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8
9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
10 STATE OF CALIFORNIA

11
12 In the Matter of:

13 BARRY CHANG FOR ASSEMBLY
2016 and BARRY CHANG,
14

15 Respondents.
16

FPPC No. 16/446

STIPULATION, DECISION, AND ORDER

17 **INTRODUCTION**

18 Respondent Barry Chang (“Chang”) was an unsuccessful candidate for District 24 of the
19 California State Assembly in the June 7, 2016 Primary Election. Respondent Barry Chang for Assembly
20 2016 (the “Committee”) is their candidate-controlled committee. Chang was the Committee’s treasurer
21 since April 28, 2016. Respondents violated the Political Reform Act (the “Act”),¹ by failing to timely file
22 \$5,000 reports, failing to include occupation and employer information for contributors in campaign
23 statements, failing to timely file a 24-hour contribution report, and accepting contributions over the limit.

24 **SUMMARY OF THE LAW**

25 The violations in this case occurred in 2015 and 2016, and all legal references and discussions of
26 law pertain to the Act’s provisions as they existed at that time. The parties entered into a tolling agreement
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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 Practices 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 with the Enforcement Division regarding the applicable statutes of limitations, which was effective as of
2 July 19, 2020.

3 Need for Liberal Construction and Vigorous Enforcement of the Act

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

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

12 Committees

13 A committee will qualify as a “recipient committee” when it receives two thousand dollars
14 (\$2,000) or more in contributions during a single calendar year.⁷ A committee is a “controlled committee”
15 when it is controlled directly or indirectly by a candidate.⁸

16 \$5,000 Reports

17 Any candidate for elective state office who meets or exceeds a \$25,000 threshold of total
18 cumulative reportable amount of contributions received, expenditures made, loans made, or loans
19 received must file online or electronically with the Secretary of State a report disclosing receipt of
20 contributions of \$5,000 or more received at any time other than during an election cycle.⁹ The recipient
21 of the \$5,000 or more contribution must disclose their full name and street address; the date and amount
22 of the contribution; whether the contribution was made in the form of a loan; and the contributor’s full
23 name, street address, occupation, and employer or name of the business.¹⁰ The \$5,000 report must be

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25 ² Section 81001, subd. (h).

³ Section 81003.

26 ⁴ Section 81002, subd. (a).

⁵ Sections 84200, *et seq.*

27 ⁶ Section 81002, subd. (f).

⁷ Section 82013, subd. (a).

28 ⁸ Section 82016, subd. (a).

⁹ Section 85309, subd. (c). See Section 84605, subd. (a)(1).

¹⁰ Section 85309, subd. (c). See Section 84203, subd. (a).

1 filed within 10 business days of receipt of the contribution.¹¹

2 Campaign Statements

3 A controlled committee must periodically file campaign statements while it remains open.¹² Each
4 campaign statement must contain, among other things, the street address, occupation, and employer name
5 for every person that contributed \$100 or more during the period covered by each campaign statement.¹³

6 A contribution need not be reported nor be deemed accepted if it is not cashed, negotiated, or
7 deposited and is returned to the contributor before the closing date of the campaign statement on which
8 the contribution would otherwise be reported.¹⁴

9 24-Hour Contribution Reports

10 A late contribution is a contribution that totals in the aggregate \$1,000 or more that is made to or
11 received by a candidate, a controlled committee, or a primarily formed committee during the 90-day
12 period preceding the date of the election, or on the date of the election, at which the candidate or measure
13 is to be voted on.¹⁵ Each candidate or controlled committee that makes or receives a late contribution
14 must report it to their filing officer within 24 hours of the time the late contribution is made or received.¹⁶

15 The 90-day period prior to the June 7, 2016 election began on March 9, 2016.

16 Limits on Campaign Contributions

17 The Act imposes campaign contribution limits with respect to the making and receiving of certain
18 contributions. These limits are adjusted periodically, and different limits apply depending upon who is
19 contributing and who is receiving.¹⁷ A candidate for statewide elective office, including the office of
20 Assembly or Senate, may not accept from a person, any contribution totaling more than the contribution
21 limit in effect during the election.¹⁸ The contributions of an entity whose contributions are directed and
22 controlled by any individual must be aggregated with contributions made by that individual and any other
23 entity whose contributions are directed and controlled by the same individual.¹⁹ During the period of
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25 ¹¹ Section 85309, subd. (c).

