3, 2013. (Certification, Exhibit A-6.)

The “Statement to Respondent” notified Respondents that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. Respondents did not file a Notice of Defense within the statutory time period, which ended on October 18, 2013.

As a result, on October 30, 2013, the Enforcement Division sent a letter to Respondents advising them that this matter would be submitted for a Default Decision and Order at the Commission’s public meeting scheduled for November 14, 2013. A copy of the Default Decision and Order and this Exhibit 1 were included with the letter. (Certification, Exhibit A-7.)

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.

An express purpose of the Act, as set forth in Section 81002, subdivision (a), is to ensure that contributions and expenditures in election campaigns are fully and truthfully disclosed, so that voters may be fully informed, and improper practices may be inhibited. The Act therefore establishes a campaign reporting system designed to accomplish this purpose of disclosure.

Additionally, an express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided. In furtherance of this purpose, Section 87300 requires every local agency to adopt and promulgate a conflict of interest code.

All statutory references and discussions of law pertain to the Act’s provisions as they existed at the time of the violation in question.

Duty to File Semi-Annual Campaign Statements

The Act requires candidates to file campaign statements at specific times disclosing information regarding contributions received and expenditures made by the campaign committees. A candidate includes, in relevant part, an individual who is listed on the ballot for election to any elective office. (Section 82007.)

Section 84200, subdivision (a) requires all candidates and committees pursuant to Section 82013, subdivision (a), to file semi-annual campaign statements each year no later than

July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.⁴ All filing obligations continue until the recipient committee is terminated by filing a statement of termination with the Secretary of State and a copy with the local filing officer receiving the committee's original campaign statements. (Section 84214; Regulation 18404.)

Duty to File Pre-election Campaign Statements

Candidates and their controlled committees are required to file two pre-election campaign statements before an election in which the candidate is being voted upon. (Section 84200.5.)

For all candidates being voted upon on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year, one pre-election campaign statement for the reporting period ending 45 days before the election must be filed no later than 40 days before the election. Subsequently, another pre-election campaign statement for the reporting period ending 17 days before the election must be filed no later than 12 days before the election. (Sections 84200.5, subd. (c), 84200.8, subds. (a-b).) Thus, for the November 3, 2009 election, the 45-day pre-election statement should have been filed no later than September 24, 2009, and the 17-day pre-election statement should have been filed no later than October 22, 2009.

Treasurer and Candidate Liability

Under Sections 81004, subdivision (b), 84100, and 84213, and Regulation 18427, subdivisions (a), (b) and (c), it is the duty of a committee's treasurer and candidate to ensure that the committee complies with all of the requirements of the Act concerning the receipt and expenditure of funds, and the reporting of such funds. A committee's treasurer and candidate may be held jointly and severally liable, along with the committee, for any reporting violations committed by the committee. (Sections 83116.5 and 91006; Regulation 18316.6.)

Statements of Economic Interests

Section 82019, subdivision (a), defines "designated employee" to include any member of any agency whose position is "designated in a Conflict of Interest Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest." Additionally, Section 87302, subdivision (a), provides that an agency's conflict of interest code must specifically designate the positions within the agency that are required to file statements of economic interests, disclosing reportable investments, business positions, interests in real property, and sources of income. Thus, designated employees must file annual statements of economic interests under the Act.

Section 87302, subdivision (b) provides that an agency's conflict of interest code must require each designated employee of the agency to file annual statements of economic interests at

⁴ Under Regulation 18116, whenever the Act requires that a statement or report be filed prior to or not later than a specified date or during or within a specified period, and the deadline falls on a Saturday, Sunday or official state holiday, the filing deadline for such a statement or report shall be extended to the next regular business day.

a time specified in the agency's conflict of interest code,⁵ disclosing investments, income, business positions, and interests in real property, held or received at anytime during the previous calendar year.

Section 87300 declares that the requirements of an agency's conflict of interest code shall have the force of law, and any violation of those requirements shall be deemed a violation of the Act.

