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**FAIR POLITICAL PRACTICES COMMISSION**  
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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
STATE OF CALIFORNIA

In the Matter of ) FPPC No. 14/174  
CLIFTON L. HARRIS AND CLIFTON L. )  
HARRIS FOR SAN BERNARDINO ) STIPULATION, DECISION and  
COUNTY SHERIFF -2014, ) ORDER  
Respondents. )

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondents Clifton L. Harris and Clifton L. Harris for San Bernardino County Sheriff -2014 agree that this Stipulation will be submitted for consideration by the Fair Political Practices 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 the Respondent, pursuant to Section 83116 of the Government Code.

Clifton L. Harris and Clifton L. Harris for San Bernardino County Sheriff -2014 understand, and hereby knowingly and voluntarily waive, any and all procedural rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Sections 18361.1 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally

1 appear at any administrative hearing held in this matter, to be represented by an attorney at Clifton L.  
2 Harris' and Clifton L. Harris for San Bernardino County Sheriff -2014's own expense, to confront and  
3 cross-examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to  
4 have an impartial administrative law judge preside over the hearing as a hearing officer, and to have the  
5 matter judicially reviewed.

6 It is further stipulated and agreed that Respondents Clifton L. Harris and Clifton L. Harris for  
7 San Bernardino County Sheriff -2014 violated the Political Reform Act by failing to deposit  
8 contributions received from Respondent Harris into a single, designated campaign bank account prior  
9 to expenditure, in violation of Section 85201, subdivisions (c), (d), and (e) of the Government Code (1  
10 count). This count is described in Exhibit 1, which is attached hereto and incorporated by reference as  
11 though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

12 Clifton L. Harris and Clifton L. Harris for San Bernardino County Sheriff -2014 agree to the  
13 issuance of the Decision and Order, which is attached hereto. Clifton L. Harris and Clifton L. Harris for  
14 San Bernardino County Sheriff -2014 also agree to the Commission imposing upon them an  
15 administrative penalty in the amount of Three Thousand Dollars (\$3,000). A cashier's check from  
16 Respondents in said amount, made payable to the "General Fund of the State of California," is  
17 submitted with this Stipulation as full payment of the administrative penalty, to be held by the State of  
18 California until the Commission issues its decision and order regarding this matter. The parties agree  
19 that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and  
20 within fifteen (15) business days after the Commission meeting at which the Stipulation is rejected, all  
21 payments tendered by Clifton L. Harris and Clifton L. Harris for San Bernardino County Sheriff -2014  
22 in connection with this Stipulation shall be reimbursed to Clifton L. Harris and Clifton L. Harris for  
23 San Bernardino County Sheriff -2014. Clifton L. Harris and Clifton L. Harris for San Bernardino  
24 County Sheriff -2014 further stipulate and agree that in the event the Commission rejects the  
25 Stipulation, and a full evidentiary hearing before the Commission becomes necessary, neither any  
26 member of the Commission, nor the Executive Director, shall be disqualified because of prior  
27 consideration of this Stipulation.

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3 Dated: \_\_\_\_\_

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6 Galena West, Acting Chief of Enforcement  
7 Fair Political Practices Commission

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10 Dated: \_\_\_\_\_

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13 Clifton L. Harris, Respondent, individually and on behalf of Clifton  
14 L. Harris for San Bernardino County Sheriff -2014, Respondent

1           **DECISION AND ORDER**

2           The foregoing Stipulation of the parties “In the Matter of Clifton L. Harris and Clifton L. Harris  
3           for San Bernardino County Sheriff -2014,” FPPC No. 14/174, including all attached exhibits, is hereby  
4           accepted as the final decision and order of the Fair Political Practices Commission, effective upon  
5           execution below by the Chair.

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7           IT IS SO ORDERED.

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9           Dated: \_\_\_\_\_

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12           Joann Remke, Chair  
13           Fair Political Practices Commission

## **EXHIBIT 1**

### **INTRODUCTION**

Clifton L. Harris was an unsuccessful candidate for San Bernardino County Sheriff in the June 3, 2014 election, and Clifton L. Harris for San Bernardino County Sheriff -2014 (“Committee”) was his candidate controlled committee. The Committee was terminated effective December 3, 2014.

