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

10
11 In the Matter of:

12 ALBERT ROBLES, FRIENDS OF
13 ALBERT ROBLES OFFICEHOLDER
ACCOUNT, COMMITTEE TO RE-
14 ELECT ALBERT ROBLES, AND
ROBLES FOR CARSON CITY
15 COUNCIL 2013,

16 Respondents.

FPPC Case No. 13/217 AND 16/9754

STIPULATION, DECISION AND ORDER

17 **STIPULATION**

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
19 Respondents Albert Robles, Friends of Albert Robles Officeholder Account, Committee to Re-Elect
20 Albert Robles and Robles for Carson City Council 2013 hereby agree that this Stipulation will be
21 submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled
22 meeting.

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

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
28 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to

1 appear personally at any administrative hearing held in this matter, to be represented by an attorney at
2 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to
3 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
4 the hearing as a hearing officer, and to have the matter judicially reviewed.

5 It is further stipulated and agreed that Respondents violated the Political Reform Act as set forth
6 in Exhibit 1, which is a true and accurate summary of the facts in this matter—and which is incorporated
7 by reference as though fully set forth herein.

8 Respondents agree to the issuance of the Decision and Order, which is attached hereto. Also,
9 Respondents agree to the Commission imposing against it an administrative penalty in the amount of
10 \$12,000. A cashier's check or money order totaling said amount—to be paid to the General Fund of the
11 State of California—is submitted with this Stipulation as full payment of the administrative penalty
12 described above, and same shall be held by the State of California until the Commission issues its
13 Decision and Order regarding this matter. The parties agree that in the event the Commission refuses to
14 accept this Stipulation, it shall become null and void, and within fifteen business days after the
15 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondents in
16 connection with this Stipulation shall be reimbursed to Respondents.

17 Respondents further stipulate and agree that in the event the Commission rejects the Stipulation
18 and a full evidentiary hearing before the Commission becomes necessary, neither any member of the
19 Commission, nor the Executive Director, shall be disqualified because of prior consideration of this
20 Stipulation.

21 Dated: _____

Galena West, Chief of Enforcement
Fair Political Practices Commission

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25 Dated: _____

Albert Robles, individually and on behalf of Friends of
Albert Robles Officeholder Account, Committee to Re-
Elect Albert Robles and Robles for Carson City Council
2013, Respondents

1 **DECISION AND ORDER**

2 The foregoing Stipulation of the parties “In the Matter of Albert Robles, Friends of Albert Robles
3 Officeholder Account, Committee to Re-Elect Albert Robles and Robles for Carson City Council 2013,”
4 FPPC Case No. 13/217 and 16/9754, including all attached exhibits, is hereby accepted as the final
5 decision and order of the Fair Political Practices Commission, effective upon execution below by the
6 Chair.

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8 IT IS SO ORDERED.

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10 Dated: _____

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12 Joann Remke, Chair
13 Fair Political Practices Commission
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EXHIBIT 1

INTRODUCTION

Respondent Albert Robles has been a member of the Water Replenishment District of Southern California, Division 5 (“Water District”) since 1992. Robles was an unopposed candidate for re-election for the Water District in the November 6, 2012 Election and so was appointed to the position. Friends of Albert Robles Officeholder Account (“Friends Committee”) and Committee to Re-Elect Albert Robles (“Re-Elect Committee”) were both Robles’ candidate controlled committees in connection with the Water District. Robles was the treasurer of the Friends Committee and the Re-Elect Committee in 2012. Additionally, Robles was a successful candidate for the Carson City Council in the March 5, 2013 Election. Robles for Carson City Council 2013 (“City Council Committee”) is his candidate controlled committee. At all relevant times, Robles has been the treasurer of the City Council Committee. Robles is currently holding both of these offices, as he was a successful candidate for both of these positions in the November 8, 2016 Election.

Under the Political Reform Act¹ (“Act”), a candidate, candidate-controlled committees and treasurer have a duty to timely disclose required information regarding financial activity, timely file campaign statements and timely file Statements of Economic interests (“SEI”). In this matter, Robles and the Re-Elect Committee violated the Act by failing to: timely disclose contributions received and expenditures made on a semi-annual campaign statement; timely file two pre-election campaign statements; and timely file a semi-annual campaign statement. Robles, the Re-Elect Committee and Friends Committee violated the Act by failing to timely file the two pre-election campaign statements. Robles and the City Council Committee violated the Act by: failing to file two 24-Hour Contribution Reports and failing to timely file a semi-annual campaign statement. Lastly, Robles failed to timely file his Annual 2014 SEI. This settlement resolves two cases and all violations reviewed in these cases.

