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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of COLIN PARENT, Respondent.	FPPC Case No. 2025-00772 STIPULATION, DECISION AND ORDER

INTRODUCTION

Colin Parent ("Parent") was a member of the La Mesa City Council from 2016 to 2024. This case was opened pursuant to a commission-initiated investigation and involves failure to timely file behested payment reports ("Form 803") regarding approximately seven charitable payments of $5,000 or more—totaling approximately $58,650— made to Circulate San Diego ("CSD"), in violation of the Political Reform Act.[1] CSD is an Internal Revenue Code section 501(c)(3) organization that raises money to promote healthy mobility and transportation choices for neighborhoods. At the time of the behested payments, Parent was the Executive Director—a title that was later changed to Chief Executive Officer in 2023—of CSD, which was a salaried employment position. The payments were made from 2021 to 2024 to CSD at Parent's behest.

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[1] The Political Reform Act—sometimes simply referred to as the Act—is contained in Government Code sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to this source.

SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. All legal references and discussions of law are intended to be citations to statutes and regulations as they existed at the time of the violations noted above.

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

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

Payments made at the behest of elected officials—including charitable donations—are a means by which donors may seek to gain favor with elected officials. One purpose of the Act is to ensure timely, transparent reporting of such activity, which serves to increase public awareness regarding potential attempts to influence in this manner.[4]

Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be "vigorously enforced."[5]

Required Filing of Behested Payment Reports

When one individual or organization makes a charitable donation (or donations) to another—at the behest of an elected officer—the officer is required to disclose the payment(s) on a Form 803 behested payment report, which must be filed with the officer's agency within 30 days following the date on which the payment(s) equal or exceed $5,000 in the aggregate from the same source in the same calendar year. The report is a public record, which must include the name and address of the payor, the amount of the payment, the date of payment, the name and address of the payee, a brief description of the goods or services provided or purchased (if any), and a description of the specific purpose or event for which the payment or payments were made. Once the $5,000 aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be

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[2] Section 81001(h).

[3] Section 81003.

[4] See Sections 82004.5 and 84224.

[5] Section 81002(f).

disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later.[6] Additionally, effective December 8, 2021, the behested payment report must include a brief description of any relationship of the nonprofit organization payee to the elected officer, or a member of their immediate family, or member of their campaign or officeholder staff.[7] The description must include: (1) any decision-making capacity within the organization, such as a board member or executive officer position; (2) salaried employment at the organization; (3) status as a founding member of the organization, or; (4) a position on an honorary or advisory board of the organization.[8]

These rules apply when the payment is "made at the behest" of the officer. This means that the payment is made under any one (or more) of the following circumstances:[9]

1. at the request, suggestion, or direction of the officer (or his agent);
2. in concert with the officer (or his agent);
3. with the express, prior consent of the officer (or his agent);
4. in cooperation, consultation, or coordination with the officer (or his agent); or
5. under the control of the officer (or his agent).

An officer "has a duty to be informed of payments made at his behest and must make an effort to file required forms as soon as possible."[10] This is a duty to make a reasonable inquiry.

SUMMARY OF THE FACTS

Parent was a member of the La Mesa City Council from 2016 to 2024. In 2017, Parent served as Executive Director and General Counsel for CSD. In 2023, the Executive Director title was changed to Chief Executive Officer. As Executive Director and Chief Executive Officer, Parent was a salaried employee with CSD holding an executive officer position. From 2021 through 2024, numerous charitable donations of $5,000 or more were made to CSD at Parent's behest. Parent was required to file Form 803 behested payment reports with the La Mesa City Clerk within 30 days of each payment, but he filed seven reports late, as shown in the chart below.

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[6] See Sections 82004.5 and 84224.

[7] Regulation 18424(a).

[8] Regulation 18424(a).

[9] Regulation 18215.3(a).

[10] See: John St. Croix Advice Letter (I-13-107), page 4.

Donor	Amount	Payment Date	Filing Due Date	Date Filed
Sudberry Properties, Inc.	$5,500	1/11/2022	2/10/2022	5/3/2022
Sea Breeze Properties, LLC.	$5,500	1/24/2022	2/23/2022	5/3/2022
Bartell Hotels	$5,500	7/21/2022	8/22/2022	9/7/2022
SDG&E	$20,000	12/20/2022	1/19/2023	2/1/2023
F&F Income Properties	$7,500	1/31/2023	3/2/2023	6/7/2023
Garden Communities	$9,000	11/27/2023	12/27/2023	1/9/2024
MTS	$5,650	11/14/2023[11]	12/14/2023	1/9/2024
Total for late-filed reports:	*$58,650*			

VIOLATIONS

Count 1: Failure to Timely File Behested Payment Report

Parent failed to timely file a behested payment report by the January 19, 2023 due date, in violation of Government Code Section 84224. For settlement purposes, 1 count is being charged (as discussed in more detail below).

STREAMLINE EXCLUSION

Late-filed behested payment reports and non-reporting on behested payment reports are types of violations included in the Commission's streamline settlement program. However, the violations in this case are excluded from the streamline settlement program because the public harm is more than minimal due to the Respondent's receipt of a "perceived or actual personal benefit."[12] As a salaried employee of CSD holding a position with an executive title, there is, at the very least, the appearance that Parent received a benefit due to the behested payments.

PROPOSED PENALTY

The maximum penalty that may be imposed per count is $5,000.[13] In this case, 1 count is recommended. The maximum penalty for the counts charged is $5,000.

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[11] On January 9, 2024, a Form 803 was filed reporting a payment date of December 21, 2023, which would have been timely filed; however, the description provided on the form indicates that on November 14, 2023, the payments exceeded $5,000 in the aggregate from the same source in the same calendar year so a Form 803 was due on December 14, 2023.

