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9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
10 STATE OF CALIFORNIA

11 In the Matter of:

12 JUMPSTART VALLEJO, CURTIS
13 LAFFETY, and JOHN CUMMINGS,

14 Respondents.

FPPC Case No. 16/19958

15 STIPULATION, DECISION AND ORDER

16 INTRODUCTION

17 Respondent Jumpstart Vallejo (“Jumpstart”) was primarily formed to support candidates in 2016
18 and 2018. Respondent Curtis Laffety (“Laffety”) served as treasurer of Jumpstart from August 4, 2016 –
19 June 11, 2018. Respondent John Cummings (“Cummings”) served as treasurer of Jumpstart from June
20 11, 2018 to the present. The Political Reform Act (the “Act”)¹ requires primarily formed committees to
21 timely file semi-annual campaign statements, pre-election campaign statements, timely report
22 independent expenditures, timely file 24-hour contribution reports, and timely file 24-hour independent
23 expenditure reports.

24 SUMMARY OF THE LAW

25 All legal references and discussions of law are intended to be citations to statutes and regulations
26 as they existed at the time of the violations.

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28 ¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014, and all statutory
references are to this code. The regulations of the Fair Political Practice Commission are contained in Sections 18110 through
18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source

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

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

5 One purpose of the Act is to promote transparency by ensuring that receipts and expenditures in
6 election campaigns are fully and truthfully disclosed so that voters are fully informed and improper
7 practices are inhibited.⁴ Another purpose of the Act is to provide adequate enforcement mechanisms so
8 that the Act will be “vigorously enforced.”⁵

9 **Primarily Formed Committee**

10 The Act defines a committee to include any person or combination of persons who directly or
11 indirectly make contributions totaling \$2,000 or more in a calendar year.⁶ A committee is primarily formed
12 if it is formed or exists primarily to support or oppose a candidate, measure, or a group of candidates being
13 voted on in the same city, county, or multicounty election.⁷

14 **Filing Semi-Annual Campaign Statements**

15 A committee is required to file semi-annual campaign statements each year no later than July 31
16 for the period ending June 30, and no later than January 31 for the period ending December 31, if they
17 have made contributions or expenditures during the six month period before the closing date of the
18 statements.⁸

19 In 2016, committees primarily formed to support local candidates on the November 8, 2016 ballot
20 were required to file semi-annual campaign statements for the reporting period covering January 1, 2016
21 – June 30, 2016, due August 1, 2016 and for the reporting period covering October 23, 2016 – December
22 31, 2016, due January 31, 2017.

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26 ² Section 81001, subdivision (h).

27 ³ Section 8100

28 ⁴ Section 81002, subdivision (a).

⁵ Section 81002, subdivision (f).

⁶ Section 82013, subdivision (c).

⁷ Section 82047.5.

⁸ Section 84200, subdivision (b).

1 In 2018, committees primarily formed to support local candidates on the November 6, 2018 ballot
2 were required to file semi-annual campaign statements for the reporting periods covering January 1, 2018
3 – June 30, 2018 and from October 21, 2018 – December 31, 2018.

4 **Filing Pre-Election Campaign Statements**

5 Under the Act, committees that are primarily formed to support or oppose an elected officer,
6 candidate, or measure appearing on the next ballot are required to file pre-election campaign statements.⁹

7 In 2016, committees primarily formed to support candidates were required to file pre-election
8 campaign statements covering the reporting period of July 1, 2016 – September 24, 2016, due by September
9 29, 2016, and for the reporting period covering September 25, 2016 – October 22, 2016, due by October
10 27, 2016.

11 In 2018, committees primarily formed to support or oppose local candidates were required to file
12 pre-election statements for the report periods covering July 1, 2018 – September 22, 2018, due September
13 27, 2018 and September 23, 2018 – October 20, 2018, due October 25, 2018.