SUMMARY OF THE LAW

Duty to File Campaign Statements

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.² The Act therefore establishes a campaign reporting system designed to accomplish this purpose of disclosure.

The Act defines a “committee” as any person or combination of persons who directly or indirectly receive contributions totaling \$1,000 or more in a calendar year.³ This type of committee is commonly referred to as a “recipient” committee. A committee controlled directly

¹ 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 18110 through 18997 of Title 2 of the California Code of Regulations.

² See Section 81002, subd. (a).

³ Section 82013, subd. (a).

or indirectly by a candidate, or that acts jointly with a candidate, is a candidate-controlled committee.⁴

The Act requires candidates and their controlled committees to file two semi-annual campaign statements each year.⁵ The first semi-annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and must be filed by January 31 of the following year.

In addition to semi-annual campaign statements, the Act requires all candidates being voted upon in on the first Tuesday after the first Monday in June or November of an even-numbered year, and their controlled committees, to file pre-election campaign statements.⁶

The Act provides that pre-election campaign statements for the November election period shall be filed as follows:

- (1) For the period ending September 30, a statement to be filed no later than October 5.
- (2) For the period ending 17 days before the election, a statement to be filed no later than 12 days before the election.⁷

Duty to Timely Disclose Information on Campaign Statements

Required Reporting of Contributions Received

Recipient committees are required to disclose on each campaign statement “[t]he total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received.”⁸ Also, each campaign statement must report “[t]he total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one hundred dollars (\$100) or more.”⁹

A contribution is a payment of any kind made for political purposes for which full and adequate consideration is not made to the donor.¹⁰ A payment is made for political purpose if it is: (1) for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate; or (2) it is received by or made at the behest of a candidate or controlled committee.¹¹

Each campaign statement must also include the total amount of contributions received from persons who gave the committee cumulative amounts of less than \$100 during the period

⁴ Section 82016.

⁵ Section 84200, subd. (a).

⁶ Section 84200.5, subd. (b).

⁷ Section 84200.7, subd. (b).

⁸ Section 84211, subd. (a).

⁹ Section 84211, subd. (c).

¹⁰ Sections 82015, subd. (a), 82044 and Regulation 18215, subd. (a).

¹¹ Regulation 18215, subd. (a)(1) and (2).

covered by the statement.¹² The Act requires the disclosures of the balance of cash and cash equivalent at the beginning and end of the relevant reporting period.¹³

Further, the Act requires that certain identifying information be provided for each person from whom a cumulative amount of contributions and loans of \$100 or more has been received during the period covered by the campaign statement, including the following: (1) the person's full name; (2) his or her street address; (3) his or her occupation; (4) the name of his or her employer, or if self-employed, the name of the business; (5) the date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan; and (6) the cumulative amount of contributions.¹⁴

Required Reporting of Expenditures

Recipient committees are required to disclose on each campaign statement: (1) the total amount of expenditures made during the period covered by the campaign statement; and (2) the total amount of expenditures made during the period covered by the campaign statement to persons who have received \$100 or more.¹⁵

The Act defines "expenditure" as a payment, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. "An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier."¹⁶

For each person to whom an expenditure of \$100 or more has been made during the period covered by the campaign statement, the following information must be disclosed on the campaign statement: (1) the recipient's full name; (2) the recipient's street address; (3) the amount of each expenditure; and (4) the description of the consideration for which each expenditure was made.¹⁷

Each campaign statement must also include the total amount of expenditures made by the committee to persons who have received less than \$100 during the period covered by the campaign statement.¹⁸

Duty to File 24 Hour Reports

Under the Act, when a committee makes or receives a late contribution, the committee must disclose the contribution in a late contribution report filed at each office with which the committee is required to file its next campaign statement, within 24 hours of making or receiving

¹² Section 84211, subd. (d).

¹³ Section 84211, subd. (e).

¹⁴ Section 84211, subd. (f) and (g).

¹⁵ Section 84211, subd. (b) and (i).

¹⁶ Section 82025.

