

1 GALENA WEST
Chief of Enforcement
2 THERESA GILBERTSON
Commission Counsel
3 Fair Political Practices Commission
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
tgilbertson@fppc.ca.gov

5 Attorneys for Complainant
6 Enforcement Division of the Fair Political Practices Commission

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

9 In the Matter of:

10 COMMITTEE FOR CHRISSA GILLIES
11 FOR SCHOOL BOARD 2016, CHRISSA
12 GILLIES, ELIZABETH RUDICK,
13 GABRIELE SCHMITZ, COMMITTEE
TO ELECT CHRISSA GILLIES
GOVERNING BOARD 2018, AND
14 RONNA MOORE,

15 Respondents.

FPPC Case No. 16/19919

STIPULATION, DECISION AND ORDER

16
17 **INTRODUCTION**

18 Respondent Chrissa Gillies ran for school board member of the Cotati-Rohnert Park Unified School
19 District during the November 8, 2016 General Election. Her controlled committee for the 2016 election
20 was Committee for Chrissa Gillies for School Board (“2016 Committee”). Gabriele Schmitz (“Schmitz”)
21 served as the principal officer. Elizabeth Rudick (“Rudick”) served as the treasurer. Gillies was
22 unsuccessful in 2016 and she ran again in the November 6, 2018 General Election. Her controlled
23 committee in 2018 was Committee to Elect Chrissa Gillies Governing Board 2018 (“2018 Committee”).
24 Ronna Moore (“Moore”) served as the treasurer. Gillies was successful in 2018 and is presently in office.

1 This case was opened pursuant to sworn complaints. The Respondents committed numerous
2 violations of the Political Reform Act¹ (“Act”), including failure to timely file campaign statements and
3 24-hour contribution reports and incorrect advertisement disclosure.

4 **SUMMARY OF THE LAW**

5 The Act and its regulations are amended from time to time. The violations in this case occurred in
6 2016 and 2018. For this reason, all legal references and discussions of law pertain to the Act’s provisions
7 as they existed at that time.

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

9 When enacting the Political Reform Act, the people of California found and declared that previous
10 laws regulating political practices suffered from inadequate enforcement by state and local authorities.²
11 Thus, it was decreed that the Act “should be liberally construed to accomplish its purposes.”³

12 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
13 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
14 practices are inhibited.⁴ Along these lines, the Act includes a comprehensive campaign reporting system.⁵
15 Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be
16 “vigorously enforced.”⁶

17 **Duty to File Campaign Statements**

18 The Act requires recipient committees to file campaign statements at specific times disclosing
19 information regarding contributions received and expenditures made.⁷ A controlled committee must file
20 two pre-election campaign statements before the election in which the candidate is listed on the ballot.⁸ A
21 committee must file the first pre-election campaign statement for the period 45 days before the election,
22

23
24 ¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections
25 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices Commission
26 are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references
27 are to this source.

28 ² Section 81001, subdivision (h).

³ Section 81003.

⁴ Section 81002, subdivision (a).

⁵ Sections 84200, *et seq.*

⁶ Section 81002, subdivision (f).

⁷ Sections 84200 through 84225.

⁸ Section 84200.5.

1 no later than 40 days before the election.⁹ A committee must also file a second pre-election campaign
2 statement for the period ending 17 days before the election no later than 12 days before the election.¹⁰
3 Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a
4 statement shall be extended to the next regular business day.¹¹

5 In addition, a committee must file two semi-annual campaign statements each year no later than
6 July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.¹²
7 Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a
8 statement shall be extended to the next regular business day.¹³

9 **24 Hour Contribution Reports**

10 Each candidate or committee that makes or receives a late contribution must file a report within 24
11 hours of making or receiving the contribution.¹⁴ In the case of a nonmonetary contribution, a report filed
12 within 48 hours will be deemed timely.¹⁵ A “late contribution” includes a contribution in total or in the
13 aggregate \$1,000 or more that is made or received by a candidate or his or her controlled committee during
14 the 90-day period preceding the date of the election or on the date of the election at which the candidate is
15 to be voted on.¹⁶ The late contribution period for the November 8, 2016 General Election began on August
16 10, 2016. The late contribution period for the November 6, 2018 General Election began on August 8,
17 2018.

18 **Advertisement Disclosure**

19 An advertisement means any general or public advertisement which is authorized and paid for by
20 a person or committee for the purpose of support or opposing a candidate for elective office or a ballot
21 measure or ballot measures.¹⁷ An advertisement supporting or opposing a candidate or ballot measure, that
22
23

24 _____
25 ⁹ Section 84200.8, subdivision. (a).

