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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10
11

12 In the Matter of:) FPPC No.: 01/304
13)
14 JEFF S. COFFMAN,) STIPULATION, DECISION, and
15) ORDER
16 Respondent.)
17

18 Complainant Mark Krause, Executive Director of the Fair Political Practices Commission, and
19 Respondent Jeff S. Coffman hereby agree that this stipulation will be submitted for consideration by the
20 Fair Political Practices Commission at its next regularly scheduled meeting.

21 The parties agree to enter into this stipulation to resolve all factual and legal issues raised in this
22 matter and reach a final disposition without the necessity of holding an administrative hearing to
23 determine the liability of Respondent.

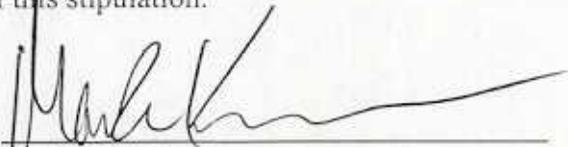
24 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural
25 rights set forth in sections 83115.5, 11503, and 11523 of the Government Code, and in section 18361 of
26 Title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally
27 appear at any administrative hearing held in this matter, to be represented by an attorney at
28 Respondent's own expense, to confront and cross-examine all witnesses testifying at the hearing, to

1 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
2 the hearing as a hearing officer, and to have the matter judicially reviewed.

3 It is further stipulated and agreed that Respondent Jeff S. Coffman violated the Political Reform
4 Act by failing to timely file his 2001 annual statement of economic interests, in violation of section
5 87300 of the Government Code (1 count), as described in Exhibit 1. Exhibit 1 is attached hereto and
6 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of
7 the facts in this matter.

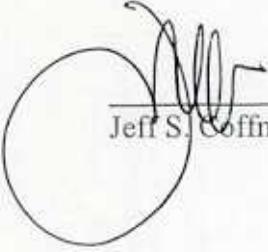
8 Respondent agrees to the issuance of the decision and order that is attached hereto. Respondent
9 also agrees to the Commission imposing upon him an administrative penalty in the amount of Eight
10 Hundred Dollars (\$800). A cashier's check from Respondent in that amount, made payable to the
11 "General Fund of the State of California," is submitted with this stipulation as full payment of the
12 administrative penalty, to be held by the State of California until the Commission issues its decision and
13 order regarding this matter. The parties agree that in the event the Commission refuses to accept this
14 stipulation, it shall become null and void, and within fifteen (15) business days after the Commission
15 meeting at which the stipulation is rejected, all payments tendered by Respondent in connection with
16 this stipulation shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the
17 event the Commission rejects the stipulation, and a full evidentiary hearing before the Commission
18 becomes necessary, neither any member of the Commission, nor the Executive Director, shall be
19 disqualified because of prior consideration of this stipulation.

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21 Dated: 10/22/03



Mark Krause
Executive Director
Fair Political Practices Commission

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25 Dated: 9-15-03



Jeff S. Coffman, Respondent

1 **DECISION AND ORDER**

2 The foregoing stipulation of the parties, "In the Matter of Jeff S. Coffman, FPPC No. 01/304,"
3 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political
4 Practices Commission, effective upon execution below by the Chairman.

5
6 IT IS SO ORDERED.

7
8 Dated: _____

Liane M. Randolph, Chairman
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Jeff S. Coffman is an appointed member of the Redevelopment Design Review Committee (the “Committee”) for the City of Fullerton (the “City”). As a member of the Committee, Respondent is a designated employee of the City as defined in Section 82019, subdivision (c) of the Political Reform Act (the “Act”)¹ and in the City’s conflict of interest code.

As required by the City’s conflict of interest code, each member of the Committee is required to file an annual statement of economic interests by April 1st of each year that the member remains in office.² On the statement of economic interests, the designated employee must disclose his or her reportable economic interests held during the preceding calendar year.

In this matter, Respondent failed to file a 2001 annual statement of economic interests by the April 2, 2002 due date.