14 **Reporting Independent Expenditures on Campaign Statements**

15 A committee is required to report each expenditure of \$100 or more. For expenditures that are
16 independent expenditures, the committee is required to report the cumulative amount of the independent
17 expenditures made to a candidate or measure, the full name of the candidate or measure, the office and
18 district for which he or she seeks nomination or election, or the number or letter of the measure, and the
19 jurisdiction in which the measure or candidate is voted upon.¹⁰

20 **Filing 24-Hour Contribution Reports**

21 The Act defines a late contribution as a contribution that totals \$1,000 or more and is made or
22 received by a committee primarily formed to support or oppose a measure in the 90-days period preceding
23 the date of the election or on the date of the election.¹¹ A candidate or committee that make or receives a
24 late contribution shall report that contribution within 24-hours of the time it is made or received.¹²

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28 ⁹ Section 84200.5.

¹⁰ Section 84211, subdivision (k)(5).

¹¹ Section 82036.

¹² Section 84203.

1 In 2016, committees primarily formed to support or oppose local candidates being voted on
2 November 8, 2016, were required to file 24-hour contribution reports within 24 hours of receiving or
3 making a late contribution during the period of August 10, 2016 – November 8, 2016.

4 In 2018, committees primarily formed to support or oppose local candidates being voted on
5 November 6, 2018 were required to file 24-hour contribution reports within 24-hours of receiving or
6 making a late contribution during the period of August 8, 2018 – November 6, 2018.

7 **Filing 24-Hour Independent Expenditure Reports**

8 The Act defines a late independent expenditure as an expenditure that aggregates to one thousand
9 dollars (\$1,000) or more against a specific candidate or measure involved in an election during the 90-day
10 period preceding the date of the election or on the date of the election.¹³ A committee is required to report
11 a late independent expenditure within 24-hours of the time it is made.¹⁴

12 In 2016, committees primarily formed to support or oppose local candidates were required to file
13 late independent expenditure reports within 24-hours of making an independent expenditure during the
14 period of August 10, 2016 – November 8, 2016.

15 In 2018, committees primarily formed to support or oppose local candidates were required to file
16 late independent expenditure reports within 24-hours of making an independent expenditure from August
17 8, 2018 – November 6, 2018.

18 **Treasurer Liability**

19 Under the Act, it is the duty of the treasurer of a committee to ensure that the committee complies
20 with all the requirements of the Act concerning the receipt, expenditure, and reporting of funds.¹⁵ The
21 candidate and treasurer may be held jointly and severally liable, along with the committee, for violations
22 committed by the committee.¹⁶

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¹³ Section 820365.

¹⁴ Section 84204.

¹⁵ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

¹⁶ Sections 83116.5 and 91006.

1 **SUMMARY OF THE FACTS**

2 Jumpstart was primarily formed to support multiple candidates in 2016. In 2016, Jumpstart reported
3 receiving contributions totaling \$90,689 and making expenditures totaling \$88,764. In 2016, Jumpstart
4 failed to timely file a pre-election statement, failed to allocate independent expenditures by individual
5 candidates on schedule D, failed to timely file 24-hour late contribution reports, and failed to timely file
6 late independent expenditure reports Subsequently, in 2017, Jumpstart failed to timely file semi-annual
7 campaign statements.

8 Jumpstart was primarily formed to support multiple candidates in 2018. In 2018, Jumpstart reported
9 receiving approximately \$71,723 in contributions and making \$91,598 in expenditures. In 2018, Jumpstart
10 failed to timely file semi-annual campaign statements, failed to timely file pre-election campaign
11 statements, failed to timely file 24-hour late contribution reports, and failed to timely file late independent
12 expenditure reports Subsequently, in 2019, Jumpstart failed to timely file semi-annual campaign
13 statements.

14 The charts below summarize all of the aforementioned violations.

15 Campaign Statements

16 **2016 Pre-Election Campaign Statements and Schedule D Reporting**

17 These campaign statements were timely filed but failed to fully allocate payments that were
18 contributions or independent expenditures to support or oppose candidates and committees. This
19 information is not available anywhere else on these campaign statements.