26 ¹⁰ Section 84200.8, subdivision. (b).

27 ¹¹ Regulation 18116, subdivision. (a).

28 ¹² Section 84200, subdivision. (a).

¹³ Regulation 18116, subdivision. (a).

¹⁴ Section 84203.

¹⁵ Section 84203.3.

¹⁶ Section 82036.

¹⁷ Section 84501.

1 is paid for by an independent expenditure, shall include a disclosure statement that identifies the name of
2 the committee making the independent expenditure.¹⁸

3 **Joint and Several Liability of Committee, Candidate, and Treasurer**

4 Every committee must have a treasurer.¹⁹ Committees must also identify a principal officer.²⁰ This
5 individual is primarily responsible for approving the political activities of the committee, including, but
6 not limited to, authorizing the content of communications, authorizing expenditures, including
7 contributions, on behalf of the committee, and determining the committee's campaign strategy.²¹ It is the
8 duty of the treasurer, the principal officer, and the candidate to ensure that the committee complies with
9 all the requirements of the Act concerning the receipt, expenditure, and reporting of funds.²² The treasurer,
10 the principal officer, and the candidate may be held jointly and severally liable, along with the committee,
11 for violations committed by the committee.²³

12 **SUMMARY OF THE FACTS**

13 **2016 Committee**

14 Gillies was unsuccessful in the 2016 General Election when she ran for Board Member of the
15 Cotati-Rohnert Park Unified School District during the November 8, 2016 General Election. The 2016
16 Committee qualified on or around September 19, 2016, according to information from bank statements and
17 campaign statements, after receiving \$2,000 in contributions. For this election, the 2016 Committee raised
18 approximately \$6,666 and spent approximately \$4,429, according to campaign statements. The 2016
19 Committee has since terminated.

20 **Failure to Timely File Campaign Statements**

21 The 2016 Committee was required to file a pre-election campaign statement to report activity for
22 the period of July 1, 2016 through September 24, 2016. This report was due on September 29, 2016.
23 Instead, according to the filing officer, Sonoma County Registrar of Voters, the 2016 Committee filed a
24 campaign statement for the reporting period of August 5, 2016 through October 22, 2016 on October 27,
25

26 ¹⁸ Section 84506.

27 ¹⁹ Section 84100.

28 ²⁰ Section 84102, subdivision (c).

²¹ Section 82047.6.

²² Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

²³ Sections 83116.5 and 91006.

1 2016. The 2016 Committee later amended the statements on or around November 1, 2016 to split the report
2 into the correct reporting periods for the pre-election statements.

3 The 2016 Committee timely filed the second pre-election statement and the semiannual campaign
4 statement to report campaign activity in the remainder of 2016. The 2016 Committee remained open and
5 was required to file a semiannual campaign statement to report the activity from January 1, 2017 through
6 June 30, 2017. This report was due on July 31, 2017, however, the statement was filed late on December
7 28, 2017, when the 2016 Committee terminated.

8 Failure to Timely File 24-Hour Contribution Reports

9 The 2016 Committee was required to file 24-hour contribution reports after receiving \$1,000 or
10 more in contributions. The 2016 Committee received a \$1,359 nonmonetary contribution in the form of
11 advertisements in a local newspaper from Ron Nelson on or around October 3, 2016. The Committee
12 received a \$2,130 nonmonetary contribution in the form of a mailer advertisement from Rohnert Park
13 Educators Association PAC on or around October 7, 2016 and a \$1,319 nonmonetary contribution in the
14 form of advertisements in a local newspaper from the same PAC on or around October 10, 2016. The 24-
15 hour contribution reports for these nonmonetary contributions were not filed, though they were due within
16 48 hours of receipt. In further aggravation, the contributions were not reported on other campaign
17 statements. The Committee also received a \$2,000 monetary contribution from Sonoma Charter Advocates
18 for Great Public Schools on or around October 11, 2016. Though the report was due on October 12, 2016,
19 the Committee did not file until October 28, 2016.

20 Advertising Disclosure

21 Advertisements that oppose a ballot measure must include the required disclosure statement, “Paid
22 for by [the responsible committee].” The 2016 Committee paid for an advertisement in opposition to
23 Measure C. The disclosure statement read, “Paid for by Sonoma Charter Advocate for Great Public
24 Schools” instead of indicating that it was paid for by the 2016 Committee. According to the principal
25 officer, Schmitz, another committee was meant to pay for the advertisement, but backed out due to the
26 Measure C content. The 2016 Committee reimbursed a contributor who stepped in to pay for the
27 advertisement and reported the payment to the contributor as an expenditure of the committee. Therefore,
28

1 the disclosure statement on the advertisement should have stated, "Paid for by" and the name of the 2016
2 Committee.