For the purposes of this Stipulation, Respondent’s violation of the Act is stated as follows:

As a designated employee of the City of Fullerton’s Redevelopment Design Review Committee, Respondent Jeff S. Coffman failed to timely file a 2001 annual statement of economic interests by April 2, 2002, in violation of section 87300 of the Government Code.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure that the assets and income of public officials that may be materially affected by their official actions be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, Section 87300 requires every agency to adopt and promulgate a conflict of interest code. The agency’s conflict of interest code must specifically designate the employees of the agency who are required to file statements of economic interests disclosing their reportable investments, business positions, interests in real property, and sources

¹The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² According to the City’s conflict of interest code, designated employees are required to file their SEIs on April 1. Since April 1st fell on a holiday in 2002, under Regulation 18116, the filing deadline was extended to the following day, April 2, 2002.

of income. Under Section 82019, subdivision (c), and Section 87302, subdivision (a), the persons who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency, whose position with the agency entails making, or participating in making, governmental decisions that may have a reasonably foreseeable material effect on one or more of the individual's economic interests.

Under Section 87302, subdivision (b), an agency's conflict of interest code must require every designated employee of the agency to file an annual statement of economic interests for each year that the employee remains in office, at a time specified in the agency's conflict of interest code. In the statement of economic interests, a designated employee must disclose his or her reportable economic interests held during the preceding calendar year.

Under Section 87300, the requirements of an agency's conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.

SUMMARY OF THE FACTS

Respondent has been a member of the City of Fullerton's Redevelopment Design Review Committee since assuming office in November 1997. Under the provisions of the City's conflict of interest code, Respondent was required to file a 2001 annual statement of economic interests, (an "SEI") by April 2, 2002, disclosing his reportable economic interests held during the preceding calendar year. Respondent failed to file this annual SEI by the due date, in violation of Section 87300.

On March 20, 2002, the Fullerton City Clerk sent Respondent a reminder letter that Respondent's 2001 SEI was due by April 2, 2002. This letter was returned to the city clerk's office indicating that Respondent had moved, and that the forwarding order had expired.

On April 4, 2002, the city clerk's office sent Respondent a second letter reminding him that his 2001 annual SEI was due. The letter stated that the previous notification had been erroneously mailed to Respondent's prior address and informed Respondent that he had until May 6, 2002, to file his 2001 annual SEI.

After receiving no response to the April 4, 2002 letter, on May 7, 2002, the city clerk's office sent Respondent another letter notifying him that his 2001 annual SEI had not been received, and that he was now subject to a fine of \$10 per day up to a maximum of \$100.

After receiving no response to the May 7, 2002 letter, on April 4, 2003, the city clerk's office sent Respondent a final letter notifying him that his 2001 annual SEI had not been received. The city clerk's office then referred the matter to the Fair Political Practices Commission (the "Commission").

In April 2003, Enforcement Division Investigator Dan Schek contacted Respondent and notified him that he was required to file his 2001 annual SEI immediately. On May 2, 2003, the Enforcement Division received a letter from the Fullerton City Clerk's Office stating that on

April 29, 2003, Respondent filed both his 2001 and 2002 annual SEIs.

Respondent has been late in filing his previous annual SEIs for calendar years 1998, 1999, and 2000. He did not file his 1998 annual SEI until January 4, 2000, over nine months late. He did not file his 1999 annual SEI until May 18, 2000, approximately one-and-a-half months late. Respondent's 2000 annual SEI, filed on July 16, 2001, was three-and-one-half-months late. In this case, Respondent's 2001 annual SEI, filed on April 29, 2003, was over one year late. For the 2001 annual SEI, Respondent submitted a check for \$100 to the city clerk for the late filing.

During the time that Respondent has served as a member of the Committee, he has been required to file six annual SEIs, including the most recent 2002 annual SEI, which was filed along with his 2001 annual SEI. Respondent has been delinquent in filing his SEIs for the last five years, the most serious late filing being his 2001 annual SEI.

CONCLUSION

This matter consists of one count of violating Section 87300, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). Due to Respondent's adverse filing history, it was not appropriate to handle this case under the SEI Expedited Procedures adopted by the Commission in July 1999.

As noted above, Respondent has established a five-year history of failing to file his SEIs in a timely manner. He was previously contacted by the Enforcement Division for failing to timely comply with his filing requirements for his 2000 SEI, which he filed almost immediately after such contact. The following year, Respondent failed to file his 2001 SEI until over a year after it was due. These factors justify a higher penalty than would normally be imposed under the SEI Expedited Procedures.

However, Respondent cooperated by filing his 2001 and 2002 annual SEIs within 30 days of being contacted by Enforcement Division staff, and he was cooperative in reaching an early resolution of this matter. Therefore, imposition of the agreed upon penalty of Eight Hundred (\$800) is appropriate.