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

10
11 In the Matter of:

12 GREGORY KELLY MEAGHER,

13 Respondent.

FPPC Case No. 14/32

14 STIPULATION, DECISION AND ORDER

15 **STIPULATION**

16 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
17 Respondent Gregory Kelly Meagher hereby agree that this Stipulation will be submitted for consideration
18 by the Fair Political Practices Commission at its next regularly scheduled meeting.

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

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

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

4 Respondent agrees to the issuance of the Decision and Order, which is attached hereto. Also,
5 Respondent agrees to the Commission imposing against him an administrative penalty in the amount of
6 \$14,500. One or more cashier’s checks or money orders totaling said amount—to be paid to the General
7 Fund of the State of California—is/are submitted with this Stipulation as full payment of the
8 administrative penalty described above, and same shall be held by the State of California until the
9 Commission issues its Decision and Order regarding this matter. The parties agree that in the event the
10 Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen business
11 days after the Commission meeting at which the Stipulation is rejected, all payments tendered by
12 Respondent in connection with this Stipulation shall be reimbursed to Respondent.

13 Respondent further stipulates and agrees that in the event the Commission rejects the Stipulation
14 and a full evidentiary hearing before the Commission becomes necessary, neither any member of the

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1 Commission, nor the Executive Director, shall be disqualified because of prior consideration of this
2 Stipulation.

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5 Dated: _____
6 Galena West, Chief of Enforcement
Fair Political Practices Commission

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9 Dated: _____
10 Gregory Kelly Meagher, Respondent

11 **DECISION AND ORDER**

12 The foregoing Stipulation of the parties “In the Matter of Gregory Kelly Meagher,” FPPC Case
13 No. 14/32, including all attached exhibits, is hereby accepted as the final decision and order of the Fair
14 Political Practices Commission, effective upon execution below by the Chair.

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16 IT IS SO ORDERED.

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18 Dated: _____
19 Joann Remke, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

In 2011, Gregory Kelly Meagher was a major donor who supported Chico Conservation Voters, a primarily formed ballot measure committee, which was opposed to the City of Chico's Measure A in the special election that was held on June 7, 2011.¹

In April 2012, Meagher qualified as an independent expenditure committee. This was due to his spending in connection with advertisements against Butte County's Measure A in the election that was held on June 5, 2012.

During the last half of 2012, Meagher qualified as a major donor again because he made contributions to Chico Conservation Voters (which supported various state propositions and candidates for Chico City Council).

This case involves failure to file various campaign statements and reports, as well as improper advertisement disclosures in violation of the Political Reform Act (the "Act").² This stipulation only encompasses known violations through the end of 2012. More recent activity, including Meagher's activity in 2013 and 2014, is the subject of a separate case, which remains pending.

SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred in 2011 and 2012. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act

When enacting the Political Reform Act, the people of California found and declared that previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.³ For this reason, the Act is to be construed liberally to accomplish its purposes.⁴

One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in election campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited.⁵ Along these lines, the Act includes a

¹ Status as a major donor or independent expenditure committee only lasts for the calendar year of qualification.

² The Act is contained in Government Code sections 81000 through 91014. All statutory references are to this code. 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 this source.

³ Section 81001, subdivision (h).

⁴ Section 81003.

⁵ Section 81002, subdivision (a).

comprehensive campaign reporting system, and certain disclosures are required for political advertisements.⁶ Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”⁷

Difference Between Independent Expenditures and Contributions

The definition of “independent expenditure” includes an expenditure made by any person in connection with a communication that expressly advocates the qualification, passage or defeat of a clearly identified ballot measure, or taken as a whole and in context, unambiguously urges a particular result in an election—where the expenditure is not made to or at the behest of the affected committee.⁸

Generally speaking, if a payment is made *to or at the behest* of a committee, the payment is a “contribution.”⁹

Definition of Independent Expenditure Committee

A person qualifies as an independent expenditure committee by making independent expenditures totaling \$1,000 or more in a calendar year.¹⁰

Definition of a Major Donor Committee

A person qualifies as a major donor committee by making contributions totaling \$10,000 or more during a calendar year.¹¹

Types of General Purpose Committees

The definition of a “general purpose committee” includes major donor committees and independent expenditure committees.¹²

A “state general purpose committee” is a committee to support or oppose candidates or measures voted on in a state election, or in more than one county.¹³

A “county general purpose committee” is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county.¹⁴

⁶ Sections 84200, et seq. and 84501, et seq.