The Conflict of Interest Code for the Mountain View School District designates School Board Members as persons who must file statements of economic interest.

SUMMARY OF THE FACTS

Respondent Robert L. Griffith (Respondent Griffith) is an elected governing board member of the Mountain View School District (MVSD) in El Monte, CA. He has served on the MVSD since 1989, and he was re-elected to a four-year term on November 3, 2009. Respondent Griffith is currently running for re-election on November 5, 2013, which, if elected, would be his seventh four-year term. Respondent Committee To Elect Robert Griffith (Respondent Committee) was Respondent Griffith's candidate controlled committee. At all relevant times, Respondent Griffith was treasurer of Respondent Committee.

Campaign Statements

Respondent Griffith most recently filed a statement of intention to run for MVSD Governing Board Member on August 6, 2013, in the November 5, 2013 election. Respondent Committee filed its original statement of organization on September 9, 1993, which identified Respondent Griffith as treasurer for Respondent Committee. Respondent Committee has not filed any amended statement of organization, and has not filed a statement of termination.

The Los Angeles County Registrar-Recorder/ County Clerk (LACRRCC) issued four written notices and four telephonic notifications to Respondents between February 15, 2012 and August 30, 2012, warning Respondents that they had a duty to and failed to file two semi-annual campaign statements. Respondents did not respond to the written correspondence or telephone calls. The LACRRCC referred the matters to the Commission on April 30, and September 19, 2012.

Enforcement Division staff attempted telephone contact with Respondent Griffith at his home and work on October 23 and 31, 2012. Respondent Griffith did not return the calls. Enforcement Division staff also sent written correspondence to Respondent Griffith at both his home and work addresses on December 5, 2012. Respondent Griffith did not respond to the written correspondence.

⁵ The agency's Conflict of Interest Code may incorporate Regulation 18730 by reference. If so, then the filing deadline is April 1. (Regulation 18730(b)(5)(C)). If not incorporated, the Conflict of Interest Code must specify a filing date. The Mountain View School District's Conflict of Interest Code incorporates Regulation 18730, and thus, the filing deadline for annual statements of economic interests for the MVSD is April 1.

The investigation in this matter shows that Respondents failed to file the following required campaign statements:

| Count | Reporting Period | Filing Deadline | Statement Type |
|--------------|-------------------------|------------------------|-----------------------|
| 1 | 01/01 – 06/30/2009 | 07/31/2009 | Semi-annual |
| 2 | 07/01 – 09/19/2009 | 09/24/2009 | Pre-election |
| 3 | 09/20 – 10/17/2009 | 10/22/2009 | Pre-election |
| 4 | 10/18 – 12/31/2009 | 02/01/2010 | Semi-annual |
| 5 | 01/01 – 06/30/2010 | 08/02/2010 | Semi-annual |
| 6 | 07/01 – 12/31/2010 | 01/31/2011 | Semi-annual |
| 7 | 01/01 – 06/30/2011 | 08/01/2011 | Semi-annual |
| 8 | 07/01 – 12/31/2011 | 01/31/2012 | Semi-annual |
| 9 | 01/01 – 06/30/2012 | 07/31/2012 | Semi-annual |
| 10 | 07/01 – 12/31/2012 | 01/31/2013 | Semi-annual |

To date, Respondents have not filed any of the ten delinquent statements.

Statement of Economic Interests

Additionally, the Enforcement Division received a statement of economic interests non-filer referral from the County of Los Angeles Board of Supervisors (CLABOS), alleging that Respondent Griffith failed to file his 2011 annual statement of economic interests. The CLABOS had issued written notices to Respondent Griffith on May 4 and June 13, 2012, notifying him that he had failed to file his 2011 annual statements of economic interests by the applicable due date. Respondent Griffith did not file the delinquent statement, and the matter was referred to the Enforcement Division on July 30, 2012.

To date, Respondent Griffith has not filed his 2011 annual statement of economic interests.