26 ¹² Sections 84200, subd. (a), and 84200.5, subd. (a).

27 ¹³ Section 84211, subd. (f).

28 ¹⁴ Section 84211, subd. (q).

¹⁵ Section 82036, subd. (a).

¹⁶ Section 84203.

¹⁷ Section 85301.

¹⁸ Sections 82024 and 85301, subd. (a).

¹⁹ Section 85311, subd. (b).

1 January 1, 2015 through December 31, 2016, a candidate for the State Assembly could not accept
2 contributions totaling more than \$4,200 per election.²⁰

3 Joint and Several Liability

4 It is the duty of the candidate and the treasurer of a controlled committee to ensure that the
5 committee complies with all the requirements of the Act concerning the receipt, expenditure, and
6 reporting of funds.²¹ The candidate and treasurer may be held jointly and severally liable, along with the
7 committee, for violations committed by the committee.²²

8 **SUMMARY OF THE FACTS**

9 Chang was an unsuccessful candidate for the State Assembly in the June 7, 2016 Primary
10 Election, receiving 10.9 percent of the vote. Chang also had served as an elected official since 1995,
11 namely as a member of the Cupertino Union School District Board of Trustees, Cupertino Public Safety
12 Commission, and Cupertino City Council. By campaigning for and holding these offices, Chang has had
13 experience with the Act. Additionally, Chang was a candidate in 2018 for the Board of Equalization,
14 District 2, and has a controlled committee open to support his campaign in 2022 for the Santa Clara
15 County Board of Education.

16 Furthermore, the Commission approved a stipulated agreement on March 17, 2016 for FPPC No.
17 14/1275, In the Matter of Barry Chang, Barry Chang for City Council 2014, Sue Chang, Barry Chang for
18 Assembly 2014, and John Bartas, for which Chang accepted liability for failing to disclose contributions
19 received and for failing to disclose occupation and employer information in his 2014 campaigns for the
20 Cupertino City Council and State Assembly. When the Enforcement Division opened FPPC No. 14/1275,
21 Chang and the other respondents received sufficient notice that a case had opened against them for failing
22 to disclose contributions received and for failing to disclose occupation and employer information, so
23 FPPC No. 14/1275 is considered a prior enforcement history for Chang in this matter.

24 The Committee filed an initial statement of organization on August 3, 2015 with the Secretary of
25 State (“SOS”), indicating that it qualified as a committee that same day.

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28 ²⁰ Section 85301, subd. (a); Former Regulation 18545, subd. (a)(1).
²¹ Sections 81004, 84100, and 84213; Regulation 18427.
²² Sections 83116.5 and 91006.

1 \$5,000 Reports

2 The Committee and Chang received the following contributions of \$5,000 or more outside of an
 3 election cycle but did not file \$5,000 reports to disclose them within 10 days of receipt:

4 Contribution Date	Contributor	Amount
5 July 27, 2015	Richard Furtado	\$8,400
	M-E Engineers, Inc.	\$8,400
	South Bay Construction	\$8,400
	Redwood Electric Group	\$8,400
7 October 10, 2015	Larry Paterson	\$8,400
8 November 24, 2015	Wong Electric, Inc.	\$8,400
9 December 4, 2015	Pacific Breeze Mechanical, Inc.	\$8,400
10 December 8, 2015	Cameron Peach	\$8,400
11 December 9, 2015	Donald Carnathan	\$8,400
12 December 11, 2015	JB Cahoon	\$8,400
13 December 21, 2015	I LIFE, Inc.	\$8,400
	Caixing Xie	\$8,400
	Welkin International Industrial, Inc.	\$8,400
	BAYCA, Inc.	\$8,400
14 December 22, 2015	Coco Tan	\$8,400
	Yu Li	\$8,400
	Yahua Liu	\$8,400
	Barry Chang for Assembly 2014	\$20,000
16 December 24, 2015	Mark Tersini	\$8,400
	Ken Tersini	\$8,400
17 December 29, 2015	Everest, Inc.	\$8,400
18 December 30, 2015	Peter Huang	\$8,000
	Suzan Grisanti	\$8,000
	Yibin Wen	\$8,400
	MS 85 LLC	\$8,400
	Golden Fremont, Inc.	\$8,400
	Tropicana Russell, Inc.	\$8,400
	Wavecho LLC	\$8,400
	Dakota Brothers, Inc.	\$8,400
	Tiptoe Properties, LLC	\$8,400
	Marina Brothers, Inc.	\$8,400
24 Sue Chang	\$20,000	
25 January 8, 2016	Marina Food LLC dba Marina Grocery	\$8,400
	Welkin International Industrial	\$8,400 ²³
26 February 8, 2016	Helix Electric	\$8,400
	Total:	\$316,400