⁷ Section 81002, subdivision (f).

⁸ Section 82031.

⁹ Section 82015.

¹⁰ Section 82013, subdivision (b).

¹¹ Section 82013, subdivision (c).

¹² Section 82027.5, subdivision (a).

¹³ Section 82027.5, subdivision (b).

¹⁴ Section 82027.5, subdivision (c).

A “city general purpose committee” is a committee to support or oppose candidates or measures voted on in only one city.¹⁵

Mandatory Filing of Campaign Statements and Reports

At the core of the Act’s campaign reporting system is the requirement that committees, including independent expenditure committees and major donor committees, must file campaign statements and reports for certain reporting periods and by certain deadlines.¹⁶

In connection with the election held June 7, 2011, major donors who qualified as city general purpose committees were required to file campaign statements and reports with the city clerk as follows:¹⁷

Period	Filing	Due	Note
1/1/11 – 4/23/11	Pre-Election Statement (Form 461)	4/28/11	File if contributions totaling \$500 or more are made during period.
4/24/11 – 5/21/11	Pre-Election Statement (Form 461)	5/26/11	
5/22/11 – 6/6/11	Late Contribution Report (Form 497)	w/in 24 hrs.	File if contributions of \$1,000 or more are made.
5/22/11 – 6/30/11	Semi-Annual Statement (Form 461)	8/1/11	

In connection with the election held June 5, 2012, persons making independent expenditures who qualified as county general purpose committees were required to file certain campaign statements and reports with the county elections official, including the following:¹⁸

Period	Filing	Due	Note
1/1/12 – 3/17/12	Supplemental Independent Expenditure Report (Form 465)	3/22/12	File if independent expenditures totaling \$1,000 or more are made during the period.
3/18/12 – 5/19/12	Supplemental Independent Expenditure Report (Form 465)	5/24/12	
1/1/12 – 6/30/12	Semi-Annual Statement (Form 461)	7/31/12	-

In connection with the election held November 6, 2012, major donors who qualified as state general purpose committees were required to file certain campaign statements and reports with the Secretary of State (electronically and in paper format), including a semi-annual statement (Form 461) for the period ending December 31, 2012 by the due date of January 31, 2013.¹⁹

¹⁵ Section 82027.5, subdivision (d).

¹⁶ Sections 84200, et seq.

¹⁷ See Sections 82036 (as it was in effect in 2011); 82046; 84200, subdivision (b); 84200.5, subdivision (i); 84200.8; 84203; 84215, subdivision (d); and Regulation 18116.

¹⁸ See Sections 82046; 84200, subdivision (b); 84203.5, subdivision (a); and 84215, subdivision (c).

¹⁹ See Sections 82046; 84200, subdivision (b); and 84215, subdivision (a).

Mandatory Disclosure for Political Advertisements

Political advertisements that are regulated by the Act include any general or public advertisement that is authorized and paid for by a person or committee for the purpose of supporting or opposing a ballot measure or ballot measures.²⁰ When such an advertisement is paid for by an individual who qualifies as an independent expenditure committee, the advertisement must include a disclosure statement that says, “Paid for by [name of individual making the independent expenditure].”²¹

VIOLATIONS

Counts 1-3: Failure to Timely File as a Major Donor in 2011

In 2011, Gregory Kelly Meagher made contributions totaling approximately \$41,000 to Chico Conservation Voters (CCV), a primarily formed ballot measure committee, which was opposed to the City of Chico’s Measure A in the special election that was held on June 7, 2011. This measure was an attempt to move Chico’s general municipal elections from November to June, but the measure was defeated (as it only garnered about 32% of the vote).

