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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA

10  
11 In the Matter of:

12 CHERI BROMBERGER,

13 Respondent.

FPPC Case No. 16/391

14 STIPULATION, DECISION AND ORDER

15 INTRODUCTION

16 Respondent Cheri Bromberger (“Bromberger”) is a former member and the director of the June  
17 Lake Public Utilities District. (“June Lake PUD”) who served from November 9, 2005 – January 31, 2019.  
18 The Political Reform Act (the “Act”)<sup>1</sup> requires public officials to report sources of income on annual  
19 Statements of Economic Interest (“SEI”). Bromberger violated the Act by failing to timely report a source  
20 of income.

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27 <sup>1</sup> The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the  
28 Government Code, unless otherwise indicated. 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 Title 2,  
Division 6 of the California Code of Regulations, unless otherwise indicated.

1 **SUMMARY OF THE LAW**

2 All legal references and discussions of law pertain to the Act’s provisions as they existed at the  
3 time of the violations.

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

5 When enacting the Political Reform Act, the people of California found and declared that previous  
6 laws regulating political practices suffered from inadequate enforcement by state and local authorities.<sup>2</sup>  
7 For this reason, the Act is to be construed liberally to accomplish its purposes.<sup>3</sup>

8 **Statements of Economic Interest**

9 An express purpose of the Act is to ensure that the assets and income of public officials which may  
10 be materially affected by their official actions be disclosed, so that conflicts of interest may be avoided.<sup>4</sup>  
11 In furtherance of this purpose, the Act requires officials who manage public investments to periodically  
12 disclose their income.<sup>5</sup>

13 Members of the June Lake Board of Directors are considered public officials who manage public  
14 investments and must file disclosure statements to report income received in the previous 12 months since  
15 the last statement was filed.<sup>6</sup>

16 Under the Act, an official is required to disclose the name and address of each source of income  
17 aggregating \$500 or more in value.<sup>7</sup>

18 **SUMMARY OF THE FACTS**

19 On or around December 3, 2014, Bromberger received a check in the amount of \$1,200 from the  
20 June Lake PUD via the general manager in exchange for her auto lift.

21 On January 14, 2015, the June Lake PUD held its monthly meeting. The consent calendar for this  
22 meeting contained a check registry that listed the payment made by the June Lake PUD to Bromberger in  
23 December of 2014. During the meeting a member of the June Lake PUD Board asked why there was a  
24 payment to Bromberger. Bromberger answered that it was for the purchase of her auto lift, and the general  
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27 <sup>2</sup> Section 81001, subdivision (h).

<sup>3</sup> Section 81003.

<sup>4</sup> Section 81002, subdivision (c).

<sup>5</sup> Section 87200.

<sup>6</sup> Section 87203.

<sup>7</sup> Section 87207.

1 manager explained their need for an auto lift. The board member inquired as to why this purchase was not  
2 brought before the board for approval. The general manager explained that it was because the amount was  
3 minimal – making it within his purchasing authority. Shortly thereafter, Bromberger and the June Lake  
4 PUD unanimously voted to approve the check register.

5 On or around March 19, 2015, Bromberger filed her 2014 Annual SEI without disclosing that she  
6 had received a payment of \$1,200 from the June Lake PUD for the sale of her auto lift. On or around  
7 September 10, 2019, Bromberger amended her 2014 Annual SEI to disclose the income she received from  
8 the June Lake PUD.

9 On or around March 18, 2016, Bromberger filed her 2015 Annual SEI without disclosing that she  
10 had sold the June Lake Motel for over \$100,000. On or around October 8, 2019, Bromberger filed an  
11 amendment to her 2015 Annual SEI to disclose the sale of the motel. The Enforcement Division did not  
12 find any evidence that her source of income from the sale of the June Lake Motel resulted in a conflict of  
13 interest.

14 On or around April 5, 2019, Bromberger filed her 2018 Annual/Leaving Office SEI without  
15 disclosing that she sold her condo on or around January 11, 2019. On or around October 8, 2019  
16 Bromberger amended her 2018 Annual/Leaving Office SEI to include the sale of her condo. The  
17 Enforcement Division did not find any evidence that Bromberger’s sale of her condo created a conflict of  
18 interest.

