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3 **FAIR POLITICAL PRACTICES COMMISSION**
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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
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12 In the Matter of) FPPC No. 12/799
13)
14 BONNIE BURNS PRICE and CHRISTIAN)
VOTERS FOR A MORE TRANSPARENT)
15 GOVERNMENT IN EAST COUNTY) STIPULATION, DECISION and
16 Respondent.) ORDER
17)

18 Complainant Gary S. Winuk, Enforcement Chief of the Fair Political Practices Commission, and
19 Respondents Bonnie Burns Price and Christian Voters For a More Transparent Government In East
20 County agree that this Stipulation will be submitted for consideration by the Fair Political Practices
21 Commission at its next regularly scheduled meeting.

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

25 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural
26 rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Sections 18361.1
27 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to,
28 the right to personally appear at any administrative hearing held in this matter, to be represented by an

1 attorney at Respondents' own expense, to confront and cross-examine all witnesses testifying at the
2 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge
3 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

4 It is further stipulated and agreed that Respondents Bonnie Burns Price and Christian Voters For
5 a More Transparent Government In East County violated the Political Reform Act by (1) failing to
6 display required sender identification on a mass mailing, in violation of Government Code Section
7 84305, subdivision (a). (1 count). This count is described in Exhibit 1, which is attached hereto and
8 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of
9 the facts in this matter.

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

22
23 Dated: _____

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

24
25
26 Dated: _____

Respondent Bonnie Burns Price Individually and
on behalf of Christian Voters For a More Transparent
Government In East County, Respondent

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Bonnie Burns Price and Christian
3 Voters For a More Transparent Government In East County,” FPPC No. 12/799, including all attached
4 exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission,
5 effective upon execution below by the Chair.

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7 **IT IS SO ORDERED.**

8
9 Dated: _____

Sean Eskovitz, Vice Chair
Fair Political Practices Commission

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EXHIBIT 1

INTRODUCTION

Prior to the 2012 election, Respondent Bonnie Price (“Respondent Price”) paid for and caused to be sent a mass mailer which opposed the re-election three incumbent candidates to the El Cajon City Council. However, the mailer did not accurately identify the sender, in violation of the Political Reform Act (the “Act”).¹

The mailer, sent in early October 2012, criticized policies of the current City Council, which included imposing a higher sales tax within the city and for raising sewer rates. It urged residents of El Cajon to “Vote No” for El Cajon City Council candidates Bill Wells, Tony Ambrose, and Bob McClellan. All three candidates were re-elected to office. The mailer included a disclosure stating that it was paid for by a group called “Christian Voters For a More Transparent Government In East County” (“Christian Voters”). However, no group by that name was registered with either the El Cajon City Clerk, the San Diego County Registrar of Voters, or the California Secretary of State.

For the purposes of this Stipulation, Respondent’s violation of the Act is stated as follows:

COUNT 1: On or about October 6, 2012, Respondent Bonnie Price caused to be sent a mass mailer opposing the reelection of Tony Ambrose, Bob McClellan, and Bill Wells to the El Cajon City Council, which failed to display required sender identification, in violation of Government Code Section 84305, subdivision (a).

SUMMARY OF THE LAW

Sender Identification Requirements

Section 84305, subdivision (a), requires candidates and committees to properly identify themselves when sending a mass mailing. Specifically, the statute provides that no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing.

Section 82041.5 defines a “mass mailing” as over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry. Regulation 18435, subdivision (a), clarifies this section, and further defines a mass mailing as over two hundred substantially similar pieces of mail sent in a calendar month. Regulation 18435, subdivision (b), defines the term “sender,” as

¹The 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.

used in Section 84305, as the candidate or committee who pays for the largest portion of expenditures attributable to the designing, printing or posting of the mailing.

SUMMARY OF THE FACTS

This case was opened as the result of a complaint alleging that a mailer with “Christian Voters for a more Transparent Government in East County” as the sender identification violated the mass mailing provisions of the Act. The mailer lacked sender identification, only including the phrase “Paid for by Christian Voters for a More Transparent Government in East County.” However, no committee by that name was ever registered with either the El Cajon City Clerk, the San Diego County Registrar of Voters, or the California Secretary of State.

After an investigation, Respondent Bonnie Price was determined to be the sender of the mailer. Records obtained from the printer establish that on October 6, 2012, Respondent paid \$4,188.18 in cash to produce and send the mailer, of which approximately 14,000 copies were delivered to El Cajon residents in October of 2012. During an interview, Respondent stated that she used money she had been saving for a car to pay for the mailer. Respondent was required to provide the name, street address, and city of the committee on the outside of each piece of mail in a mass mailing.

By failing to provide sender identification on a mass mailer, Respondents violated Section 84305, subdivision (a), of the Government Code.

CONCLUSION

This matter consists of one count of violating the Act, which carries a maximum administrative penalty of Five Thousand Dollars (\$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. The Enforcement Division also considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6), which include: the seriousness of the violations; the presence or lack of intent to deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the Respondent demonstrated good faith in consulting with Commission staff; whether there was a pattern of violations; and whether upon learning of the violation the Respondent voluntarily filed amendment to provide full disclosure. Additionally, liability under the Act is governed in significant part by the provisions of Section 91001, subdivision (c), which requires the Commission to consider whether or not a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith, in applying remedies and sanctions.

The failure to provide proper sender identification on a mass mailer is a serious violation of the Act, as it deprives the public of important information regarding the sponsor of the mailing.

Another similar case regarding a violation of Section 84305, subdivision (a) that has been recently approved by the Commission includes:

In the Matter of Protect Burlingame and Kevin Osborne, FPPC No. 09/804. This case involved two mailers in a local election campaign, each sent to approximately 7,000 households, which lacked sender identification. Respondent in this matter did not have an Enforcement history. A \$2,500 penalty was approved by the Commission on April 11, 2011.

The public harm inherent in this type of violation, where pertinent information is not disclosed on a campaign mailer, is that the public is deprived of a means to discover the identity of sender. Respondent does not have any prior enforcement history.

PROPOSED PENALTY

After consideration of the factors of Regulation 18361.5, including whether the behavior in question was inadvertent, negligent or deliberate and the Respondent's patter of behavior, as well as consideration of penalties in prior enforcement actions, the imposition of a penalty of Two Thousand Dollars (\$2,000) is recommended.

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