In making these contributions for a local election, Meagher qualified as a major donor committee and as a city general purpose committee. As such, he was required to file certain campaign statements and reports—by certain deadlines—with the city clerk, including the following:

Count	Filing	Reporting Period	Deadline	Amount
1	Pre-Election Statement (Form 461)	1/1/11 – 4/23/11	4/28/11	\$25,000
2	Late Contribution Report (Form 497)	5/31/11	6/1/11	\$10,000
3	Late Contribution Report (Form 497)	6/2/11	6/3/11	\$6,000

However, Meagher failed to timely file the foregoing campaign statements and reports.

Count 1: Failure to Timely File Pre-Election Statement (period ending 4/23/11)

As noted in the chart above, during the reporting period ending April 23, 2011, Meagher made contributions totaling \$25,000 to CCV. He was required to file a pre-election campaign statement for this period by the deadline of April 28, 2011, but he failed to do so. In this way, he violated Sections 84200.5, subdivision (i), and 84200.8, subdivision (a).

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²⁰ Section 84501, subdivision (a).

²¹ Sections 82013, subdivision (b); 84506, subdivision (a); and Regulation 18450.4. Also, see Campaign Disclosure Manual 6, Independent Expenditure Committees, Campaign Disclosure (Jan. 2015 ed.), chapter 2.4.

Count 2: Failure to File Late Contribution Report (for contribution made 5/31/11)

As noted in the chart above, Meagher failed to file a late contribution report for a contribution in the amount of \$10,000 that he made to CCV on or about May 31, 2011 by the deadline of June 1, 2011. He never filed the report. In this way, he violated Section 84203.

Count 3: Failure to File Late Contribution Report (for contribution made 6/2/11)

As noted in the chart above, Meagher failed to file a late contribution report for a contribution in the amount of \$6,000 that he made to CCV on or about June 2, 2011 by the deadline of June 3, 2011. He never filed the report. In this way, he violated Section 84203.

Counts 4 and 5: Failure to File as an Independent Expenditure Committee in 2012

Between approximately April 26 and June 29, 2012, Meagher spent approximately \$14,669 in connection with advertisements that opposed Butte County's Measure A. This measure, which was on the ballot for the election held June 5, 2012, was a referendum for a medical marijuana cultivation ordinance that limited the number of marijuana plants that could be grown based upon property size. A "yes" vote on Measure A was a vote to uphold the ordinance. A "no" vote was a vote to overturn the ordinance. The ordinance was overturned because approximately 55% of the votes cast were "no."

In making the foregoing expenditures, Meagher qualified as an independent expenditure committee and as a county general purpose committee. As such, he was required to file a supplemental independent expenditure report and a semi-annual campaign statement with the county elections official.

Count 4: Failure to File Supplemental Independent Expenditure Report (period ending 5/19/12)

Between approximately April 26 and May 15, 2012, Meagher made independent expenditures totaling approximately \$6,869 in opposition to Butte County's Measure A. He was required to report this by filing a supplemental independent expenditure report (Form 465) for the period ending May 19, 2012 by the deadline of May 24, 2012, but he failed to do so. In this way, he violated Section 84203.5.

Count 5: Failure to File Semi-Annual Statement (period ending 6/30/12)

Between approximately April 26 and June 29, 2012, Meagher made independent expenditures totaling approximately \$14,669 in opposition to Butte County's Measure A. Also, during this time period, he made contributions totaling approximately \$3,000 to the Citizens for Compassionate Use committee, and another contribution in the amount of \$500 to the Kimberly Rudisill for Chico City Council 2012 committee. Meagher was required to report this activity by filing a semi-annual campaign statement (Form 461) for the period ending June 30, 2012 by the deadline of July 31, 2012, but he failed to do so. In this way, he violated Section 84200, subdivision (b).

