

**FAIR POLITICAL PRACTICES COMMISSION
STIPULATION, DECISION AND ORDER
Advertising and Mailing Disclosure and
Campaign Statement/Report Late Reporter Violations
(Streamline Program)**

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent(s) hereby agree that this stipulation will be included on the next regularly scheduled meeting, or as soon thereafter as the matter can be heard, of the Fair Political Practices Commission. Once presented and approved by the Chief of Enforcement, the parties agree that this stipulation will be the final disposition of the violation(s) described herein.

FPPC CASE NO.: 2018-00345

RESPONDENT(S): Monica Garcia for Senate 2018, Raquel "Monica" Garcia and Yolanda Miranda

REPRESENTATION: N/A

GOV'T CODE SECTION VIOLATED:

<input type="checkbox"/> 84305	<input type="checkbox"/> 84310	<input type="checkbox"/> 84502	<input type="checkbox"/> 84503
<input type="checkbox"/> 84504	<input type="checkbox"/> 84504.1	<input type="checkbox"/> 84504.2	<input type="checkbox"/> 84504.3
<input type="checkbox"/> 84504.4	<input type="checkbox"/> 84504.5	<input type="checkbox"/> 84505	<input checked="" type="checkbox"/> 84506.5
<input type="checkbox"/> 84509	<input type="checkbox"/> 84511	<input checked="" type="checkbox"/> 84211	

Total Penalty: \$683

STATEMENT BY RESPONDENT(S):

I acknowledge that the violation(s) of the Political Reform Act described above have occurred and voluntarily request that the Fair Political Practices Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. Any required outstanding reports in connection with these violations have now been filed. I have paid the amount of the penalty described above.

Dated: _____

Print Name: _____

ORDER OF THE COMMISSION:

I have reviewed this stipulation, taken into consideration any comments made regarding this item, and am executing this agreement under the authority of the Fair Political Practices Commission granted to me by Regulation 18360.2. This agreement is effective upon execution below.

IT IS SO ORDERED.

Dated: _____

GALENA WEST, ENFORCEMENT CHIEF

FAIR POLITICAL PRACTICES COMMISSION
STATEMENT OF RESPONDENT'S RIGHTS

The Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent, both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for notice at the next regularly scheduled Fair Political Practices Commission meeting, or as soon as the matter can be heard.

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 Respondent.

Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under California Government Code sections 83115.5, 11500, *et seq.*, and 2 California Code of Regulations sections 18361.4 through 18361.11, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that Respondent has violated the Political Reform Act as described herein.

Respondent agrees to the issuance of the Decision and Order and imposition by the Commission through the Chief of Enforcement of a penalty in the amount specified on the Stipulation, and a payment in full has been submitted by Respondent to be held by the State of California until the issuance of the Decision and Order. This will be the final disposition of the violation(s) described herein.

The parties agree that in the event the Chief of Enforcement refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is presented, payments tendered shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the event the Chief of Enforcement rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither a member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

DESCRIPTION OF VIOLATIONS:

Advertising and Mailing Disclosure				
Ct.	Ad Type	Disclosure Issue	Disclosure Issue	Penalty*
1	Mailer	Missing "Not authorized" disclaimer	N/A	\$217
2	Mailer	Missing "Not authorized" disclaimer	N/A	\$129
TOTAL PROPOSED PENALTY				\$346

* = Base + 1% of each advertisement buy

- Disclosure violation is not likely to cause confusion regarding the identity of the candidate or committee responsible for the advertisement, or a top contributor, sponsor, controlling candidate, or ballot measure supported or opposed.
- Respondent(s) has not received a penalty from the Commission for an advertisement/mailer disclosure violation in the past five years.
- The advertisement or mass mailing does not contain more than two missing or incorrect disclosures and one or more of the missing or incorrect disclosures is: (1) "paid for by" requirement, (2) top contributor information, or (3) the statement that the advertisement was "not authorized by a candidate or committee controlled by a candidate".
- Found no evidence of intent to conceal.

Campaign Statement/Report Late Reporter				
Ct.	Statement/Report	Reporting Period	Describe Reportable Activity Not Timely Reported	Penalty*
3	Pre-election	4/22/18 - 5/19/18	Independent expenditures incorrectly reported as nonmonetary contribution.	\$178
4	Semiannual	5/20/18 -6/30/18	Independent expenditures incorrectly reported as nonmonetary contribution.	\$159
TOTAL PROPOSED PENALTY				\$337

* = Base + 1% of contributions received or expenditures made if filed 7 days prior to the election or 3% if filed after that time.

- Filer has amended all pertinent statements.
- Filer has not received a penalty from the Commission for failing to timely report campaign information in the past five years.
- The total amount unreported was not more than 20% of the total contributions or expenditures for the committee for the reporting period and the total amount unreported is not more than the amount described in Regulation 18360.1 for its jurisdiction.
- Found no evidence of intent to conceal.

Advertising and Mailing Disclosure Proposed Penalty	\$346
Campaign Statement/Report Late Reporter Proposed Penalty	\$337
TOTAL PROPOSED PENALTY FOR ALL COUNTS	\$683

Filer is a:

- State Candidate Committee.**
- State General Purpose Committee.**
- State Primarily Formed Committee.**
- State Major Donor.**
- Local Candidate Committee.**
- Local General Purpose Committee.**
- Local Primarily Formed Committee.**
- Local Major Donor.**
- Independent Expenditure Committee.**