This case arose from the Enforcement Division of the Fair Political Practices Commission’s (“Commission”) audit of the Committee, authorized under Government Code Section 83123.5 and the County of San Bernardino Campaign Finance Reform Ordinance (the “Ordinance”). The Commission is authorized to be the civil prosecutor of the Ordinance and may investigate possible violations and bring administrative actions prior to any election. The audit covered the period January 1, 2013 through June 30, 2014, and the Committee reported \$18,112 in contributions received and \$20,306 in expenditures made for the time period. Clifton L. Harris and Clifton L. Harris for San Bernardino County Sheriff -2014 violated the Political Reform Act (the “Act”)<sup>1</sup> by failing to deposit funds into the campaign bank account prior to expenditure.

### **SUMMARY OF THE LAW**

An express purpose of the Act is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed, so that voters may be fully informed, and improper practices may be inhibited.<sup>2</sup> The Act therefore establishes a campaign reporting system designed to accomplish this purpose of disclosure.

#### **Duty to Deposit Campaign Funds into a Single, Designated Campaign Bank Account Prior to Expenditure**

To ensure full disclosure of campaign activity and to guard against improper use of campaign funds, the Act requires campaign funds to be segregated from nonpolitical, personal accounts and kept in a single, designated campaign bank account.<sup>3</sup> To achieve this end, the Act requires candidates to establish a single campaign bank account into which all contributions made to a candidate or controlled committee must be deposited, and that any personal funds to be utilized to promote the election of the candidate to be deposited into the campaign bank account prior to expenditure.<sup>4</sup> Subject to certain exceptions that are not applicable to this matter, all campaign expenditures must be made from the campaign bank account.<sup>5</sup>

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<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in Sections 18109 through 18997 of Title 2, California Code of Regulations.

<sup>2</sup> Section 81002, subdivision (a).

<sup>3</sup> (Section 85201.)

<sup>4</sup> Section 85201, subdivisions (c) and (d).

<sup>5</sup> Section 85201, subdivision (e).

## SUMMARY OF THE FACTS

The Enforcement Division's audit found that Clifton L. Harris and Clifton L. Harris for San Bernardino County Sheriff -2014, by in large, complied with the Act and the Ordinance's campaign reporting requirements. However, the audit revealed that expenditures totaling \$5,549 were not paid through the campaign bank account. These were paid with the candidate's personal checks, debit, or credit cards; and \$459 was paid in cash.

## VIOLATION

### Count 1: Failure to Deposit Campaign Funds into a Single, Designated Campaign Bank Account Prior to Expenditure

Campaign expenses totaling \$5,549 were not paid through the campaign bank account. These payments represent approximately 27% of the Committee's reported expenditures. As a matter of law, these contributions were to have been deposited in the Committee bank account prior to expenditure by the Committee.

By making expenditures from an account other than the single, designated campaign bank account, Clifton L. Harris and Clifton L. Harris for San Bernardino County Sheriff -2014 violated Section 85201, subdivisions (c), (d), and (e) of the Government Code.

## CONCLUSION

This matter consists of one count, which carries a maximum possible administrative penalty of \$5,000.

In determining the appropriate penalty for a particular violation of the Act, 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 Commission considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d): 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 Commission also considers penalties in prior cases involving similar violations. A recent similar case involving the failure to deposit campaign funds into a single, designated campaign bank account prior to expenditure is:

- *In the Matter of Ben Kalasho and Ben Kalasho Committee to Elect for El Cajon City Council 2012*, FPPC No. 14/048. Ben Kalasho, an unsuccessful candidate for election to the El Cajon City Council in the November 6, 2012 election, and his candidate controlled committee, failed to deposit contributions made by Kalasho, in the amount of \$7,979, from his sole proprietorship, into a single, designated

campaign bank account prior to expenditure. On October 16, 2014, the Commission approved a penalty of \$3,000 for the violation.

The public harm inherent in this type of violation, where pertinent information is not disclosed by the committee, is that the public is deprived of a means to discover the size and extent of the campaign, and the nature of the committee's campaign expenses. In this case, Harris failed to deposit contributions from himself into the campaign bank account prior to expenditure. In addition, \$1,683, or 30%, of these expenditures made outside the campaign bank account were not disclosed on the Committee's campaign statements. Respondents have no prior Enforcement history.

### **PROPOSED PENALTY**

After review of the facts of this case, including consideration of the factors of Regulation 18361.5, the imposition of a penalty of \$3,000 for Count One is recommended.