Count 6: Improper Advertising Disclosures

The independent expenditures described in Counts 4 and 5 above (totaling approximately \$14,669) were made by Meagher in connection with various advertisements that opposed Measure A, including: 1,000 yard signs, 2,000 flyers, four billboards, and a radio advertisement. These advertisements were required to include the disclosure: “Paid for by Gregory Kelly Meagher.” However, no such disclosure was provided. Instead, the flyers, billboards, and radio advertisement purported to be “Paid for by Butte Citizens against Measure A.” The yard signs did not even have this disclosure; rather, at the bottom of the signs, they simply stated: “ButteCitizens.org”

Butte Citizens Against Measure A is the name of a committee that Meagher attempted to form by filing a statement of organization on or about May 25, 2012—11 days before the election. The filing indicated that the committee was a primarily formed ballot measure committee in opposition to Butte County’s Measure A. Meagher was listed both as the treasurer and as the principal officer of the committee. Other than this initial statement of organization, no other committee filings were filed before the election. The committee never received contributions from anyone and never qualified as a recipient committee. It was improper for Meagher’s advertisements to claim to be paid for by Butte Citizens Against Measure A because the advertisements were paid for with Meagher’s own, personal funds—making him an independent expenditure committee and the true source of funding for the advertisements.

In this way, Meagher violated the advertising disclosure provisions of Section 84506, subdivision (a).

Count 7: Failure to File as a Major Donor Committee at the End of 2012

Between approximately July 16 and October 31, 2012, Meagher made contributions totaling approximately \$23,250. Of this amount, approximately \$20,000 was contributed to CCV, a state general purpose committee. (According to CCV’s 2012 statement of organization, it was formed to support/oppose state propositions and candidates for Chico City Council. Meagher was listed as the principal officer.) The rest was contributed to the Esplanade League and various candidates for Chico City Council.

In making these contributions, Meagher qualified as a major donor committee and as a state general purpose committee—and he was required to file a semi-annual campaign statement (Form 461) with the Secretary of State for the period ending December 31, 2012 by the deadline of January 31, 2013, but he failed to do so. In this way, Meagher violated Section 84200, subdivision (b).

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PROPOSED PENALTY

This matter consists of seven counts. The maximum penalty that may be imposed is \$5,000 per count. (Count 6 is a notable exception, which is discussed in more detail below.) Thus, the maximum penalty that may be imposed is \$35,000.²²

In determining the appropriate penalty for a particular violation of the Act, the Commission considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior record of violations.²³ Additionally, the Commission considers penalties in prior cases with comparable violations.

Counts 1 through 5 and Count 7 involve failure to file required campaign statements and reports. Recent, prior cases with comparable violations include the following:

- ❖ *In the Matter of No on Government Waste, No on Measure B, Major Funding by Manwin USA; Diane Duke; Froytal Services Limited; and Mindgeek USA Incorporated F.K.A. Manwin USA, Inc.*; FPPC Case No. 15/1133 (approved Dec. 17, 2015), the Commission imposed penalties in the range of \$2,000 to \$2,500 per count against a major donor and a ballot measure committee that failed to file **late contribution reports**. The reporting periods involved reportable activity ranging from as low as \$16,293 to as high as \$22,000.
- ❖ *In the Matter of Tara Flanagan, Tara Flanagan for Superior Court Judge 2012, and Carol Pranka*; FPPC Case No. 14/600 (approved Dec. 17, 2015), the Commission imposed a penalty in the amount of \$1,500 against a major donor who failed to file a **semi-annual campaign statement**. The reportable activity involved two contributions totaling \$25,000.
- ❖ *In the Matter of Apartment Association of Los Angeles PAC and Trevor Grimm*; FPPC Case No. 14/1359 (approved Oct. 15, 2015), the Commission imposed penalties in the amount of \$2,000 per count for failure to file **pre-election campaign statements**. The reporting periods involved reportable receipts ranging from as low as \$8,506 to as high as \$15,378—and reportable expenditures ranging from \$22,227 to \$30,089.
- ❖ *In the Matter of Million More Voters, Sponsored by the California Labor Federation, AFL-CIO, and Art Pulaski*; FPPC Case No. 14/327 (approved Aug. 20, 2015), one of the counts involved failure to file a **90-day independent expenditure report** and a **supplemental independent expenditure report**. The reportable activity was an independent expenditure in the amount of \$7,500 in support of Jerry Brown's candidacy for Governor in 2010. The Commission imposed a penalty in the amount of \$2,000 for this violation.

²² See Section 83116, subdivision (c).

²³ Regulation 18361.5, subdivision (d).