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 28 ²³ A campaign statement for the reporting period of January 1, 2016 through April 23, 2016, filed on April 28, 2016, shows that this contribution was returned on April 22, 2016. This contribution was deposited to the Committee's bank account, so it is deemed to have been accepted by the Committee and Chang.

1 All 35 contributions, however, were disclosed before the June 7, 2016 Primary Election on timely
2 filed campaign statements.

3 Missing Contributor Information

4 The Committee and Chang failed to accurately disclose the street address, occupation, and/or
5 employer information for some contributors. On the semi-annual campaign statement for the reporting
6 period of July 1, 2015 through December 31, 2015, the Committee and Chang failed to disclose the
7 employer and occupation of 19 contributors, of which one contributor also did not show a street address.
8 On the pre-election campaign statement for the reporting period of January 1, 2016 through
9 April 23, 2016, they failed to disclose the employer and occupation of two contributors. On the semi-
10 annual campaign statement for the reporting period of May 22, 2016 through June 30, 2016, they failed
11 to disclose the employer and occupation of one contributor.

12 Reporting Period	# of Contributions with	Total Contributions with	Total Contributions
	Undisclosed Information	Undisclosed Information	for Reporting Period
13 July 1, 2015 – 14 December 31, 2015	19	\$95,100.00 (28.2%)	\$336,708.69
15 January 1, 2016 – 16 April 23, 2016	2	\$200.00 (0.0065%)	\$30,899.00
17 April 24, 2016 – 18 May 21, 2016	0	\$0.00 (0%)	\$132,009.19
19 May 22, 2016 – 20 June 30, 2016	1	\$4,200.00 (3.5%)	\$118,800.00
Total:	22	\$99,500 (17.5%)	\$568,416.88

21 The Committee and Chang filed amended campaign statements that provided additional
22 contributor information prior to receiving contact from the Enforcement Division about the current case
23 and prior to the June 7, 2016 Primary Election; however, approximately half of the contributions
24 mentioned above were not adequately corrected by those amendments.

25 24-Hour Contribution Report

26 The Committee and Chang received 44 late contributions prior to the June 7, 2016 Primary
27 Election. Of the 44 late contributions, the Committee and Chang did not timely file a 24-hour contribution
28 report to disclose four late contributions, as shown in the following chart:

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Contribution Date	Contributor	Amount	Filed Date
May 29, 2016	Devcon Construction	\$8,400	May 31, 2016
	Gary J. Filizetti	\$8,400	
	Joseph J. Albanese, Inc.	\$2,500	
	Sanco Pipelines, Inc.	\$2,000	
	Total:	\$21,300	

Contributions Over the Limit

Chang personally solicited contributions from local businesses and individuals to support his campaign. Chang called and met with Caixing Xie to ask that they make contributions to the Committee as an individual and through the various business entities they direct and control. As a result of these solicitations, Caixing Xie made the following contributions to the Committee and Chang, as reported on the Committee’s campaign statements:

Name	Contribution Date	Affiliation at Time of Contribution	Amount
Caixing Xie	December 21, 2015	Self	\$8,400
Welkin International Industrial, Inc.	December 21, 2015	Caixing Xie – Director, President, CFO, Shareholder	\$8,300
CQQC, Inc.	December 22, 2015	Caixing Xie - Director	\$8,400
		Total:	\$25,100

Welkin International Industrial, Inc. and CQQC, Inc. are corporations that were directed and controlled by Caixing Xie at the time when they made the contributions listed above. Therefore, Caixing Xie contributed \$25,100, in aggregation, to the Committee, exceeding the contribution limit by \$16,700.

