STIPULATION, DECISION AND ORDER Gift Reporting Violations (Streamlined Program)

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent(s) hereby agree that this stipulation will be presented to the Commission at its next regularly scheduled meeting, or as soon thereafter as the matter can be heard, as a final disposition of the reporting violation(s) described herein.

FPPC CASE NO.	13/0364			
RESPONDENT:	Frank Herrera, Clerk to the Board of Trustees, Delano Union School District			
GOVERNMENT COD	E SECTION(S) VIOLATED: 87207			
DESCRIPTION OF VI	IOLATION(S): Failure to report receipt of gift(s) aggregating \$50 or more as income (see Exhibit I attached)			
MONETARY PEN	ALTY: \$400 NUMBER OF COUNTS: 2			
STATEMENT BY RES	SPONDENT(S):			
and voluntarily request the penalty specified above. procedural rights to contiviolations, have now been and voluntarily request the penalty specified above.	iolation(s) of the Political Reform Act described above and on Exhibit I (attached) have occurred hat the Fair Political Practices Commission resolve this matter by imposition of the monetary I acknowledge receipt of the <i>Statement of Respondent's Rights</i> and voluntarily waive any and all est this matter in an administrative hearing. All outstanding reports, in connection with these en filed. I have attached a cashier's check or money order made payable to the General Fund of the amount of the penalty described above.			
Dated:	X			
	Printed Name: FRANK HERRERA			
STATEMENT BY ENFORCEMENT CHIEF: I have reviewed the above stipulation and recommend its approval.				
Dated:				
	GARY S. WINUK, ENFORCEMENT CHIEF			
ORDER OF THE COM	MMISSION:			
	on has been adopted by a majority vote of the Fair Political Practices Commission as its final seffective upon execution below by the Chair.			
IT IS SO ORDERED.				
Dated:				
	ANN RAVEL, CHAIR			

FAIR POLITICAL PRACTICES COMMISSION STATEMENT OF RESPONDENT'S RIGHTS

The Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent, both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for consideration by the Commission at its next regularly scheduled meeting.

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

Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under California Government Code sections 83115.5, 11500, et seq., and 2 California Code of Regulations sections 18361.1 through 18361.9, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that Respondent has violated the Political Reform Act as described herein.

Respondent agrees to the issuance of the Decision and Order and imposition by the Commission of a penalty in the amount specified on the Stipulation, and a cashier's check or money order in said amount, payable to the "General Fund of the State of California", has been submitted by Respondent to be held by the State of California until the Commission issues its Decision and Order.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is rejected, payments tendered shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither a member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

EXHIBIT I

<u>Itemized list of gifts from E.J. De La Rosa & Co., Inc.:</u>

Count	Gift Description	Date Received	Value
1	Meal at Coyote Grill	January 16, 2009	\$34.14
	Meal at Black Angus & drinks at Starbucks	February 24, 2009	\$43.07
	Meal at Doubletree	August 4, 2009	\$13.03
	Meal at Morton's	August 21, 2004	\$115.45
		Total for 2009:	\$205.69
Count	Gift Description	Date Received	<u>Value</u>
2	Meal at CSLBA Conference	September 1, 2010	\$59.80
	Meal at CSLBA Conference	December 3, 2010	\$27.76
	Meal at Mission Grille	December 3, 2010	\$48.31
		Total for 2010:	\$135.87