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Reporting Period	Due Date	Date Filed	Date Amended	Missing Information	Contributions/Expenditures Reported on Original:
Sept 25, 2016 – Oct 22, 2016 (Pre)	Oct 27, 2016	Oct 27, 2016	Nov. 4, 2019	Schedule D	Contributions: \$41,149 Expenditures: \$48,787 Amendment: Included schedule D to report \$13,189.00
October 23, 2016 – December 31, 2016 (semi)	Jan 31, 2017	Jan 31, 2017	November 4, 2019	Schedule D	Contributions: \$45,700 Expenditures: \$88,126 Amendment: Included schedule D to report \$53,210

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2017 Semi-Annual Campaign Statements

Reporting Period	Due Date	Date Filed	Date Amended	Missing Information	Contributions/Expenditures Reported:
Jan 1, 2017 – June 30, 2017	July 31, 2017	Jan 24, 2018	N/A	N/A	<u>Contributions:</u> \$2,500 <u>Expenditures:</u> \$3,030
July 1, 2017 – Dec 31, 2017	Jan 31, 2018	April 13, 2018	N/A	N/A	<u>Contributions:</u> \$3,800 <u>Expenditures:</u> \$1,990

2018 Semi-Annual and Pre-Election Campaign Statements

Reporting Period	Due Date	Date Filed	Date Amended	Missing Information	Contributions/Expenditures Reported on Original:
Jan. 1, 2018 – June 30, 2018	July 31, 2018	Aug 3, 2018	Oct. 2, 2018	Added “additional accrued expense”	<u>Contributions:</u> \$0 <u>Expenditures:</u> Originally reported \$600 in expenditures and \$370 in accrued expenses. Added an accrued expense of \$5,000 on the amendment.
July 1, 2018 – Sept. 22, 2018 (pre-election)	Sept. 27, 2018	Oct. 2, 2018	Oct. 26, 2018	“Additions to Schedules A, E & F”	<u>Contributions:</u> \$13,600 (original statement reported \$12,600) <u>Expenditures:</u> \$13,026 (original statement reported \$12,419)
Sept. 23, 2018 – Oct. 20, 2018 (pre-election)	Oct. 25, 2018	Oct. 26, 2018	N/A	N/A	<u>Contributions:</u> \$50,474 <u>Expenditures:</u> \$45,986.70
Oct. 21, 2018 – Dec. 31, 2018	Jan. 31, 2019	Feb. 4, 2019	N/A	N/A	<u>Contributions:</u> \$7,649 <u>Expenditures:</u> \$26,982

2019 Campaign Statements

Reporting Period	Due Date	Date Filed	Date Amended	Missing Information	Contributions/Expenditures Reported:
Jan. 1, 2019 – June 30, 2019	July 31, 2019	Aug. 2, 2019	N/A	N/A	<u>Contributions:</u> \$24,900 <u>Expenditures:</u> \$25,648.62
July 1, 2019 – December 31, 2019	Jan. 31, 2019	Feb. 4, 2020	N/A	N/A	<u>Contributions:</u> \$0 <u>Expenditures:</u> \$5,710

1 24-Hour Reports

2 The 24-Hour Late Contribution and Independent Expenditure reporting period for the November
3 2016 election was August 10, 2016 through November 8, 2016.

4 **2016 24-Hour Contribution Reports**

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Contributor	Amount of Contribution	Date Received	Due Date	Date Filed	Reported Prior to the Election on Another Statement
Napa-Solano Building Trades Council	\$1,000	Oct 17, 2016	Oct 18, 2016	Not Filed	Yes
Medic Ambulance Service	\$2,500	Oct 17, 2016	Oct 18, 2016	Not Filed	Yes
Vallejo Police Officers Association	\$5,000	Oct 17, 2016	Oct 18, 2016	Not Filed	Yes
Erin Hannigan	\$1,000	Oct 17, 2016	Oct 18, 2016	Not Filed	Yes
Napa Solano Counties	\$1,000	Oct 24, 2016	Oct 25, 2016	Oct 26, 2016	No
Teamsters Local Union 315	\$2,500	Oct 31, 2016	Nov. 1, 2016	Nov. 2, 2016	No

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16 **2016 Late Independent Expenditures**