The public harm inherent in campaign reporting violations is that the public is deprived of important, time-sensitive information regarding political contributions and expenditures. The comparable violations noted above resulted in penalties that were in the range of \$1,500 to \$2,500 per count. Generally, these types of violations are considered to be more serious where the public is deprived of information that was required to be disclosed before an election because this has the potential to affect how votes are cast—so greater public harm is involved, and a higher penalty is warranted. Where the public is deprived of information that was not required to be disclosed until after the election, there may be less public harm, and a lower penalty may be justified. Another factor that influences the amount of the penalty is whether the public harm was mitigated because some of the reportable activity was disclosed to the public on another campaign filing.

Regarding Count 1, the reportable activity consisted of multiple contributions that Meagher made to CCV totaling \$25,000. This is on the high side of the range of reportable activity for the comparable violations noted above. Also, Count 1 involves failure to file a campaign statement that was due before the June 2011 election, and Meagher never disclosed the activity before the election. Although CCV did report receipt of Meagher's contributions on a pre-election statement, this does not completely mitigate the public harm caused by Meagher's failure to file regarding a large amount of money spent in a local election. Under these circumstances, a penalty in the amount of \$2,500 is recommended for Count 1.

Regarding Count 2, the reportable activity consisted of a contribution in the amount of \$10,000 from Meagher to CCV. This is on the low side of the range of reportable activity for the comparable violations noted above. However, Count 2 involves failure to file a late contribution report that was due before the election, which Meagher never filed. CCV did not report receipt of this contribution prior to the election either. This means that the public was completely deprived of information about this contribution before the election. Under these circumstances, a penalty in the amount of \$2,000 is recommended for Count 2.

Count 3 is similar to Count 2 except that Count 3 involves a smaller contribution (\$6,000 as compared to \$10,000). Also, even though Meagher failed to file the required late contribution report, the public was provided with some disclosure before the election because CCV reported receipt of the contribution on a late contribution report that it filed with the Butte County Clerk-Recorder on or about June 2, 2011. Under these circumstances, a penalty in the amount of \$1,500 is recommended for Count 3.

Lower penalties are not being sought for Counts 1 through 3 because Meagher had filed as a major donor in the past, and he was aware of his major donor filing obligations.

Count 4 involves independent expenditures totaling \$6,869, which Meagher failed to report on a supplemental independent expenditure report that was due before the June 2012 election. Meagher never filed the required report, and there was no disclosure for the voting public prior to the election. Although the reportable activity is close in amount to Count 3, the complete lack of disclosure for the public prior to the election warrants a higher penalty—as does the fact that had the report been timely filed, the public could have discerned who was the

source of funding for the advertisements that are the subject of Count 6. Under these circumstances, a penalty in the amount of \$2,000 is recommended for Count 4.

Count 5 involves reportable independent expenditures and contributions totaling \$18,169, which Meagher failed to report on a semi-annual statement that was due after the June 2012 election. Meagher never filed the required statement, but there was some public disclosure because much of this activity was reported by him after the election on campaign filings for Butte Citizens Against Measure A. In these filings, Meagher styled his independent expenditures as contributions to the Butte Citizens committee. However, this was improper because the Butte Citizens committee never received contributions from anyone. Meagher used his own funds to make his independent expenditures, making him an independent expenditure committee—and he needed to file as such. According to Meagher’s statements and other evidence that was gathered, Meagher’s failure to file properly apparently was the result of a misunderstanding of the law—not intentional concealment. Under these circumstances, a penalty in the amount of \$1,500 is recommended for Count 5.

Count 7 involves contributions totaling \$23,250, which Meagher failed to report (as a major donor) on a semi-annual statement that was not due until after the November 2012 election. On the one hand, much of this activity was reported by the recipients—so there was some disclosure for the public. On the other hand, as noted above in connection with Counts 1 through 3, Meagher had filed as a major donor in the past, and he was aware of his major donor filing obligations. Under these circumstances, a penalty in the amount of \$2,000 is recommended for Count 7.

