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7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of:

FPPC No. 13/191

12
13 TERRI VALLADOLID and FRIENDS OF
TERRI VALLADOLID FOR
14 SOUTHWESTERN COLLEGE SCHOOL
BOARD 2010,

STIPULATION, DECISION, and
ORDER

15 Respondents.
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18 **STIPULATION**

19 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
20 Respondents Terri Valladolid and Friends of Terri Valladolid for Southwestern College School Board
21 2010, hereby agree that this Stipulation will be submitted for consideration by the Fair Political Practices
22 Commission at its next regularly scheduled meeting.

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

26 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural
27 rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California Code of
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1 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to
2 personally appear at any administrative hearing held in this matter, to be represented by an attorney at
3 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to
4 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
5 the hearing as a hearing officer, and to have the matter judicially reviewed.

6 It is further stipulated and agreed that Respondents violated the Political Reform Act by failing
7 to timely file three semi-annual campaign statements, in violation of Section 84200, subdivision (a) of
8 the Government Code (3 counts) as described in Exhibit 1. Exhibit 1 is attached hereto and incorporated
9 by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in
10 this matter.

11 Respondents agree to the issuance of the Decision and Order, which is attached hereto.
12 Respondents also agree to the Commission imposing an administrative penalty in the total amount of
13 Three Thousand Dollars (\$3,000). A cashier's check from Respondents in said amount, made payable to
14 the "General Fund of the State of California," is submitted with this Stipulation as full payment of the
15 administrative penalty, and shall be held by the State of California until the Commission issues its
16 Decision and Order regarding this matter. The parties agree that in the event the Commission refuses to
17 accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the
18 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondents in
19 connection with this Stipulation shall be reimbursed to Respondents. Respondents further stipulate and
20 agree that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the
21 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
22 shall be disqualified because of prior consideration of this Stipulation.

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Dated: _____
Gary S. Winuk, on Behalf of the Enforcement Division
Fair Political Practices Commission

Dated: _____
Terri Valladolid, individually and on behalf of Friends
of Terri Valladolid for Southwestern College School
Board 2010, Respondents

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Terri Valladolid and Friends of Terri
3 Valladolid for Southwestern College School Board 2010,” FPPC No. 13/191, 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 Chairman.

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7 IT IS SO ORDERED.

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9 Dated: _____

10 Joann Remke, Chair
11 Fair Political Practices Commission
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EXHIBIT 1
INTRODUCTION

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3 Respondent Terri Valladolid (“Respondent Valladolid”) is currently a member of the
4 Southwestern College School Board, and was re-elected to a four year term in November 2010. Friends
5 of Terri Valladolid for Southwestern College School Board 2010 (“Respondent Committee”) is
6 Respondent Valladolid’s candidate controlled committee. Respondent Valladolid served as Respondent
7 Committee’s treasurer.

8 This matter arose from several referrals sent by the San Diego County Registrar’s Office stating
9 that Respondent Committee had failed to timely file its past three semi-annual campaign statements
10 covering the three reporting periods from July 1, 2012 to December 31, 2013. The subsequent
11 investigation by the Fair Political Practices Commission (the “Commission”) Enforcement Division
12 (“Enforcement Division”) confirmed that Respondent Committee indeed failed to file its past three
13 semi-annual statements by their respective deadlines. After being contacted numerous times by the San
14 Diego County Registrar’s Office and the Enforcement Division in connection with the delinquent
15 statements, Respondent Valladolid finally filed the three statements on July 7, 2014 – a combined 1,020
16 days late.

17 Respondent Valladolid has been prosecuted by the Commission on two prior occasions for
18 failing to timely file semi-annual statements for Respondent Committee.

19 For the purposes of this Stipulation, Respondents’ violations of the Political Reform Act (the
20 “Act”)¹ are as follows:

21 **COUNT 1:** Respondents Terri Valladolid and Friends of Terri Valladolid for Southwestern College
22 School Board 2010 failed to timely file a semi-annual statement for the period covering
23 July 1, 2012 to December 31, 2012, by the January 31, 2013 deadline, in violation of
24 Government Code Section 84200, subdivision (a).

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26 _____
27 ¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to
28 the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained
in Sections 18109 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.

1 COUNT 2: Respondents Terri Valladolid and Friends of Terri Valladolid for Southwestern College
2 School Board 2010 failed to timely file a semi-annual statement for the period covering
3 January 1, 2013 to June 30, 2013, by the July 31, 2013 deadline, in violation of
4 Government Code Section 84200, subdivision (a).

5 COUNT 3: Respondents Terri Valladolid and Friends of Terri Valladolid for Southwestern College
6 School Board 2010 failed to timely file a semi-annual statement for the period covering
7 July 1, 2013 to December 31, 2013, by the January 31, 2014 deadline, in violation of
8 Government Code Section 84200, subdivision (a).

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10 **SUMMARY OF THE LAW**

11 All statutory references and discussions of law pertain to the Act's provisions as they existed at
12 the time of the violation.

13 **Liberal Construction and Vigorous Enforcement of the Political Reform Act**

14 When the Act was enacted, the people of the state of California found and declared that previous
15 laws regulating political practices suffered from inadequate enforcement by state and local authorities.
16 (Section 81001, subd. (h).) To that end, Section 81003 requires that the Act be liberally construed to
17 achieve its purposes.

18 One of the purposes of the Act is to ensure that receipts and expenditures in election campaigns
19 are fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited.
20 (Section 81002, subd. (a).) In order to meet that purpose, the Act requires that all elected officers,
21 candidates and committees file semi-annual statements disclosing their contributions and expenditures.