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Candidate supported or opposed	Amount of Expenditure	Date Made	Due Date	Date Filed	Reported Prior to the Election on Another Statement
Landis Graden (support)	\$2,637.80	Oct. 10, 2016	Oct. 11, 2016	Not Filed.	No
Rozzana Verder-Aliga (support)	\$2,637.80	Oct. 10, 2016	Oct. 11, 2016	Not Filed.	No
Latressa Wilson (support)	\$2,637.80	Oct. 10, 2016	Oct. 11, 2016	Not Filed.	No
Hermine Sunga (support)	\$2,637.80	Oct. 10, 2016	Oct. 11, 2016	Not Filed.	No
Mike Loakimedes (support)	\$2,637.80	Oct. 10, 2016	Oct. 11, 2016	Not Filed.	No
Landis Graden (support)	\$6,692.03	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No
Rozzana Verder-Aliga (support)	\$6,692.03	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No

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Candidate supported or opposed	Amount of Expenditure	Date Made	Due Date	Date Filed	Reported Prior to the Election on Another Statement
Latreasa Wilson (support)	\$6,692.03	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No
Hermine Sunga (support)	\$6,692.03	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No
Mike Loakimedes (support)	\$6,692.03	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No
Bob Sampayan (oppose)	\$3,598.31	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No
Liat Metzenheimer (oppose)	\$3,598.31	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No
Mina Diaz (oppose)	\$3,598.31	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No
Bob McConnell (oppose)	\$3,598.31	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No
Monica Brown (oppose)	\$3,598.31	Oct. 29, 2016	Oct. 31, 2016	Not Filed	No

2018 24-Hour Contribution Reports

Contribution	Amount of Contribution	Date Received	Due Date	Date Filed	Reported Prior to the Election on Another Statement
Operating Engineers Local Union No. 3 District 4 Political Action Committee	\$1,000	Aug. 29, 2018	Aug. 30, 2018	Not filed	Yes
Vallejo Police Officers Association	\$5,000	Aug. 28, 2018	Aug. 29, 2018	Not filed.	Yes
Evergreen Cemetery Association	\$5,000	Sept. 25, 2018	Sept. 26, 2018	Not filed	Yes
Napa-Solano Counties Central Labor Council AFL-CIO	\$5,000	Oct. 16, 2018	Oct. 17, 2018	Not filed	Yes
State Building and Construction Trade Council of California	\$10,000	Oct. 18, 2018	Oct. 17, 2018 or Oct	Filed Oct 23, 2018	Yes

1	Independent Expenditure			19, 2018		
2	Gregory Schoepp	\$1,500	Oct. 23, 2018	Oct. 24, 2018	Oct. 25, 2018	No

2018 Late Independent Expenditures

6	Candidate supported or opposed	Amount of Expenditure	Date Made	Due Date	Date Filed	Reported Prior to Election on Another Statement
7	Hakeem Brown (support)	\$2,221	Oct. 5, 2018	Oct. 8, 2018	Not filed	Yes
8	Jesus Jess Malgapo (support)	\$2,221	Oct. 5, 2018	Oct. 8, 2018	Not filed	Yes
9	John Fox (support)	\$2,221	Oct. 5, 2018	Oct. 8, 2018	Not filed	Yes
10	Pippin Dew (support)	\$2,221	Oct. 5, 2018	Oct. 8, 2018	Not filed	Yes
11	Tony Ubalde (support)	\$2,221	Oct. 5, 2018	Oct. 8, 2018	Not filed	Yes
12	Hakeem Brown (support)	\$2,504.86	Oct. 9, 2018	Oct. 10, 2018	Not filed	Yes
13	Jesus Jess Malgapo (support)	\$2,504.86	Oct. 9, 2018	Oct. 10, 2018	Not filed	Yes
14	John Fox (support)	\$1,164.45	Oct. 9, 2018	Oct. 10, 2018	Not filed	Yes
15	Katy Miessner (oppose)	\$1,746.68	Oct. 9, 2018	Oct. 10, 2018	Not filed	Yes
16	Pippin Dew (support)	\$2,504.86	Oct. 9, 2018	Oct. 10, 2018	Not filed	Yes
17	Ruscal Cayangyang (oppose)	\$1,746	Oct. 9, 2018	Oct. 10, 2018	Not filed	Yes
18	Vallejo Unified School District Bond Proposal: Measure S	\$4,759.32	Oct. 9, 2018	Oct. 10, 2018	Not filed	Yes
19	Vallejo Unified School District Bond Proposal: Measure S	\$1,372.40	Oct. 9, 2018	Oct. 10, 2018	Not filed	Yes