## 19 VIOLATION

### 20 Count 1: Failure to Report Income on Annual and Leaving Office SEI

21 Bromberger failed to timely report the sale of an auto lift in the amount of \$1,200 on her 2014  
22 Annual SEI, by the April 1, 2015 deadline.

23 Bromberger failed to timely report the sale of her motel on her 2015 Annual SEI, by the April 1,  
24 2016 deadline.

25 Bromberger failed to timely report the sale of her condo on her 2018 Annual/Leaving Office SEI  
26 within 30 days of leaving the June Lake PUD on January 31, 2019.

27 In this way, Bromberger violated Government Code Section 87207.  
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1 **PROPOSED PENALTY**

2 This matter consists of 1 count. The maximum penalty that may be imposed is \$5,000 per count.  
3 Thus, the maximum penalty that may be imposed is \$5,000.<sup>8</sup>

4 In determining the appropriate penalty for a particular violation of the Act, the Commission  
5 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the Commission  
6 considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention  
7 to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d)  
8 whether the violation was isolated or part of a pattern; (e) whether corrective amendments voluntarily were  
9 filed to provide full disclosure; and (f) whether the violator has a prior record of violations.<sup>9</sup> Additionally,  
10 the Commission considers penalties in prior cases with comparable violations.

11 The Enforcement Division did not find evidence to suggest Bromberger’s failure to timely report  
12 the sales of her auto lift or other sources of income was intentional. Based on the known facts, it appears  
13 Bromberger’s conduct was negligent. Bromberger has never received a penalty in another case.  
14 Bromberger has amended her 2014 Annual SEI, 2015 Annual SEI, and 2018 Annual/Leaving Office SEI to  
15 reflect her sources of income.

16 The Commission recently approved the following case involving the failure to timely report income  
17 on an Annual SEI:

18 *In the Matter of Wendy Mitchell*; FPPC Case No. 16/252 (approved March 21, 2019), the  
19 Commission approved a penalty of \$1,500 against Mitchell for failing to timely disclose her source of  
20 income of \$10,000 or more to her consulting business from Carollo Engineers, Inc. on her 2015 Annual  
21 Statement of Economic Interest. Mitchell’s failure to timely disclose was aggravated by the fact the  
22 California Coastal Commission, including Mitchell, voted unanimously to approve an application filed by  
23 the City of Santa Barbara to reactivate the Charles E. Meyer Desalination Facility on February 13, 2015.  
24 The City of Santa Barbara had hired Carollo Engineers, Inc. regarding the project. Mitchell failed to disclose  
25 her economic interest after the vote in February 2015, which was the subject of public scrutiny during this  
26 time. The Enforcement Division determined that there was no evidence to establish that Mitchell was aware  
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28 <sup>8</sup> See Section 83116, subdivision (c).

<sup>9</sup> Regulation 18361.5, subdivision (d).



1 Respondent agrees to the Commission imposing against it an administrative penalty in the amount of  
2 \$1,500. One or more payments totaling said amount—to be paid to the General Fund of the State of  
3 California—is/are submitted with this stipulation as full payment of the administrative penalty described  
4 above, and same shall be held by the State of California until the Commission issues its decision and order  
5 regarding this matter.

6         6.         If the Commission refuses to approve this stipulation—then this stipulation shall become  
7 null and void, and within fifteen business days after the Commission meeting at which the stipulation is  
8 rejected, all payments tendered by Respondent in connection with this stipulation shall be reimbursed to  
9 Respondent. If this stipulation is not approved by the Commission, and if a full evidentiary hearing before  
10 the Commission becomes necessary, neither any member of the Commission, nor the Executive Director,  
11 shall be disqualified because of prior consideration of this Stipulation.

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

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Galena West, Chief of Enforcement  
Fair Political Practices Commission

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9       Dated: \_\_\_\_\_

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Cheri Bromberger

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11           The foregoing stipulation of the parties "In the Matter of Cheri Bromberger," FPPC Case No.  
12 16/391 is hereby accepted as the final decision and order of the Fair Political Practices Commission,  
13 effective upon execution below by the Chair.  
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15           IT IS SO ORDERED.  
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17       Dated: \_\_\_\_\_

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Richard C. Miadich, Chair  
Fair Political Practices Commission