¹⁷ Section 84211, subd. (k).

¹⁸ Section 84211, subd. (j).

the contribution.¹⁹ A “late contribution” means a contribution which totals in the aggregate one thousand dollars (\$1,000) or more that is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure within 90 days before the date of the election at which the candidate or measure is to be voted on.²⁰

Duty to File Statements of Economic Interests

An express purpose of the Act is to ensure 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.²¹ In furtherance of this purpose, the Act requires every person who holds an office specified in Section 87200 to file annual Statements of Economic Interests (“SEI”), disclosing the person’s reportable economic interests including investments, interests in real property, and sources of income.²² Mayors and “members of city councils” are included.²³ These statements of economic interests must be filed with the Commission no later than April 1 of the following year.²⁴

Treasurer and Candidate Liability

It is the duty of a committee’s treasurer and candidate to ensure that the committee complies with all of the requirements of the Act concerning the receipt and expenditure of funds, and the reporting of such funds.²⁵ A committee’s treasurer and candidate may be held jointly and severally liable, along with the committee, for any reporting violations committed by the committee.²⁶

SUMMARY OF THE FACTS

Water District: Robles, the Friends Committee and the Re-Elect Committee were required to file campaign statements and disclose required information under the Act. In 2012, Robles was a member of the Water District and an unopposed candidate in the November 6, 2012 Election. According to the California Water Code, if there are no qualified candidates opposing the candidate, the Board of Supervisors will appoint the qualified candidate. As a result, on or about November 20, 2012, the Board of Supervisors appointed multiple candidates to the Water District, including Robles. Regardless of this appointment, Robles and his controlled committees were required to file campaign statements disclosing financial activity in connection with the November 6, 2012 Election.

¹⁹ Sections 84203, subd. (a) and (b), and 84215.

²⁰ Section 82036. The law extending the 24 Hour Reports from 16 days prior to the election to 90 days prior to the election became effective on January 1, 2013.

²¹ Section 81002, subd. (c).

²² Section 87203.

²³ Section 87200.

²⁴ Regulation 18723, subd. (b)(2).

²⁵ Sections 81004, subd. (b), 84100, and 84213, and Regulation 18427, subd. (a), (b) and (c).

²⁶ Sections 83116.5 and 91006; Regulation 18316.6.

In 2013, Robles and the Re-Elect Committee were required to timely file pre-election campaign statements because he was running for the Carson City Council on March 5, 2013, even though that committee was for the Water District election and the activity in Re-Elect Committee was limited to a transfer made to the City Council Committee, which disclosed this activity. Robles is currently a member of the Water District and the Mayor of Carson, as he was a successful candidate for both offices in the November 8, 2016 Election.

City Council: As a candidate for Carson City Council in the March 5, 2013 Election, Robles and the City Council Committee were required to comply with the requirements under the Act. Robles and the City Council Committee failed to: file two late contribution reports and timely file a semi-annual campaign statement, in violation of the Act.

Robles' SEI: As a public official, Robles was required to timely file his 2014 SEI by the April 1, 2015 deadline. According to the filing officer, Robles filed his 2014 SEI on October 8, 2015, over six months late.

Enforcement History: Robles has prior relevant history with the Enforcement Division. Robles and the Friends Committee received a Warning Letter in FPPC Case 06/492, for failure to file a semi-annual statement for the second half of 2005. In December 2012, the Fair Political Practices Commission approved a streamline stipulation for three counts for failing to timely file campaign statements in 2010 and 2011 for both Water District committees, for a fine of \$1,200.

Count 1: Failure to Timely Disclose Contributions and Expenditures on a Campaign Statement

On September 24, 2012, Robles and the Re-Elect Committee filed a Short Form 470, disclosing that he did not intend to receive or make contributions in excess of \$1,000. On the same date, September 24, 2012, Robles and the Re-Elect Committee filed a semi-annual campaign statement for the period January 1, 2012, through June 30, 2012, disclosing no contributions received and no expenditures made. This semi-annual campaign statement was due on July 31, 2012.

On August 15, 2013, almost one year later, Robles and the Re-Elect Committee filed an amendment to the semi-annual campaign statement for the period January 1, 2012, through June 30, 2012, disclosing approximately \$24,986 in contributions received and approximately \$23,277 in expenditures made. After a review of the campaign records for this period, the Enforcement Division found these amounts were accurately reported on this amendment.