Candidate supported or opposed	Amount of Expenditure	Date Made	Due Date	Date Filed	Reported Prior to Election on Another Statement
Hakeem Brown (support)	\$1,193.46	Oct. 15 (\$647.38) Oct 22 (\$238.99) Oct 24 (\$307.09)	Oct. 25, 2018	Oct. 30, 2018	No
Jesus Jess Malgapo	\$1,193	Oct. 15 (\$647.38) Oct 22 (\$238.99), Oct 24 (\$307.09)	Oct. 25, 2018	Oct. 30, 2018	No
John Fox (support)	\$1,029	Oct. 15 (\$647.38) Oct 22 (\$238.99), Oct 24 (\$142.76)	Oct. 25, 2018	Oct. 30, 2018	No
Pippin Dew	\$1,193,46	Oct. 15 (\$647.38) Oct 22 (\$238.99), Oct 24 (\$307.09)	Oct 25, 2018	Oct. 30, 2018	No
Ralph Tony Gross	\$1,740.48	Oct. 15 (\$647.38) Oct 22 (\$238.99), Oct 24 (\$142.76)	Oct. 25, 2018	Oct. 30, 2018	No
Tony Ubalde	\$1,740.48	Oct. 15 (\$647.38) Oct 22 (\$238.99), Oct 24 (\$142.76)	Oct 25, 2018	Oct. 30, 2018	No
Katy Miessner	\$6,399.32	Oct. 24 (\$214.14) Oct. 31 (\$6,185.18)	Nov. 1, 2018	Nov. 2, 2018	No
Vallejo Unified School District Bond Proposal: Measure S (support)	\$2,288.54	Oct. 22, (511.29) Oct. 24 (\$168.25) Oct. 31 (\$1,609)	Nov. 1, 2018	Nov. 2, 2018	No
Hakeem Brown (support)	\$1,930.82	Oct. 31, 2018	Nov. 1, 2018	Nov. 2, 2018	No
Jesus Jess Malgapo	\$1,930.82	Oct 31, 2018	Nov. 1, 2018	Nov. 2, 2018	No

Candidate supported or opposed	Amount of Expenditure	Date Made	Due Date	Date Filed	Reported Prior to Election on Another Statement
John Fox (support)	\$1,358.73	Oct 31, 2018	Nov. 1, 2018	Nov. 2, 2018	No
Pippin Dew	\$1,930.82	Oct 31, 2018	Nov. 1, 2018	Nov. 2, 2018	No
Ralph Tony Gross	\$1,358.73	Oct 31, 2018	Nov. 1, 2018	Nov. 2, 2018	No
Tony Ubalde	\$1,358.73	Oct 31, 2018	Nov. 1, 2018	Nov. 2, 2018	No

VIOLATIONS

Count 1: Failure to Timely Report Independent Expenditures Information

Jumpstart Vallejo and Laffety failed to timely report details of independent expenditures totaling approximately \$66,399 for the reporting periods covering September 25, 2016 – October 22, 2016 and October 23, 2016 – December 31, 2016, in violation of Government Code Section 84211.

Count 2: Failure to Timely File Semi-Annual

Jumpstart Vallejo and Laffety failed to timely file semi-annual campaign statements covering the reporting periods of January 1, 2017 – June 30, 2017 and July 1, 2017 – December 31, 2017, in violation of Government Code Section 84200.

Jumpstart Vallejo and Cummings failed to timely file semi-annual campaign statements covering the reporting periods of January 1, 2019 – June 30, 2019 and July 1, 2019 – December 31, 2019, in violation of Government Code Section 84200.