3 **2018 Committee**

4 Gillies ran again in the November 6, 2018 General Election and was successful. According to a
5 statement of organization filed with the Secretary of State, the 2018 Committee qualified on or around
6 October 20, 2018 after receiving at least \$2,000 in contributions. The Committee raised approximately
7 \$10,608 and spent approximately \$9,808 during the 2018 election.

8 **Failure to Timely File 24-Hour Contribution Reports**

9 The 2018 Committee was required to file 24-hour contribution reports after receiving \$1,000 or
10 more in late contributions. The 2018 Committee received a \$2,849 loan on or around August 9, 2018 from
11 the Committee to Re-Elect Leffer Brown. This report was due on August 10, 2018. This loan was not
12 reported on a campaign statement by the 2018 Committee filed prior to the election. The loan was reported
13 on a pre-election statement by the contributor, but was not reported on a 24-hour contribution report. The
14 2018 Committee later amended the pre-election statement to disclose the loan. The 2018 Committee also
15 received a contribution of \$2,500 on or around September 26, 2018 from the International Brotherhood of
16 Electrical Works, but failed to file the report until October 17, 2018. This contribution was reported timely
17 by the contributor.

18 **VIOLATIONS**

19 **2016 Committee**

20 **Count 1: Failure to Timely File Campaign Statements**

21 The 2016 Committee, Gillies, and Rudick failed to timely file a pre-election campaign statement
22 for the reporting period July 1, 2016 through September 24, 2016 by the deadline of September 29, 2016
23 and a semiannual campaign statement for the reporting period of January 1, 2017 through June 30, 2017
24 by the deadline of July 31, 2017, in violation of Section 84200.5 and 84200. The 2016 Committee, Gillies,
25 and Rudick failed to timely file four 24-hour contribution reports for a total of \$6,808 of late contributions
26 by the deadline, in violation of Section 84203.

27
28 //

1 Count 2: Advertisement Disclosure

2 The 2016 Committee, Gillies, and Schmitz failed to include the correct disclosure statement on an
3 advertisement opposing Measure C, in violation of Section 84506.

4 2018 Committee

5 Count 3: Failure to Timely File 24-Hour Contribution Reports

6 The 2018 Committee, Gillies, and Moore failed to timely file two 24-hour contribution reports for
7 a total of \$5,349, in violation of Section 84203.

8 **PROPOSED PENALTY**

9 This matter consists of three counts. The maximum penalty that may be imposed is \$5,000 per
10 count. Thus, the maximum penalty that may be imposed is \$15,000.²⁴

11 In determining the appropriate penalty for a particular violation of the Act, the Commission
12 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the Commission
13 considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention
14 to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d)
15 whether the violation was isolated or part of a pattern; (e) whether corrective amendments voluntarily were
16 filed to provide full disclosure; and (f) whether the violator has a prior record of violations.²⁵

17 Here, the actions of the two committees appear to be the result of negligence, but there is no
18 evidence of deliberate omission or attempts to conceal. Overall, there appears to be a good faith effort to
19 disclose and report the campaign's activities, however, there is a pattern of errors that demonstrate a failure
20 to adhere to the basics of campaign reporting rules. The Committee, Gillies, Schmitz, Rudick, and Moore
21 have no record of prior enforcement history.

22 The Commission considers penalties in prior cases with the same or similar violations and
23 comparable facts. For Count 1, *In the Matter of Andrew Valencia for Sweetwater School Board 2016 and*
24 *Andrew Valenca*, FPPC No. 16/20043. (The Commission approved a stipulation on September 20, 2018.)
25 The respondents failed to timely file a pre-election statement and a semiannual campaign statement. The
26 pre-election disclosure did not occur until after the election. The Commission imposed a penalty of \$2,000.

27
28

²⁴ See Section 83116, subdivision (c).

²⁵ Regulation 18361.5, subdivision (d).

1 Here, the first pre-election statement was filed at the same time the second pre-election statement was filed,
2 resulting in disclosure prior to the election, however, in addition, the 2016 Committee failed to timely file
3 24-hour contribution reports. Therefore, a penalty of \$2,000 is recommended.

