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

11
12 In the Matter of) FPPC No. 13/1197
13)
14 TRAVIS SVENNSON,) STIPULATION, DECISION and
Respondent.) ORDER
15)
16)

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18 Complainant, the Fair Political Practices Commission, and respondent Travis Svensson
19 (“Respondent”) agree that this Stipulation will be submitted for consideration by the Fair Political
20 Practices Commission at its next regularly scheduled meeting.

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

24 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural
25 rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Sections 18361.1
26 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to,
27 the right to personally appear at any administrative hearing held in this matter, to be represented by an
28 attorney at Respondent’s own expense, to confront and cross-examine all witnesses testifying at the

1 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge
2 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

3 It is further stipulated and agreed that Respondent violated the Political Reform Act by failing to
4 timely file a statement of economic interests for the 2012 calendar year by April 1, 2013, in violation of
5 Government Code section 87300 (1 count).

6 All counts are described in Exhibit 1, which is attached hereto and incorporated by reference as
7 though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

8 Respondent agrees to the issuance of the Decision and Order, which is attached hereto.
9 Respondent also agrees to the Commission imposing upon him an administrative penalty in the amount
10 of \$1,000. A cashier's check from Respondent in said amount, made payable to the "General Fund of
11 the State of California," is submitted with this Stipulation as full payment of the administrative penalty,
12 to be held by the State of California until the Commission issues its decision and order regarding this
13 matter. The parties agree that in the event the Commission refuses to accept this Stipulation, it shall
14 become null and void, and within 15 business days after the Commission meeting at which the
15 Stipulation is rejected, all payments tendered by Respondent in connection with this Stipulation shall be
16 reimbursed to Respondent. Respondent further stipulate and agree that in the event the Commission
17 rejects the Stipulation, and a full evidentiary hearing before the Commission becomes necessary, neither
18 any member of the Commission, nor the Executive Director, shall be disqualified because of prior
19 consideration of this Stipulation.

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21 Dated: _____

Gary Winuk, Enforcement Chief,
On behalf of the
Fair Political Practices Commission

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23
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25 Dated: _____

Travis Svennson, Respondent

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Travis Svennson” FPPC No. 13/1197,
3 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political
4 Practices Commission, effective upon execution below by the Chair.

5
6 IT IS SO ORDERED.

7 Dated: _____

8 _____
9 Sean Eskovitz, Vice-Chair
Fair Political Practices Commission

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EXHIBIT 1

INTRODUCTION

Travis Svensson (“Respondent”) was appointed to the Department of Consumer Affairs Board of Registered Nurses Diversion Evaluation Committee (the “DEC”) on July 25, 2012, and has been a member of the DEC at all relevant times. As a member of the DEC, Respondent is a “designated employee” as defined in Section 82019, subdivision (a), of the Political Reform Act (the “Act”) and in the Department of Consumer Affairs’ Conflict of Interest Code.¹ As required by Section 87300 of the Act and the Department of Consumer Affairs’ Conflict of Interest Code, every member of the DEC is required to file an Annual Statement of Economic Interests (“SEI”) disclosing the economic interests that he or she holds.

This matter arose out of a referral from Fair Political Practices Commission’s (the Commission”) Technical Assistance Division (“TAD”).

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

Count 1: As a designated employee and member of the Department of Consumer Affairs Board of Registered Nurses Diversion Evaluation Committee since July 25, 2012, Respondent Travis Svensson had a duty to file a Statement of Economic Interests for the 2012 calendar year with the Department of Consumer Affairs by April 1, 2013. Respondent Travis Svensson failed to file a Statement of Economic Interests for the 2012 calendar year with the Department of Consumer Affairs by April 1, 2013, in violation of Section 87300 of the Government Code.

SUMMARY OF THE LAW

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

Liberal Construction and Vigorous Enforcement of the Political Reform Act

When the 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.

Disclosure Provisions

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure

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.

that the assets and income of public officials, that may be materially affected by their official actions, be disclosed, so that conflicts of interests may be avoided. In furtherance of this purpose, Section 87300 requires every agency to adopt and promulgate a Conflict of Interest Code.