Prior Enforcement History

Respondents have an extensive prior history of violating the Act. In 2004, the Enforcement Division issued a warning letter in Case No. 04/212 to Respondents for failure to timely file a semi-annual campaign statement for the reporting period of July 1 through December 31, 2003. Additionally, the Enforcement Division received referrals from LACRRCC (Case Nos. 04/533, and 05/229) regarding Respondents' failure to file semi-annual campaign statements for the reporting periods of January 1 through June 30, 2004, and July 1 through December 31, 2004. However, the Enforcement Division did not prosecute Respondents for these violations because Respondents filed the statements shortly after contact from the Enforcement Division, and the statements showed very little campaign activity.

Respondents have not filed any campaign statements since filing a semi-annual campaign statement for the reporting period of January 1 through June 30, 2005, which was filed on September 14, 2005.

Over the next few years, the Enforcement Division received several referrals from LACRRCC regarding Respondents' failure to file two pre-election statements and five semi-annual campaign statements between July 1, 2005 and December 31, 2007 (Case No. 05/848). Respondents did not cooperate with the investigation of Case No. 05/848, and did not file any of the delinquent campaign statements. Ultimately, a Default Decision and Order was entered by the Commission on September 10, 2009, for a total penalty of Twenty-Two Thousand Dollars (\$22,000) - \$3,000 per count for failure to file semi-annual campaign statements, and \$3,500 per count for failure to file pre-election campaign statements – and the matter is currently in collections proceedings.

At the time the Default Decision and Order was entered in Case No. 05/848, the Enforcement Division had two more pending cases against Respondents (Case Nos. 08/653 and 09/191), for failure to file semi-annual campaign statements for the reporting periods of January 1 through June 30, 2008, and July 1 through December 31, 2008. These cases were closed without action due to the entering of the Default Decision and Order in Case No. 05/848.

Thus, since 2004, Respondents have had six prior enforcement actions against them for failure to file pre-election and semi-annual campaign statements, one of which rendered an administrative penalty against them of Twenty-Two Thousand Dollars (\$22,000).

VIOLATIONS

Accordingly, in this matter, Respondents committed 11 violations of the Act, as follows:

Counts 1 and 4 – 10

(Failure to Timely File Semi-Annual Campaign Statements)

As a candidate for and an elected governing board member of the MVSD in the November 3, 2009 election, and his candidate controlled committee, Respondents had a duty to file semi-annual campaign statements as follows:

| Count | Reporting Period | Filing Deadline |
|--------------|-------------------------|------------------------|
| 1 | 01/01 – 06/30/2009 | 07/31/2009 |
| 4 | 10/18 – 12/31/2009 | 02/01/2010 |
| 5 | 01/01 – 06/30/2010 | 08/02/2010 |
| 6 | 07/01 – 12/31/2010 | 01/31/2011 |
| 7 | 01/01 – 06/30/2011 | 08/01/2011 |
| 8 | 07/01 – 12/31/2011 | 01/31/2012 |
| 9 | 01/01 – 06/30/2012 | 07/31/2012 |
| 10 | 07/01 – 12/31/2012 | 01/31/2013 |

Respondents failed to file these required semi-annual campaign statements by the due dates. By failing to timely file eight semi-annual campaign statements, Respondents violated Section 84200, subdivision (a).

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Counts 2 and 3

(Failure to File Pre-Election Statements)

Respondents had a duty to file two pre-election campaign statements for the following reporting periods: 1) July 1 to September 19, 2009, by the September 24, 2009, due date; and 2) September 20 to October 17, 2009, by the October 22, 2009, due date. Respondents, to date, have failed to file these pre-election campaign statements. By failing to file two pre-election campaign statements for the above mentioned reporting periods, Respondents violated Government Code Sections 84200.5 subdivision (c) and 84200.8, subdivision (a).

Count 11

(Failure to File Annual Statement of Economic Interests)

As a governing board member of the MVSD, Respondent Griffith had a duty to file his 2011 annual statement of economic interests by the April 1, 2012 due date. By failing to timely file his 2011 annual statement of economic interests, Respondent Griffith violated Government Code Section 87203.