Count 3: Failure to Timely File Semi-Annual and Pre-Election Campaign Statements

Jumpstart Vallejo and Cummings failed to timely file semi-annual campaign statements covering the reporting periods of January 1, 2018 – June 30, 2018 and October 21, 2018 – December 31, 2018, in violation of Government Code Section 84200.

Jumpstart Vallejo and Cummings failed to timely file pre-election campaign statements covering the reporting period of July 1, 2018 – September 22, 2018, in violation of Government Code Section 84200.5.

1 Jumpstart Vallejo and Cummings failed to timely file a pre-election campaign statement covering
2 the reporting period of September 23, 2018 – October 20, 2018, in violation of Government Code Section
3 84200.5.

4 Count 4: Failure to Timely File 2016 24-hour Reports

5 Jumpstart Vallejo and Laffety failed to timely file a 24-hour contribution report on or around
6 October 18, 2016 to report that it received four contributions totaling \$13,000, in violation of Government
7 Code Section 84203.

8 Jumpstart Vallejo and Laffety failed to timely file a 24-hour contribution report on or around
9 October 25 totaling \$1,000 and a late contribution report on or around November 1, 2016 that totaled
10 approximately \$2,500, in violation of Government Code Section 84203.

11 Jumpstart Vallejo and Laffety failed to timely file 24-hour late independent expenditure reports
12 totaling approximately \$64,640 on or around October 11, 2016, in violation of Government Code Section
13 84204.

14 Count 5: Failure to Timely File 2018 24-Hour Reports

15 Jumpstart Vallejo and Cummings failed to timely file 24-hour contribution reports on or around
16 August 29, 2018, August 30, 2018, September 26, 2018, and October 17, 2018 after receiving contributions
17 totaling approximately \$16,000, in violation of Government Code Section 84203.

18 Jumpstart Vallejo and Cummings failed to timely file 24-hour contribution reports on or around
19 October 19, 2018 and October 24, 2018 after receiving contributions totaling \$11,500, in violation of
20 Government Code Section 84203.

21 Count 6: Failure to Timely File 2018 24-Late Independent Expenditure Reports

22 Jumpstart Vallejo and Cummings failed to timely file 24-hour late independent expenditure reports
23 on or around October 8, 2018 after making expenditures totaling \$11,105, in violation of Government Code
24 Section 84204.

25 Jumpstart Vallejo and Cummings failed to timely file 24-hour late independent expenditure reports
26 on or around October 10, 2018 after making expenditures totaling \$18,303.43, in violation of Government
27 Code Section 84204.

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1 Jumpstart Vallejo and Cummings failed to timely file late independent expenditure reports on or
2 around October 25, 2018 after making expenditures totaling approximately \$6,896.42, in violation of
3 Government Code Section 84204.

4 Jumpstart Vallejo and Cummings failed to timely file late independent expenditure reports on or
5 around November 1, 2018 after making expenditures totaling \$18,556.51, in violation of Government Code
6 Section 84204.

7 **PROPOSED PENALTY**

8 This matter consists of six counts. The maximum penalty that may be imposed is \$5,000 per count.
9 Thus, the maximum penalty that may be imposed is \$30,000.¹⁷

10 In determining the appropriate penalty for a particular violation of the Act, the Commission
11 considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the Commission
12 considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention
13 to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d)
14 whether the violation was isolated or part of a pattern; (e) whether corrective amendments voluntarily were
15 filed to provide full disclosure; and (f) whether the violator has a prior record of violations.¹⁸ Additionally,
16 the Commission considers penalties in prior cases with comparable violations.

17 The Enforcement Division did not find any evidence that the respondents intentionally concealed
18 their contributions from the public. The actions of the respondents appear to be negligent and part of a
19 pattern of violations. The respondents do not have a history of violating the Act and have filed all
20 campaign statements at the request of the Enforcement Division. Moreover, respondents have retained the
21 services of a professional campaign treasurer to prepare and file accurate campaign reports in the future.

