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

10 In the Matter of:

FPPC No. 18/713

11 COMMITTEE TO RE-ELECT DAVID L. BOYD
12 ORANGE COUNTY BOARD OF EDUCATION
TRUSTEE AREA TWO - 2018; DAVID L.
13 BOYD

STIPULATION, DECISION AND ORDER

14 Respondents.

15
16 **INTRODUCTION**

17 Respondent David L. Boyd (“Boyd”) was a candidate for Orange County Board of Education
18 Trustee, Area Two in the June 5, 2018 Primary Election. Respondent “Committee to Re-Elect David L.
19 Boyd, Orange County Board of Education, Trustee Area Two - 2018” (“Committee”) was Boyd’s
20 candidate-controlled committee. Boyd served as the treasurer. The Committee and Boyd violated the
21 Political Reform Act¹ (“Act”) by failing to timely file a pre-election campaign statement.

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25 **SUMMARY OF THE LAW**

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27 ¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections
28 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.

1 **PROPOSED PENALTY**

2 This matter consists of one count. The maximum penalty that may be imposed is \$5,000.¹⁴

3 In determining the appropriate penalty for a particular violation of the Act, the Commission
4 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the
5 Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of
6 any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or
7 inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether corrective
8 amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior
9 record of violations.¹⁵ The actions of the Committee and Boyd appear to be the result of negligence.
10 There is no evidence of deliberate omission or attempts to conceal. The Committee has no prior
11 enforcement history.

12 Additionally, the Commission considers penalties in prior cases with comparable violations. *In*
13 *the Matter of Robert G. Jones, Robert G. Jones for Los Rios Trustee 2010, And Julianne C. Jones*, FPPC
14 No. 16/339 (The Commission approved a stipulated decision on March 22, 2018.) *In Robert G. Jones*, the
15 candidate-controlled committee failed to timely file two pre-election campaign statements and one semi-
16 annual statement. The pre-election statements were both filed almost 3 years late and the semiannual was
17 filed over a year late. The first pre-election reported \$20,000 in contributions and about \$24,000 in
18 expenditures, the other two statements total reported activity was under \$3,000. The Commission
19 imposed a penalty of \$2,000 for all three statements.

20 This case is in contrast to *Jones* with respect to some key facts. The Committee and Boyd had
21 considerably more unreported activity and Boyd had prior experience filing campaign statements in
22 connection with his run in 2014. The second pre-election statement reported approximately \$16,561 in
23 contributions and \$54,115 in expenditures, however, disclosure was made prior to the election. In further
24 aggravation, the Committee and Boyd failed to report addresses for contributors and payees. For these
25 reasons, a penalty of \$2,500 is recommended.

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¹⁴ See Section 83116, subdivision (c).

¹⁵ Regulation 18361.5, subdivision (d).

1 **CONCLUSION**

2 Complainant, the Enforcement Division of the Fair Political Practices Commission, the
3 Committee to Re-Elect David L. Boyd, Orange County Board of Education Trustee Area Two – 2018,
4 and David L. Boyd hereby agree as follows:

5 1. Respondents violated the Act as described in the foregoing pages, which are a true and
6 accurate summary of the facts in this matter.

7 2. This stipulation will be submitted for consideration by the Fair Political Practices
8 Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.

9 3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose
10 of reaching a final disposition without the necessity of holding an administrative hearing to determine the
11 liability of Respondents pursuant to Section 83116.

12 4. Respondents understand, and hereby knowingly and voluntarily waive, any and all
13 procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9.
14 This includes, but is not limited to the right to appear personally at any administrative hearing held in this
15 matter, to be represented by an attorney at Respondents’ own expense, to confront and cross-examine all
16 witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
17 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
18 reviewed.

19 5. Respondents agree to the issuance of the decision and order set forth below. Also,
20 Respondents agree to the Commission imposing against them an administrative penalty in the amount of
21 \$2,500. One or more payments totaling said amount—to be paid to the General Fund of the State of
22 California—is/are submitted with this stipulation as full payment of the administrative penalty described
23 above, and same shall be held by the State of California until the Commission issues its decision and
24 order regarding this matter.

25 6. If the Commission declines to approve this stipulation—then this stipulation shall become
26 null and void, and within fifteen business days after the Commission meeting at which the stipulation is
27 rejected, all payments tendered by Respondents in connection with this stipulation shall be reimbursed to
28 Respondents. If this stipulation is not approved by the Commission, and if a full evidentiary hearing

1 before the Commission becomes necessary, neither any member of the Commission, nor the Executive
2 Director, shall be disqualified because of prior consideration of this Stipulation.

3 7. The parties to this agreement may execute their respective signature pages separately. A
4 copy of any party's executed signature page, including a hardcopy of a signature page transmitted via fax
5 or as a PDF email attachment, is as effective and binding as the original.
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7 Dated: _____

Galena West, Chief of Enforcement
Fair Political Practices Commission

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10 Dated: _____

David L. Boyd, individually and on behalf of the Committee
to Re-Elect David L. Boyd Orange County Board of
Education Trustee Area Two – 2018

1 The foregoing stipulation of the parties “In the Matter of the Committee to Re-Elect David L.
2 Boyd Orange County Board of Education Trustee Area Two – 2018, and David L. Boyd,” FPPC Case
3 No. 18/713 is hereby accepted as the final decision and order of the Fair Political Practices Commission,
4 effective upon execution below by the Chair.

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6 IT IS SO ORDERED.

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8 Dated: _____

Alice T. Germond, Chair
Fair Political Practices Commission