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 SEI’s, disclosing reportable investments, business positions, interests in real property, and sources of income. Thus, designated employees must file SEI’s 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 an Annual SEI at a times specified in the agency’s Conflict of Interest Code, disclosing investments, income, business positions, and interests in real property, held or received at anytime during the previous calendar year.

Under Section 87300, the requirements of an agency’s Conflict of Interest Code have the force of law, and any violation of those requirements is deemed a violation of the Act.

The Department of Consumer Affairs’ Conflict of Interest Code requires that members of the DEC file an Annual SEI, covering the prior calendar year, with the Department of Consumer Affairs every year by April 1. (California Code of Regulations, Title 16, section 3830.)

SUMMARY OF THE FACTS

Respondent has been a member of the DEC since July 25, 2012. On July 11, 2013, TAD sent a letter to Respondent informing him that he had failed to file a SEI for the 2012 calendar year by the April 1, 2013, deadline, and requesting that he file it with the Commission and pay a \$100 late filing fee. The letter also informed Respondent that TAD would refer the matter to the Commission’s Enforcement Division (the “Enforcement Division”) if Respondent did not respond within 15 days.

Respondent did not respond to TAD’s July 11, 2013, letter. On August 19, 2013, TAD sent Respondent a letter requesting that he file the delinquent statement and informing him that the matter was being referred to the Enforcement Division. On September 9, 2013, the matter was referred the matter to the Enforcement Division.

On September 13, 2013, TAD received the delinquent statement from Respondent. However, Respondent failed to include payment for the \$100 late filing fee. On September 19, 2013, TAD sent Respondent a letter informing him that if he did not pay the late filing fee within 30 days, the matter would be referred to collection. Respondent did not pay the fine or respond to TAD’s September 19, 2013, letter.

On November 1, 2013, TAD sent Respondent a letter informing him that the matter was being referred to the Franchise Tax Board Tax Intercept Program because he had failed to pay the late filing fee.

On November 12, 2013, the Commission received two checks from Respondent, each in the amount of \$200. One check was made out to “Milad Dalju-FPPC Scam.” The other check was made out to “FPPC Scam St. of California” and stated in the memo section “FPPC Boondoggle.”

Accordingly, Respondent committed the following violation of the Act:

Failure to Timely File a 2012 Annual Statement of Economic Interests

As a designated employee and member of the Department of Consumer Affairs Board of Registered Nurses Diversion Evaluation Committee since July 25, 2012, Respondent Travis Svensson had a duty to file a Statement of Economic Interests for the 2012 calendar year with the Department of Consumer Affairs by April 1, 2013. Respondent Travis Svensson failed to file a Statement of Economic Interests for the 2012 calendar year with the Department of Consumer Affairs by April 1, 2013, in violation of Section 87300 of the Government Code.

CONCLUSION

This matter involves on count of violating the Act, which carries a maximum administrative penalty of \$5,000.

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division of the Commission 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): 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(s) 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 amendments to provide full disclosure. The facts are required to be considered by the Commission under Regulation 18361.5.

Failure to file a SEI 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 or she makes in his or her official capacity.

On December 10, 2009, the Commission, in a default decision, fined a designated employee \$2,000 per count for failing to file Annual SEIs. (*In the Matter of Benjamin Natividad*, FPPC No. 05/417.) On February 11, 2010, the Commission, in a default decision, fined a designated employee \$2,000 for failing to file an Annual SEI. (*In the Matter of James McGhee*, FPPC No. 08/689.)

In this matter, Respondent deliberately sent the Commission two checks that he knew the Commission could not apply to his outstanding late filing fee. Additionally, Respondent did not file the delinquent statement for months after being informed by the Commission that he had missed the deadline for filing the statement. However, Respondent does not have a history of violating the Act, has agreed to an early settlement of this matter, and, after several requests, filed the delinquent statement. Therefore a \$1,000 penalty is recommended.

PROPOSED PENALTY

After consideration of the factors of Regulation 18361.5, and consideration of penalties in prior enforcement actions, the imposition of a \$1,000 penalty on Respondent is recommended.

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