Count 6 involves improper advertising disclosures instead of campaign filing violations. The advertisements, which cost Meagher approximately \$14,669, included 1,000 yard signs, 2,000 flyers, four billboards, and a radio advertisement. None of these advertisements included the required disclosure that they were: “Paid for by Gregory Kelly Meagher.” Although most of the advertisements did include a disclosure that they were paid for by Butte Citizens Against Measure A, this disclosure was misleading and improper for purposes of informing the public that the advertisements actually were paid for by a *single* person, Meagher. Also, because Butte Citizens Against Measure A was not a functioning committee, there were no filings by it prior to the election to indicate where the committee received its funding or how much it was spending. The only information in this regard that was available to the public before the election was the fact that Meagher was the treasurer and principal officer of the committee—but even this was not made available to the public until 11 days before the election (when the committee filed its statement of organization).

The maximum penalty of \$5,000 per count that normally applies to violations of the Act does not apply to these types of advertising violations. Rather, the penalty may be as high as three times the cost of the advertisements, including placement costs.²⁴

However, the Commission recently approved a settlement for multiple advertising disclosure violations that were charged as a single count. The usual penalty considerations were

²⁴ Section 84510.

applied, and treble damages were not sought. See *In the Matter of Yes on Prop. 47, Californians for Safe Neighborhoods and Schools, Sponsored by Vote Safe, a Project of the Advocacy Fund*, FPPC Case No. 14/1204 (approved Nov. 20, 2014), where a penalty in the amount of \$2,500 was imposed against a ballot measure committee that failed to disclose its name and its two highest donors of \$50,000 or more in two video advertisements. The stipulation noted that the maximum penalty that could be imposed was \$5,000 per count, and the cost of the advertisements was not taken into account for purposes of seeking treble damages.

Also, the Commission approved a settlement imposing a similar penalty *In the Matter of Southern California Taxpayers Association, Sponsored by and with Major Funding from Milan REI IV, LLC, Barrett Garcia, and Ann Garrett*, FPPC Case No. 12/782 (approved Nov. 20, 2014). In that case, a ballot measure committee paid for 750 lawn signs, but the signs did not include the required “paid for by” language. Although it was noted that the maximum penalty could be as high as \$23,089 (three times the cost of the signs)—treble damages were found to be excessive, and a penalty of \$2,500 was imposed.

For both of the comparable cases noted above, no advertising disclosure was provided and penalties of \$2,500 were imposed in each case. The current case involves misleading advertisement disclosure, which makes the violation more serious. Under these circumstances, a slightly higher penalty in the amount of \$3,000 is recommended for Count 6.

In closing, it is mitigating that Meagher cooperated with the Enforcement Division by agreeing to an early settlement. Also, he does not have a history of prior violations of the Act. However, in aggravation, the violations in this case demonstrate a repeated pattern of disregard for the Act over a lengthy period of time that spanned two election years. During this time, there was ample opportunity for Meagher to realize that he was not reporting his activity in a timely or transparent manner (especially considering that he had filed previously as a major donor). Also, the amount of money that he spent on these local elections was substantial; his election efforts were successful; and in the case of Counts 4 through 6, the election was close (as only 55% of the votes cast were “no”).

CONCLUSION

For the foregoing reasons, the following agreed upon penalty is recommended:

Count	Description	Penalty
1	Major Donor Pre-Election Statement, Failure to Timely File (contributions totaling \$25,000 for period ending 4/23/11)	\$2,500
2	Major Donor Late Contribution Report, Non-Filing (\$10,000 contribution made 5/31/11)	\$2,000
3	Major Donor Late Contribution Report, Non-Filing (\$6,000 contribution made 6/2/11)	\$1,500
4	Supplemental Independent Expenditure Report, Non-Filing (independent expenditures totaling approximately \$6,869 for period ending 5/19/12)	\$2,000

Count	Description	Penalty
5	Independent Expenditure Committee, Semi-Annual Statement, Non-Filing (independent expenditures totaling approximately \$14,669 and contributions totaling \$3,500 for period ending 6/30/12)	\$1,500
6	Improper Advertising Disclosures	\$3,000
7	Major Donor Semi-Annual Statement, Non-Filing (contributions totaling \$23,250 for period ending 12/31/12)	\$2,000
Total:		\$14,500