By failing to timely disclose required information regarding contributions received and expenditures made during the semi-annual campaign statement for the period January 1, 2012, through June 30, 2012, Robles and the Re-Elect Committee violated Section 84211, subds. (a)-(j).

Count 2: Failing to Timely File Pre-Election Campaign Statements

Robles was an unopposed candidate for the Water District in the November 6, 2012 Election. Robles and his controlled committees were required to disclose campaign activity in pre-election campaign statements in connection with the November 6, 2012 Election.

Robles, the Friends Committee and the Re-Elect Committee were required to timely file: 1) a pre-election campaign statement for the period July 1, 2012, through September 30, 2012, by the October 5, 2012 deadline; and 2) a pre-election campaign statement for the period October 1, 2012, through October 20, 2012, by the October 25, 2012 deadline.

On August 15, 2013, Robles finally disclosed the overdue information. Instead of filing the three campaign statements listed above for each committee, he filed one statement for each committee disclosing all of the contributions and expenditures for the entire period. For the Re-Elect Committee, he disclosed \$18,495 in contributions received and \$22,209 in expenditures made for the period July 1, 2012, through December 31, 2012. For the Friends Committee, he reported no contributions or expenditures and terminated the Friends Committee. Thus, missing the pre-election campaign statement deadline by nearly 10 months for each committee.

By failing to timely file: 1) a pre-election campaign statement for the period July 1, 2012, through September 30, 2012, by the October 5, 2012 deadline; and 2) a pre-election campaign statement for the period October 1, 2012, through October 20, 2012, by the October 25, 2012 deadline, Robles, the Friends Committee and the Re-Elect Committee violated Sections 84200.5, subd. (b) and 84200.7, subd. (b).

Count 3: Failing to Timely File Semi-Annual Campaign Statements

Robles, the City Council Committee and the Re-Elect Committee had a duty to timely file semi-annual campaign statements for the January 1, 2016, through June 30, 2016 reporting period, by the August 1, 2016 deadline.

On October 17, 2016, Robles and the City Council Committee filed the semi-annual campaign statement, disclosing no contributions received, \$60 in payments made, an ending cash balance of approximately \$349 and \$5,000 of outstanding debt still owed.

On October 18, 2016, Robles and the Re-Elect Committee filed the semi-annual campaign statement, disclosing no contributions received, no payments made and an ending cash balance of approximately \$564.

By failing to timely file the semi-annual campaign statement for the period January 1, 2016, through June 30, 2016, Robles, the City Council Committee and the Re-Elect Committee violated Section 84200.

Count 4: Failing to File 24-Hour Contribution Reports

Robles was a candidate for the Carson City Council in the March 5, 2013 Election. Robles and the City Council Committee had a duty to file 24-Hour Contribution Reports when they made or received \$1,000 or more within 90 days before the date of the election at which the candidate is to be voted on. The late contribution reporting period for the March 5, 2013 Election was January 1, 2013, through March 4, 2013. Robles and the City Council Committee failed to file the following 24-Hour Contribution Reports:

Date the Late Contribution was Received	Filing Deadline	Contributor	Amount of the Late Contribution
January 16, 2013	Within 24 Hours	Kalyn Tran	\$1,500
January 18, 2013	Within 24 Hours	Foundation for Policy and Government	\$1,500
		Harris and Assoc.	\$5,000
		Total:	\$8,000

Robles and the City Council Committee failed to disclose three late contributions of \$1,000 or more in two separate 24-Hour Contribution Reports within 90 days of the March 5, 2013 Election, in violation of Section 84203.

Count 5: Failure to Timely File an Annual 2014 SEI

As the Mayor of Carson, Robles was required to file his Annual 2014 SEI disclosing reportable economic interests that he held in the preceding calendar year by the April 1, 2015 deadline. Further, Robles is required to include all elected and designated positions he holds during that year. He was also a Member of the Water District. According to the filing officer, Robles filed the Annual 2014 SEI late, on October 8, 2015.

By failing to timely file his Annual 2014 SEI, Robles violated Section 87203 and Regulation 18723, subdivision (b)(2).

CONCLUSION

This matter consists of five counts of violating the Act, which carries a maximum administrative penalty of \$5,000 for each violation, for a total of \$25,000.