22 **Duty to File Semi-Annual Campaign Statements**

23 Under the Act's campaign reporting system, committees are required to file semi-annual
24 statements each year no later than July 31 for the period ending June 30, and no later than January 31 for
25 the period ending December 31. (Section 84200, subd. (a).)

1 **Treasurer and Candidate Liability:**

2 Under Sections 81004, subdivision (b), 84100, and Regulation 18427, subdivisions (a), (b) and
3 (c), it is the duty of a committee’s treasurer and candidate to ensure that the committee complies with all
4 of the requirements of the Act concerning the receipt and expenditure of funds, and the reporting of such
5 funds. A committee’s treasurer and candidate may be held jointly and severally liable, along with the
6 committee, for any reporting violations committed by the committee under Sections 83116.5 and 91006.
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8 **SUMMARY OF THE FACTS**

9 Respondent Terri Valladolid (“Respondent Valladolid”) is currently a member of the
10 Southwestern College School Board (the “Board”). She was re-elected to a four year term in November
11 2010, and has held her position on the Board since 1998.

12 Respondent Valladolid’s controlled committee, which was initially named Friends of Terri
13 Valladolid, qualified as a candidate controlled recipient committee on or about October 8, 1998, when
14 Respondent Valladolid filed a statement of organization with the California Secretary of State
15 organizing the committee. In 2010, Respondent Valladolid filed an amended statement of organization
16 changing the name of her controlled committee to Friends of Terri Valladolid for Southwestern College
17 School Board 2010 (“Respondent Committee”). At all times relevant to this matter, Respondent
18 Valladolid served as the treasurer for Respondent Committee.

19 Respondents failed to timely file three semi-annual campaign statements covering the three
20 reporting periods from July 1, 2012 to December 31, 2012. After being contacted numerous times by
21 the San Diego County Registrar’s Office and the Enforcement Division in connection with the
22 delinquent statements, Respondent Valladolid finally filed the three statements on July 7, 2014 – a
23 combined 1,020 days late. According to the delinquent statements, Respondent Committee did not
24 receive any contributions or make any expenditures during the periods covered by the statements.
25 However, Respondent Committee did have a cash balance of \$4,617.04.

26 The Commission has prosecuted Respondents on two prior occasions for failing to timely file
27 eight prior semi-annual statements. On August 20, 2010, the Commission approved a \$1,200 fine for
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1 Respondents' failure to timely file six semi-annual statements. On August 16, 2012, the Commission
2 approved a \$800 fine for Respondents' failure to timely file two semi-annual statements.

3 Accordingly, Respondents committed the following violations:

4 **COUNT 1**

5 **Failure to Timely File Required Semi-Annual Statement**

6 Respondents failed to timely file a semi-annual statement for the period ending on December 31,
7 2012, by the January 31, 2013 deadline, in violation of Government Code Section 84200, subdivision
8 (a).

9 **COUNT 2**

10 **Failure to Timely File Required Semi-Annual Statement**

11 Respondents failed to timely file a semi-annual statement for the period ending on June 30, 2013,
12 by the July 31, 2013 deadline, in violation of Government Code Section 84200, subdivision (a).

13 **COUNT 3**

14 **Failure to Timely File Required Semi-Annual Statement**

15 Respondents failed to timely file a semi-annual statement for the period ending on December 31,
16 2013, by the January 31, 2014 deadline, in violation of Government Code Section 84200, subdivision
17 (a).

18 **CONCLUSION**

19 This matter consists of three counts of violating the Act, which carries a maximum
20 administrative penalty of five thousand dollars (\$5,000) per count.

21 In determining the appropriate penalty for a particular violation of the Act, the Enforcement
22 Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an
23 emphasis on serving the purposes and intent of the Act. The Enforcement Division also considers the
24 facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5,
25 subdivision (d)(1)-(6), which include: the seriousness of the violations; the presence or lack of intent to
26 deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the
27 Respondent demonstrated good faith in consulting with Commission staff; whether there was a pattern
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1 of violations; and whether upon learning of the violation the Respondent voluntarily filed amendment to
2 provide full disclosure.

3 The Enforcement Division considers failure to file required semi-annual statements to be a
4 serious violation of the Act as it undermines one of its central purposes – transparency. Without timely
5 disclosure of semi-annual statements the public is deprived of important information concerning the
6 campaign’s contributors and financial activities.

7 **AGGRAVATING FACTORS**

8 In aggravation, Respondents have a demonstrated pattern of violating the Act. Also, given that
9 Respondents were fined two prior times for the same offense present here, it is clear that they were well
10 aware of their filing requirements and simply disregarded them.

11 **MITIGATING FACTORS**

12 In mitigation, during the periods covered by the delinquent statements, Respondent Committee
13 did not receive any contributions or make any expenditures. Therefore, the public harm involved here
14 is relatively low.

15 Other similar cases regarding multiple violations of Section 84200 that have been recently
16 approved by the Commission include:

- 17 • ***In the Matter of Ronald Smith and Friends of Ron Smith***; FPPC Case No. 11/1053.

18 Respondent Ronald Smith, as a candidate for re-election to the West Basin Municipal Water
19 District Board in the November 2, 2010 election, and his candidate controlled committee,
20 Friends of Ron Smith, failed to timely file two semi-annual campaign statements, in violation of
21 Government Code Sections 84200, subdivision (a). Respondent’s controlled committee only
22 received \$300 in contributions and made no expenditures during the period covered by the
23 delinquent statements. However, respondent had prior violations for failing to file campaign
24 reports. **On December 13, 2012, the Commission approved a \$1,500 fine for the two**
25 **violations.**