VIOLATIONS

Count 1: Failure to Timely File \$5,000 Reports

The Committee and Chang failed to timely file a \$5,000 report for 10 contributions received from July 27, 2015 through December 11, 2015, in violation of Government Code section 85309, subdivision (c).

Count 2: Failure to Timely File \$5,000 Reports

The Committee and Chang failed to timely file a \$5,000 report for 11 contributions received from December 21, 2015 through December 29, 2015, in violation of Government Code section 85309, subdivision (c).

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1 Count 3: Failure to Timely File \$5,000 Reports

2 The Committee and Chang failed to timely file a \$5,000 report for 14 contributions received from
3 December 30, 2015 through December 29, 2015, in violation of Government Code section 85309,
4 subdivision (c).

5 Count 4: Failure to Timely Disclose Complete Contributor Information

6 The Committee and Chang failed to timely disclose complete contributor information on
7 campaign statements, in violation of Government Code section 84211, subdivision (f).

8 Count 5: Failure to Timely File a 24-Hour Contribution Report

9 The Committee and Chang failed to timely file a 24-hour contribution report for four late
10 contributions, in violation of Government Code section 84203.

11 Count 6: Acceptance of Contributions Over the Limit

12 The Committee and Chang accepted aggregated contributions over the limit from Caixing Xie, in
13 violation of Government Code section 85301, subdivision (a), and Regulation 18545, subdivision (a)(1).

14 **PROPOSED PENALTY**

15 This matter consists of six counts. The maximum penalty that may be imposed is \$5,000 per
16 count. Thus, the maximum penalty that may be imposed is \$30,000. Accepting contributions over the
17 limit is a violation that does not qualify for the streamline program.

18 In determining the appropriate penalty for a particular violation of the Act, the Enforcement
19 Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an
20 emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers
21 the facts and circumstances of the violation in the context of the following factors set forth in Regulation
22 18361.5 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused by the
23 specific violation; (2) The level of experience of the violator with the requirements of the Political
24 Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence
25 or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate,
26 negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission
27 staff or any other governmental agency in a manner not constituting complete defense under Government
28 Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and whether the

1 violator has a prior record of violations of the Political Reform Act or similar laws; and (8) Whether the
2 violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.²⁴

3 Accepting over-the-limit contributions causes serious public harm, as contribution limits exist to
4 prevent persons from exerting disproportionate influence over elected officials. Additionally, the public
5 harm inherent in campaign reporting violations is that the public is deprived of important, time-sensitive
6 information regarding campaign activity. The \$5,000 report and 24-hour contribution report violations
7 resulted in a lack of transparency for the public into Chang’s campaign. However, the \$5,000 report
8 violation was mitigated by the timely reporting of those activities on campaign statements, and the late
9 24-hour contribution report violation was mitigated by the late-filing of the report the day after it was
10 due and before the election.

11 Chang had been an elected official since 1995, so they had experience with the requirements of
12 the Act. Chang directly solicited contributions from Caixing Xie, but Chang contends that they did not
13 intend to conceal, deceive, or mislead the public regarding the over-the-limit contributions or other
14 violations present in this matter. The Enforcement Division did not find any evidence showing an
15 intention to conceal, deceive, or mislead the public.

16 The violations present in this matter seem to have been negligent. Although Chang was an
17 experienced candidate and elected official, Chang contends that they were unfamiliar with parts of the
18 Act concerning the \$5,000 reports and aggregated contributions. Additionally, the contributions were all
19 timely disclosed on the Committee’s applicable campaign statements. Further, the Committee and Chang
20 timely filed 24-hour contribution reports for 40 other late contributions, and the late-filed 24-hour
21 contribution report here was only one day late and filed before the election. However, Chang’s prior
22 enforcement history and the extent of the Committee and Chang’s failure to file any \$5,000 reports and
23 failure to disclose complete contributor information indicates a pattern, while the 24-hour reporting
24 violation seems to have been an isolated incident. The Enforcement Division did not find that the
25 Committee or Chang consulted the Commission staff or any other governmental agency, but the
26 Committee and Chang voluntarily filed amendments to campaign statements prior to Enforcement
27 contact and prior to the election to remedy some of their reporting violations.