22 The Commission also considers penalties in prior cases with comparable violations. Recent cases
23 with a similar violation include the following:

24 Count 1: Failure to Timely Report Independent Expenditures Information

25 *In the Matter of Residents for Reform, Neighborhood Preservation Coalition, David Ellis, Scott*
26 *Peotter for City Council 2014, Scott Peotter, Duffield for City Council 2014, Kevin Muldoon, Diane Dixon*
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28 ¹⁷ See Section 83116, subdivision (c).

¹⁸ Regulation 18361.5, subdivision (d).

1 *for City Council 2014, Diane Dixon and Lysa Ray*; FPPC Case Nos. 15/247 and 16/19915 (approved April
2 16, 2020). The respondents reported making expenditures totaling \$94,381 in 2014. The Commission
3 approved a penalty of \$2,500 in Count 1 after the respondents failed to timely report making \$27,039 in
4 nonmonetary contributions on their pre-election campaign statements.

5 Regarding Count 1, Jumpstart Vallejo and Laffety reported making approximately \$88,764 in
6 expenditures during 2016. The current matter is distinguishable from the comparable case because the
7 overall amount not properly reported is significantly more than in the comparable case. In the current
8 matter, Jumpstart Vallejo and Laffety failed to timely approximately \$66,399 in crucial information
9 regarding independent expenditures covering two campaign reporting periods, which is approximately
10 75% of the expenditures made during the year. Whereas in the comparable case, the non-monetary
11 contributions not reported by the respondents accounted for approximately 28% of all reported
12 expenditures.

13 Jumpstart and Laffety's violations are further aggravated by the fact that they failed to timely file
14 a pre-election campaign statement covering the reporting period of July 1, 2016 – Sept 24, 2016, but it is
15 not being charged as a separate count because no activity was reported during this period. A penalty of
16 \$3,500 is recommended for Count 1.

17 Counts 2 & 3: Failure to Timely File Semi-Annual and Pre-Election Campaign Statements

18 *In the Matter of Campaign for Kids – Yes on Measure I and Ruben Frutos*; FPPC Case No. 17/281
19 (approved Feb. 20, 2020), the Commission approved a penalty of \$3,500 against the respondents in Count
20 1 for failing to timely file a pre-election campaign statement (filed 153 days late), contributions totaling
21 \$73,200 and expenditures totaling approximately \$8,516 in expenditures, and a semi-annual campaign
22 statement, contributions totaling \$8,000 and expenditures totaling \$29,677 (filed 83 days late). None of the
23 contributions or expenditures were reported prior to the election.

24 Regarding Count 2, a penalty lower than the one approved by the Commission in the comparable
25 case is recommended. In the comparable case the respondents failed to file campaign statements that
26 contained \$81,200 in contributions and \$38,193 in expenditures. In the current matter, the violations are
27 mitigated by the fact that the amount of contributions received (\$31,200) and expenditures made
28 (\$36,378.62) were less than in the comparable case and three of the four semi-annual campaign statements

1 were filed within a few days of the deadline, which included the statement containing the largest amount
2 of contributions and expenditures. Therefore, a penalty of \$2,000 is recommended.

3 Regarding Count 3, a lower penalty than the one approved by the Commission in the comparable
4 case is recommended. In the comparable case the respondents failed to filed campaign statements that
5 contained \$81,200 in contributions and \$38,193 in expenditures. In the current matter, in 2018, the
6 respondents failed to timely file two semi-annual campaign statements and two pre-election campaign
7 statements \$71,723 in contributions \$91,964.70 in expenditures. The statements were filed no more than a
8 few days late - mitigating the overall harm of the failure to timely file. Therefore, a penalty of \$2,000
9 recommended.

10 Counts 4, 5, and 6 Failure to Timely File 24-Hour Reports

11 *In the Matter of Campaign for Kids – Yes on Measure I and Ruben Frutos*; FPPC Case No. 17/281
12 (approved Feb. 20, 2020), the Commission approved a penalty of \$3,500 against the respondents in Count
13 2 for failing to timely file 17 late contribution reports totaling approximately \$80,500 and five late
14 independent expenditures reports totaling approximately \$19,322. None of the contributions or
15 expenditures were reported prior to the election.