CONCLUSION

This matter consists of 11 counts of violating the Act, which carry a maximum administrative penalty of Five Thousand Dollars (\$5,000) per count for a total of Fifty-Five Thousand Dollars (\$55,000).

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 context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6):

1. The seriousness of the violations;
2. The presence or lack of intent to deceive the voting public;
3. Whether the violation was deliberate, negligent, or inadvertent;
4. Whether the Respondent demonstrated good faith in consulting with Commission staff;
5. Whether there was a pattern of violations; and
6. Whether, upon learning of the violation, the violator voluntarily provided amendments to provide full disclosure.

The failure to file campaign statements is a serious violation of the Act because it deprives the public of important and time-sensitive information about a candidate's contributors and financial activities, including the sources and amounts of contributions and expenditures made in support of a candidate. Failure to file a statement of economic interests is a serious violation of the Act because it deprives the public of important information about a public official's economic interests which could lead to potential conflicts of interests regarding decisions he may make in his official capacity.

In conjunction with the November 3, 2009 election, Respondents failed to file two semi-annual and two pre-election campaign statements. Additionally, Respondents failed to file any semi-annual campaign statements for the next six consecutive reporting periods. Thus, Respondents failed to disclose any contributions received and expenditures made by Respondents regarding the November 3, 2009 election, and have failed to disclose any officeholder activity. Respondents have ignored written notices and telephone messages to file the delinquent campaign statements, and have failed to cooperate with Enforcement Division staff in this investigation. Respondent Griffith was originally elected to office in 1989, is still serving as a governing board member of the MVSD, and he is currently running for re-election to his seventh four-year term of office. Thus, Respondent Griffith is and was an experienced candidate and officeholder, knew of the Act's reporting and disclosure requirements, and to date, appears to have deliberately violated the Act in this regard.

Additionally, Respondent Griffith failed to file his 2011 annual statement of economic interests, as required by the Act. Respondent has failed to respond to numerous notifications from both the CLABOS and Enforcement Division staff. As the statement has yet to be filed, it is impossible to ascertain the actual interests in question. Respondent Griffith did not cooperate with the Commission's investigation into this matter, is still serving as a governing board member of the MVSD, and he is currently running for re-election to his seventh four-year term of office. Thus, the public could not determine whether Respondent Griffith had any possible conflicts of interests when voting on matters before the MVSD.

The facts of this case show a pattern of violations that resulted in a complete lack of disclosure of Respondents' campaign activities during Respondent Griffith's tenure as a governing board member of the MVSD. Additionally, the public could not determine whether Respondent Griffith had any possible conflicts of interests when voting on matters before the MVSD. Also, Respondents have an extensive prior history of violating the Act, with six prior enforcement cases against them for these same violations. Thus, taken as a whole, the evidence shows conduct that was intentional and these violations are serious.

The Commission previously entered a Default Decision and Order against Respondents as follows:

- ***In the Matter of Robert L. Griffith and Committee To Elect Robert Griffith, FPCC No. 05/848 (Default).*** Respondents, an incumbent candidate for Mountain View School District Governing Board Member and his controlled committee, failed to file five semi-annual campaign statements, even after multiple notifications from the city clerk and the Enforcement Division, indicating a pattern of violations. Penalty per relevant count: \$3,000. Approved by Commission September 2009. Additionally, Respondents failed to file two pre-election campaign statements, even after multiple notifications from the city clerk and the Enforcement Division, indicating a pattern of violations. Penalty per relevant count: \$3,500. Approved by Commission September 2009.