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²⁴ Regulation 18361.5, subd. (e).

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

3 Counts 1-3

4 *In the Matter of Marc Levine, Elevate California: Yes on 2, Marc Levine Ballot Issue Committee,*
5 *and Philip Bruce Raful*; FPPC No. 17/607. (The Commission approved a stipulated agreement on
6 July 18, 2019.) Respondents received two \$50,000 contributions, which amounted to approximately 85
7 percent of the contributions received, but they failed to report the two contributions within 10 business
8 days of receipt by filing a \$5,000 report. The two contributions were reported before the election on a
9 timely filed pre-election campaign statement. The Commission approved a penalty of \$2,000 for this
10 violation.

11 The Committee and Chang failed to report a total of \$316,400 in \$5,000 reports, which was
12 approximately 17.5 percent of the total contributions received prior to the June 7, 2016 Primary Election.
13 As in *Levine*, the Committee and Chang reported the contributions before the election on timely filed
14 campaign statements. However, the Committee and Chang failed to file \$5,000 reports for 35
15 contributions, and each of Counts 1 through 3 concerns at least five times the number of contributions in
16 *Levine*. In contemplation of these facts, the Enforcement Division is charging the Committee and Chang
17 with three separate counts for this violation, and a penalty of \$3,500 is recommended for each count.

18 Count 4

19 *In the Matter of Re-Elect Magdalena Carrasco for City Council D5 2018, Magdalena Carrasco,*
20 *and Huascar Castro*; FPPC No. 18/1404. (The Commission approved a stipulated agreement on
21 April 16, 2020.) Respondents failed to report complete contributor information for a total of 76
22 contributors on four campaign statements. Respondents had received a total of \$24,100 from those
23 contributors, and those contributions amounted to approximately 26 percent of the total contributions
24 received. Respondents amended each of their campaign statements to include complete contributor
25 information for all but two contributors. The Commission approved a penalty of \$1,500 for this violation.

26 While the Committee and Chang failed to report complete contributor information for a quarter
27 of the contributors in *Re-Elect Magdalena*, they had received around four times the amount in
28 contributions from those contributors. Additionally, Chang had prior enforcement history for this

1 violation. As in *Re-Elect Magdalena*, the Committee and Chang amended each of their campaign
2 statements to include complete contributor information, although only nine of the 22 contributions with
3 incomplete information were remedied. For these reasons, a penalty of \$3,500 is recommended.

4 Count 5

5 *In the Matter of Committee for Safe Vallejo Schools – Yes on Measure S, Deborah Dickson, and*
6 *Michael Nichelini*; FPPC No. 19/448. (The Commission approved a stipulated agreement on
7 October 15, 2020.) Respondents failed to timely file 24-hour contributions reports to disclose 12 late
8 contributions that totaled \$25,000. Five of those late contributions were received within 16 days before
9 the election. All 12 late contributions were disclosed on 24-hour contributions reports prior to the
10 election. The Commission approved a penalty of \$2,500 for this violation.

11 Although the Committee and Chang failed to disclose a third of the late contributions in *Safe*
12 *Vallejo Schools*, those late contributions summed up to a similar total. The Committee and Chang
13 received those late contributions within the 16 days before the election. Like in *Safe Vallejo Schools*,
14 those four late contributions were disclosed on 24-hour contribution reports a day late but still prior to
15 the election, so the Committee and Chang were able to mitigate the potential harm of this violation. For
16 these reasons, and in light of Chang’s campaign experience, this violation is charged separately, and a
17 penalty of \$2,500 is recommended.

