



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811

September 13, 2023

Joe Cimino
Cimino for Governing Board 2018
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Tiffany Godbehere
[REDACTED]

Warning Letter re: FPPC Case No. 2018-01559; Joe Cimino; Cimino for Governing Board 2018; Tiffany Godbehere

Gentlepersons:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act.¹ In the election held November 6, 2018, Joe Cimino was a successful candidate for the Cotati-Rohnert Park Unified School District. Joe Cimino's controlled committee for this election was Cimino for Governing Board 2018. The committee treasurer was Tiffany Godbehere. This case was opened in response to three sworn complaints that were received by the Enforcement Division regarding alleged campaign filing violations. As discussed in more detail below, this case is being closed with a warning letter.

At the core of the Act's campaign reporting system is the requirement that candidates and their controlled committees must file campaign statements and reports for certain reporting periods and by certain deadlines.²

For example, a candidate and the candidate's controlled committee must file two semi-annual campaign statements each year. Generally, the first is for the reporting period of January 1 through June 30—and this statement must be filed by the deadline of July 31. The second is for the reporting period of July 1 through December 31—and this statement must be filed by January 31.³

Also, a candidate and the candidate's controlled committee must file two pre-election campaign statements before any election in which the candidate is listed on the ballot. In this regard, for the General Election of November 6, 2018, candidates for the Cotati-Rohnert Park Unified School District Board of Directors were required to file a pre-election campaign statement for the reporting period of July 1 through September 22, 2018, by the deadline of September 27,

¹ The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in California Code of Regulations, title 2, sections 18104 through 18998. Unless otherwise noted, all statutory and regulatory references are to these sources—as they were in effect during the time of the violations in this case (2018).

² Sections 84200, *et seq.*

³ See Section 84200.

2018—and another pre-election campaign statement for the reporting period of September 23 through October 20, 2018, by the deadline of October 25, 2018.⁴

Additionally, each candidate or committee that makes or receives a “late contribution” must file a Form 497 24-hour contribution report—within 24 hours of making or receiving the contribution.⁵ In the case of a candidate who is on the ballot for an election, a “late contribution” includes any contribution of \$1,000 or more that is received by the candidate or the candidate’s committee within 90 days before the election—or on the date of the election.⁶

In this case, you violated Sections 84200, 84200.5, and 84200.8 by failing to timely file the following campaign statements:

1. Pre-election campaign statement for the period ending September 22, 2018. (Due: 9/27/18. Filed: 10/4/18. Reportable Receipts / Expenditures: \$15,250 / \$8,352.)
2. Pre-election campaign statement for the period ending October 20, 2018. (Due: 10/25/18. Filed 11/13/18. Reportable Receipts / Expenditures: \$7,200 / \$9,871.)
3. Semi-annual campaign statement for the period ending December 31, 2018. (Due: 1/31/19. Filed 12/12/19. Reportable Receipts / Expenditures: \$1,000 / \$6,534.)
4. Semi-annual campaign statement for the period ending June 30, 2019. (Due: 7/31/19. Filed 12/12/19. Reportable Receipts / Expenditures: None / \$2,453.)

Also, with respect to late contributions that were received by the committee, at least three Form 497 24-hour reports were not timely filed. They were 10 or more days late—in violation of Section 84203. (Generally, they were filed before the election.) As noted above, your second pre-election campaign statement, which was required to be filed before the election, was not filed until after the election. In mitigation, you do not have any history of prior, similar violations during the past five years. Also, Joe Cimino no longer serves on the school board. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which require the Enforcement Division to take all appropriate actions within its discretion to decrease the Division’s annual carryover caseload, the Enforcement Division is closing this case with this warning letter.⁷ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁸ This resolution may not be used as a comparable case for other enforcement matters.⁹

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation. This warning letter may be considered in any future enforcement actions.

⁴ See Sections 84200.5 and 84200.8.

⁵ Section 84203, subdivisions (a) and (b).

⁶ Section 82036.

⁷ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁸ Regulations 18360.1 and 18360.3.

⁹ See Regulation 18361.5, subdivision (e)(3).

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the Commission's website ten (10) days from the date of this letter.

If you need guidance regarding your obligations in the future, please visit our website at www.fppc.ca.gov/advice.html or call the Commission's Toll-Free Advice Line at 1-866-ASK-FPPC (1-866-275-3772).

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Very truly yours,

Neal P. Bucknell

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