4 For Count 2, *In the Matter of Southwest Teachers Association PAC, Ben Swearingen, and Michelle*
5 *Gates*, FPPC No. 17/403. (The Commission approved the stipulation on December 20, 2018.) The
6 respondents paid for two advertisements that did not conform to the advertisement requirements under the
7 Act. One advertisement was a billboard that had no disclosure statement to indicate that the committee had
8 paid for it. The other advertisement was a large banner that had a disclosure statement but it was too small
9 to be legible. The Commission imposed a penalty of \$3,000.

10 Here, there is an aggravating factor that the disclaimer on the advertisement was for a different
11 committee and misled the public about who was actually responsible for this advertisement. According to
12 the principal officer, the mistake was inadvertent and an oversight on the part of the Committee resulting
13 from a change in plans about who would pay for the advertisement between concept and printing. The
14 individual worked with the vendor was visually impaired. In further aggravation, the Committee failed to
15 disclose that certain expenditures were in support of another candidate and in opposition to the measure,
16 though this disclosure is required by the Act, therefore, there was no place on the campaign statements to
17 verify that the Committee had indeed supported another candidate or opposed the measure. This could have
18 contributed to further confusion as to who paid for the advertisements at issue. Therefore, a penalty of
19 \$3,500 is recommended.

20 For Count 3, *In the Matter of Donna Munoz for County Supervisor 2016, Donna Munoz, and Max*
21 *Hazard*, FPPC No. 17/140. (The Commission approved a settlement on April 19, 2018.) The respondents
22 failed to file two 24-hour reports totaling \$3,275. The Commission imposed a penalty of \$1,500. The 2018
23 Committee failed to file two 24-hour reports and the amount not disclosed was only slightly higher at
24 \$5,349. Therefore, a penalty of \$1,500 is recommended.

1 After considering the factors listed in Regulation 18361.5 and penalties in prior similar cases, the
2 following penalties are recommended:

Count	Respondent	Violation	Penalty
3 4	Committee for Chrissa Gillies for School Board 2016, Chrissa Gillies, and Elizabeth Rudick	Failure to Timely File Campaign Statements	\$2,000
5 6	Committee for Chrissa Gillies for School Board 2016, Chrissa Gillies, and Gabriele Schmitz	Advertisement Disclosure	\$3,500
7 8	Committee to Elect Chrissa Gillies Governing Board 2018, Chrissa Gillies, and Ronna Moore	Failure to Timely File 24-Hour Contribution Reports	\$1,500
9			\$7,000

10 CONCLUSION

11 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
12 Respondents, Committee for Chrissa Gillies for School Board 2016, Chrissa Gillies, Elizabeth Rudick,
13 Gabriele Schmitz, Committee to Elect Chrissa Gillies Governing Board 2018, and Ronna Moore, hereby
14 agree as follows:

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

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

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

22 4. Respondents understand, and hereby knowingly and voluntarily waive, any and all
23 procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9.
24 This includes, but is not limited to the right to appear personally at any administrative hearing held in this
25 matter, to be represented by an attorney at Respondents' own expense, to confront and cross-examine all
26 witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
27

1 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
2 reviewed.

3 5. Respondents agree to the issuance of the decision and order set forth below. Also,
4 Respondents agree to the Commission imposing against them an administrative penalty in the amount of
5 \$7,000. One or more payments totaling said amount—to be paid to the General Fund of the State of
6 California—is/are submitted with this stipulation as full payment of the administrative penalty described
7 above, and same shall be held by the State of California until the Commission issues its decision and order
8 regarding this matter.

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

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

18
19 Dated: _____

Galena West, Chief of Enforcement
Fair Political Practices Commission

20
21
22 Dated: _____

Chrissa Gillies, individually and on behalf of
Committee for Chrissa Gillies for School Board and
Committee to Elect Chrissa Gillies Governing Board 2018

23
24
25
26 Dated: _____

Gabriele Schmitz,
Principal Officer for the Committee for Chrissa Gillies for
School Board

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

Elizabeth Rudick,
Treasurer for the Committee for Chrissa Gillies for School
Board

Dated: _____

Roona Moore,
Treasurer for the Committee to Elect Chrissa Gillies
Governing Board 2018

1 The foregoing stipulation of the parties “Committee for Chrissa Gillies for School Board 2016,
2 Chrissa Gillies, Elizabeth Rudick, Gabriele Schmitz, Committee to Elect Chrissa Gillies Governing Board
3 2018, and Ronna Moore,” FPPC Case No. 16/19919 is hereby accepted as the final decision and order of
4 the Fair Political Practices Commission, effective upon execution below by the Chair.

5
6 IT IS SO ORDERED.

7
8 Dated: _____

Richard C. Miadich, Chair
Fair Political Practices Commission