16 Regarding Count 4, a penalty less than the one approved by the Commission in the comparable
17 case is recommended. In the comparable case, the respondents were penalized for failing to timely file
18 seventeen 24-hour late contribution reports totaling approximately \$80,500 and five 24-hour late
19 independent expenditures reports totaling approximately \$19,322. In 2016, Jumpstart and Laffety failed to
20 timely report on contributions totaling approximately \$13,000 on three 24-hour reports and approximately
21 \$64,640 in independent expenditures. Jumpstart’s failure to timely disclose receiving late contributions on
22 24-hour reports is mitigated by the fact that two of the three reports were filed before the election, and the
23 other contributions they received were reported on a pre-election statement filed prior to the election.
24 Therefore, a penalty of \$2,500 is recommended.

25 Regarding Count 5, a penalty less than the one approved by the Commission in the comparable
26 case is recommended. In 2018, Jumpstart and Laffety failed to timely file six 24-hour late contribution
27 reports totaling approximately \$27,500. However, all of the contributions, with the exception of one, were
28 reported on other statements prior to the Election. Because the amount of un-reported contribution is less

1 than in the comparable case and almost all of them were reported on other statements prior to the election,
2 a penalty of \$2,000 is recommended.

3 Regarding Count 6, a penalty less than the one approved in the comparable case is recommended.
4 In 2018, Jumpstart and Laffety failed to timely file 27 late independent expenditure reports totaling
5 approximately \$54,861. All thirteen of these expenditures were reported on other statements prior to the
6 election. In the comparable case, the respondents were penalized for failing to timely file 17 late
7 contribution reports totaling approximately \$80,500 and five late independent expenditures reports totaling
8 approximately \$19,322. The amount of un-reported contributions and expenditures in the current case is
9 less than in the comparable case and nearly half of the expenditures were reported prior to the election.
10 Therefore, a penalty of \$2,000 is recommended.

11 Jumpstart also failed to meet the disclosure requirements as to a mailer. In particular, the mailing
12 failed to include the disclaimer box in a contrasting color to the background.¹⁹ However, given the de
13 minimis nature of the violation, this violation is not charged herein, in the interest of settlement.

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¹⁹Former Gov. Code Section 84506.5(b)(2) (2016)

Count	Violation	Proposed Penalty
1	Failure to Timely Report Independent Expenditures	\$3,500
2	Failure to Timely File Semi-Annual Campaign Statements	\$2,000
3	Failure to Timely File Semi-Annual and Pre-Election Campaign Statements	\$2,000
4	Failure to Timely File 24-Hour Reports in 2016	\$2,500
5	Failure to Timely File 24-Hour Reports in 2018	\$2,000
6	Failure to Timely File 2018 24-hour Late Independent Expenditure Reports	\$2,000
TOTAL:		\$14,000

CONCLUSION

Complainant, the Enforcement Division of the Fair Political Practices Commission, Jumpstart Vallejo, Laffety, and Cummings agrees as follows:

1. Respondent violated the Act as described in the foregoing pages, which are a true and accurate summary of the facts in this matter.
2. This stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting—or as soon thereafter as the matter may be heard.
3. This stipulation resolves all factual and legal issues raised in this matter—for the purpose of reaching a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondent pursuant to Section 83116.
4. Respondents have consulted their attorney, Lance Olson, Olson Remcho, and hereby knowingly and voluntarily waive, any and all procedural rights set forth in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9. This includes, but is not limited to the right to appear personally at any administrative hearing held in this matter, to be represented by an attorney at Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

1 5. Respondents' agree to the issuance of the decision and order set forth below. Also,
2 Respondent agrees to the Commission imposing against them an administrative penalty in the amount of
3 \$14,000. One or more payments totaling said amount—to be paid to the General Fund of the State of
4 California—is/are submitted with this stipulation as full payment of the administrative penalty described
5 above, and same shall be held by the State of California until the Commission issues its decision and order
6 regarding this matter.

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

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