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 the context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6): (1) the seriousness of the violations; (2) the presence or lack of intent to conceal, deceive or mislead; (3) whether the violation was deliberate, negligent, or inadvertent; (4) whether the respondents 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 Respondent voluntarily filed an amendment to provide full disclosure.

The Commission also considers penalties in prior cases involving similar violations. A similar case where the respondents failed to timely disclose required information regarding contributions received and expenditures made include:

Failure to Timely Disclose Financial Activity

In the Matter of League of California Cities CITIPAC, aka League of California Cities CITIPAC, Supporting Proposition 22, and Dan Harrison, FPPC No. 12/727. Respondents failed to report contributions totaling 80% of all contributions received, approximately \$138,375, during a single, pre-election reporting period for one count. Respondents filed amended statements after the election. The penalty for this count was \$3,000. This Stipulation was approved by the Commission on February 28, 2013.

The public harm inherent in reporting violations is that the public is deprived of time-sensitive information regarding the sources and amounts of campaign activity. In this matter, Robles and the Re-Elect Committee failed to timely disclose any contributions received or expenditures made until almost a year later. In aggravation, Robles was a candidate for the Water District in November 2012, and none of this financial activity was disclosed to the public prior to the election. Additionally, Robles has been a member of the Water District since 1992 and was aware of his filing requirements. In mitigation, Robles was ultimately appointed to the Water District, as he was an unopposed candidate. Robles has since hired a professional treasurer to assist with his filing requirements for his current 2016 Mayor Committee.

Recent similar cases where the respondents failed to timely file required campaign statements, include:

Failure to File Pre-Election Campaign Statements

In the Matter of Virginia Mari Goodman, Mari Goodman for Assembly 34-2012, and Joan Slater, FPPC No. 13/1327. At the June 18, 2015 Commission Meeting, the Commission approved a \$2,500 penalty for failing to file two pre-election campaign statements in connection with the November 2012 election. Respondent was an unsuccessful candidate for State Assembly.

Failure to File Semi-Annual Campaign Statements

In the Matter of Santa Barbara County Lincoln Club, FPPC No. 12/063. In February 2013, the Commission approved a fine of \$2,000 each for 3 counts of failing to timely file semi-annual campaign statements. In this case, Respondents were experienced with the Act and had previously violated the Act.

Failure to File 24-Hour Reports

In the Matter of Salud O. Carbajal, Salud Carbajal For Supervisor 2012, and David Peri. FPPC No. 14/851. In April 2015, the Commission approved a penalty of \$2,000 each for 3 counts of failing to file 3 late contribution reports disclosing \$11,500.

A recent similar case where the respondents failed to timely file a required SEI, includes:

Failure to Timely File an Annual SEI

In the Matter of Carlos Baker, Jr.; FPPC No. 15/820. In November 2016, the Commission approved a penalty of \$1,500 for failing to timely file a 2014 Annual SEI. In mitigation, Baker was a retired judge who triggered the SEI filing requirements when he was assigned to work more than 30 days in 2014.

In this matter, Robles failed to timely file multiple campaign statements for multiple committees. In aggravation, Robles has a prior history with the Enforcement Division for failing to timely file campaign statements. Additionally, Robles has been a member of the Water District since 1992 and is aware of his filing requirements. In mitigation, Robles has filed the late campaign statements and has hired a professional treasurer to assist with his filing requirements for his current 2016 Mayor committee.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5, prior similar cases, and other relevant factors, it is respectfully requested the Commission impose the following penalties:

Count	Respondents	Description	Penalty per ct	Total
1	Robles and the Re-Elect Committee	Campaign Filing/Disclosure	\$3,000	\$3,000
2	Robles, the Friends Committee and the Re-Elect Committee	Pre-Election Campaign Statements	\$2,500	\$2,500
3	Robles, the Re-Elect Committee and the City Council Committee	Semi-Annual Campaign Statements	\$2,500	\$2,500
4	Robles and the City Council Committee	24-Hour Contribution Reports	\$2,000	\$2,000
5	Robles	SEI	\$2,000	\$2,000
		Total Penalty Against Robles (Individually)		\$12,000
		Total Penalty Against Robles and the Re-Elect Committee		\$8,000
		Total Penalty Against Robles and the Friends Committee		\$2,500
		Total Penalty Against Robles and the City Council Committee		\$4,500
		Total Proposed Penalty		\$12,000