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Recent penalties approved by the Commission concerning similar violations of the Act include:

Failure to File Semi-Annual Campaign Statements:

- ***In the Matter of Michael Glover, Michael G. Glover for Assembly 2008, Committee to Elect Mike Glover for 70th AD, 2010, FPPC No. 09/615 (Default Decision).*** Respondents, a successful candidate for California State Assembly, 70th District, and two of his controlled committees, failed to file five semi-annual campaign statements, showing a pattern of failing to timely file campaign statements that continued for several years and in two separate elections. Additionally, some of the campaign statements were never filed. Penalty per relevant count: \$3,000. Approved by the Commission March 2012.
- ***In the Matter of Tina Baca Del Rio and Friends of Tina Baca Del Rio, FPPC No. 08/423.*** Respondents, an incumbent candidate for Commerce City Council, and her controlled committee, failed to file three semi-annual campaign statements. Respondents failed to file the three semi-annual campaign statements (and several pre-election statements) even after multiple notifications from the city clerk, indicating a pattern of violations. Penalty per relevant count: \$3,500. Approved by Commission April 2011.

Failure to File Pre-election Campaign Statements:

- ***In the Matter of Edwin Jacinto; FPPC No. 10/225 (Default).*** Respondent, a candidate for Lynwood City Council, failed to file two pre-election campaign statements in a timely manner, in violation of Government Code Sections 84200.5, and 84200.7 (2 counts). Penalty per relevant count: \$3,500. Approved by Commission June 2011.
- ***In the Matter of Tina Baca Del Rio, and Friends of Tina Baca Del Rio, FPPC No. 08/423.*** Respondents, an incumbent candidate for Commerce City Council, and her controlled committee, failed to file two pre-election campaign statements before Respondent Baca Del Rio's recall election in a timely manner, in violation of Government Code Sections 84200.5 and 84200.7 (2 counts). Penalty per relevant count: \$3,500. Respondents also failed to file two pre-election campaign statements before Respondent's subsequent re-election in a timely manner, in violation of Government Code Sections 84200.5 and 84200.8 (2 counts). Penalty per relevant count: \$4,000. Approved by the Commission April 2011.

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Failure to File Statement of Economic Interests:

- ***In the Matter of Jonathan Leone, FPPC No. 11/932 (Default).*** Respondent, a sitting member of the Sausalito City Council, failed to timely file two Annual Statement of Economic Interests for calendar years 2010 and 2011, even after multiple notifications from the filing officer and the Enforcement Division, indicating a pattern of violations, in violation of Government Code Section 87203 (2 counts). Penalty per relevant count: \$5,000. Approved by the Commission August 2013.

Because Respondents failed to file eight semi-annual campaign statements in this matter, ignored numerous notifications from filing officers and the Enforcement Division in this regard, have an extensive history of violations of the Act, Respondent Griffith in still in office and he is running for re-election to his seventh four-year term, imposition of an administrative penalty in the amount of Five Thousand Dollars (\$5,000) per count for Counts 1 and 4 – 10 is recommended. This is the maximum penalty recommended for violations of Government Code Section 84200, subdivision (a).

Because Respondents failed to file two pre-election campaign statements in this matter, ignored numerous notifications from filing officers and the Enforcement Division in this regard, have an extensive history of violations of the Act, Respondent Griffith in still in office and he is running for re-election to his seventh four-year term, imposition of an administrative penalty in the amount of Five Thousand Dollars (\$5,000) per count for Counts 2 and 3 is recommended. This is the maximum penalty recommended for violations of Government Code Sections 84200.5 subdivision (c) and 84200.8, subdivision (a).

Because Respondent Griffith failed to file one annual statement of economic interest, he ignored numerous notifications from filing officers and the Enforcement Division in this regard, Respondent Griffith in still in office and he is running for re-election to his seventh four-year term, imposition of an administrative penalty in the amount of Five Thousand Dollars (\$5,000) for Count 11 is recommended. This is the maximum penalty recommended for violations of Government Code Section 87300.

RECOMMENDED PENALTY

After consideration of the factors of Regulation 18361.5, including all mitigating and aggravating factors, the imposition of the maximum penalty of Fifty – Five Thousand Dollars (\$55,000) is recommended: Five Thousand Dollars (\$5,000) per count for Counts 1 – 11.

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