18 Count 6

19 *In the Matter of Esau Herrera for Assembly 2016, Esau Herrera, and Rebecca Rivera*; FPPC No.
20 17/849. (The Commission approved a stipulated agreement on January 21, 2021.) In 2016, when a
21 candidate for the State Assembly could not accept contributions totaling more than \$4,200 per election,
22 Respondents received two contributions totaling \$44,200 from one contributor. The two contributions
23 were deposited into Respondents’ campaign bank account and were timely reported on a 24-hour
24 contribution report and campaign statement prior to the election. Respondents accepted \$35,800 in excess
25 of the contribution limits at the time. The Commission approved a penalty of \$3,000 for this violation.

26 Like *Herrera*, the Committee and Chang received aggregated contributions over the limit from
27 only one contributor. However, contributions from Caixing Xie’s business entities were not reported
28 under Caixing Xie’s name, so it was not otherwise evident on the campaign statements that the

1 contributions should have been aggregated. Additionally, the Committee and Chang failed to provide a
2 major donor notice to Caixing Xie, and Caixing Xie did not file a major donor campaign statement until
3 they received contact from the Enforcement Division. As a result, the public did not receive any
4 disclosure regarding Caixing Xie's affiliations to the business entities that they directed and controlled
5 and were unaware that the Committee and Chang accepted contributions over the limit from Caixing Xie.

6 Caixing Xie contributed \$25,100, in aggregation, to the Chang Committee, exceeding the
7 contribution limit by \$16,700. While these contributions were timely reported on campaign statements
8 prior to the election, the three contributions received in 2015 were not timely disclosed on a \$5,000 report
9 and were not correctly attributed to Caixing Xie. Although Chang directly solicited contributions from
10 Caixing Xie, the Enforcement Division did not find evidence that proved an intention to conceal, deceive,
11 or mislead the public regarding the over-the-limit contributions. However, Chang was an experienced
12 candidate and elected official and should have been aware of the Act's requirements. In the interest of
13 settlement, the Committee and Chang's failure to provide a major donor notice to Caixing Xie is not
14 being charged as a separate count but included as an aggravating factor for Count 6. In contemplation of
15 these facts, a maximum penalty of \$5,000 is recommended.

16 In summary, the following penalties are recommended:

Count #	Violation	Penalty Amount
1	Failure to Timely File \$5,000 Reports	\$3,500
2	Failure to Timely File \$5,000 Reports	\$3,500
3	Failure to Timely File \$5,000 Reports	\$3,500
4	Failure to Failure to Disclose Complete Contributor Information	\$3,500
5	Failure to Timely File a 24-Hour Contribution Report	\$2,500
6	Acceptance of Contributions Over the Limit	\$5,000
	Total:	\$21,500

22 CONCLUSION

23 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
24 Respondents Barry Chang for Assembly 2016 and Barry Chang hereby agree as follows:

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

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

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

4 4. Respondents have consulted with their attorney, Gary Winuk of Kaufman Legal Group
5 LLP, and understand, and hereby knowingly and voluntarily waive, any and all procedural rights set forth
6 in Sections 83115.5, 11503, 11523, and Regulations 18361.1 through 18361.9. This includes, but is not
7 limited to, the right to appear personally at any administrative hearing held in this matter, to be
8 represented by an attorney at the Respondents’ own expense, to confront and cross-examine all witnesses
9 testifying at the hearing, to subpoena witnesses to testify at the hearing, to have an impartial
10 administrative law judge preside over the hearing as a hearing officer, and to have the matter judicially
11 reviewed.

12 5. The Respondents agree to the issuance of the decision and order set forth below. Also, the
13 Respondents agree to the Commission imposing against it an administrative penalty in the amount of
14 \$21,500. One or more cashier’s checks or money orders totaling said amount—to be paid to the General
15 Fund of the State of California—is/are submitted with this stipulation as full payment of the
16 administrative penalty described above, and same shall be held by the State of California until the
17 Commission issues its decision and order regarding the matter.

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

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1 The foregoing stipulation of the parties “In the Matter of Barry Chang for Assembly 2016 and
2 Barry Chang,” FPPC No. 16/446, is hereby accepted as the final decision and order of the Fair Political
3 Practices Commission, effective upon execution below by the Chair.

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5 IT IS SO ORDERED.

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7 Dated: _____

_____ Richard C. Miadich, Chair
8 Fair Political Practices Commission
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