[12] Regulation 18360.2(e)(7)(B)(i). "A perceived or actual personal benefit. A 'perceived personal benefit' means the Chief of Enforcement believes the evidence sufficiently supports a reasonable belief or strong suspicion that the Respondent received a benefit, which includes evidence of a direct benefit to a family member of the Respondent."

[13] See Section 83116(c).

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors:[14]

1. the extent and gravity of the public harm caused by the specific violation;
2. the level of experience of the violator with the requirements of the Act;
3. penalties previously imposed by the Commission in comparable cases;
4. the presence or absence of any intention to conceal, deceive or mislead;
5. whether the violation was deliberate, negligent or inadvertent;
6. whether the violator demonstrated good faith by consulting Commission staff or any other governmental agency in a manner not constituting a complete defense under Section 83114, subdivision (b);
7. whether the violation was isolated or part of a pattern—and whether the violator has a prior record of violations of the Act or similar laws; and
8. whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

Behested payments can be a means by which donors may seek to gain favor with elected officials. Such payments are lawful, but timely and accurate reporting is required, as it affords the public an opportunity to assess the propriety of the behested payments—and in turn, this scrutiny serves to inhibit improper practices.[15] There is inherent public harm in non-disclosure and late reporting because the public is deprived of a timely opportunity to scrutinize the payments. Without such scrutiny, improper practices are not inhibited. The Commission has found timely disclosure to be essential.

In this case, Parent's violations appear to be inadvertent. Parent's untimely Form 803 filings noted in the chart above were filed between 13–97 days late, but all were filed before the violations were made known to the Enforcement Division. Filing dates were compared to the reported dates of

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[14] These factors are set forth in Regulation 18361.5(e)(1)-(8).

[15] See Sections 82004.5 and 84224; Jay advice letter (A-10-088), page 3; Legal Division staff memo of 10/11/21 re: behested payments, pages 4 and 5.

payments—meaning that the late filing violations in this case were apparent from the face of the filings. Each filing included the identity of the donor, identity of the recipient, amount of the donation, date of payment, the date that the Form 803 report was filed with Parent's agency, and was executed by Parent under penalty of perjury.

Comparable Cases

Historically, in cases involving the failure to timely file behested payment reports and a high level of public harm caused, the Enforcement Division has used thresholds, on a case by case basis, to separate the most egregious violations—in terms of reportable activity—from less egregious ones.

For example, *In the Matter of William Dodd* (FPPC No. 19/439; approved January 26, 2023), the Commission imposed a penalty of $7,500 for failure to timely file behested payment reports regarding twenty-seven payments, which totaled approximately $481,900. Five counts were charged, for each late-filed report of $20,000 or more, with a penalty of $1,500 per count. Dodd involved a pattern of filing violations that occurred over multiple calendar years where the violations appeared to be the result of negligence. The official did not have a history of prior, similar violations and no intent to conceal was found. Dodd voluntarily filed all required behested payment reports, albeit late. Dodd was a member of the California State Senate.

Another case that bears similarities is *In the Matter of Christopher Holden* (FPPC No. 19/429; approved March 21, 2024). In *Holden*, the Commission imposed a penalty of $24,000 for failure to timely file behested payment reports regarding ninety-four payments, which totaled approximately $1,576,500, and were made to California Legislative Black Caucus Policy Institute, where Holden served as Chair. Sixteen counts were charged, for each late-filed report of $25,000 or more, with a penalty of $1,500 per count. *Holden* also involved a pattern of filing violations that occurred over multiple calendar years where the violations appeared to be the result of negligence. The official did not have a history of prior, similar violations and no intent to conceal was found. Holden voluntarily filed all required behested payment reports, albeit late. Holden was a member of the California State Assembly.

Aggravation

The current case also involves failure to accurately disclose information in accordance with Regulation 18424, which became operative on December 8, 2021, requiring additional reporting to

disclose elected officers' relationship with non-profit organization payees. Further, in February 2022, the FPPC provided a revised Form 803 that afforded a dedicated space for officials to disclose the newly required information but for all of Parent's filings, Parent used an outdated version of the form that did not have any reference to the additional disclosure required. For approximately thirty behested payment reports, Parent failed to include any indication of his relationship with CSD. For approximately twelve behested payment reports, Parent began disclosing that he was a "salaried employee" of CSD in a section reserved for "Amendment Description and/or Comments" on the outdated Form 803s. This additional information that Parent elected to report provided disclosure by indicating that Parent was a salaried employee but did not disclose Parent's executive titles. For settlement purposes, the non-reporting violations are noted as aggravation but are not being charged.

Respondent contends that his continued use of an older Form 803 was inadvertent. Respondent further contends that the reports were filed late because donation checks were sometimes sent from donors months after any solicitation was made, and the connection between a solicitation and a donation was not always immediately apparent to the organizational staff and vendors who processed the checks that were received. Because of this, some behested payments were not immediately brought to Parent's attention. Nevertheless, once those administrative errors were discovered, a Form 803 was filed or updated to disclose the behested payments. Lastly, Respondent contends that, although his positions with CSD indicate an executive title, Parent actually did not have decision-making authority in those roles, as evidenced by CSD's Bylaws and Employee Handbook.[16]

Recommended Number of Counts and Penalty

Although one count may be charged for each late-filed behested payment report and each report lacking full and accurate disclosure, charging every violation is not necessary to ensure that the penalty fits the wrongdoing.

Dodd involved late-filed reports regarding twenty-seven behested payments (ranging in amounts from $5,000 to $120,000)—totaling approximately $481,900. One count was charged for each of the five largest payments (ranging in amounts from $20,000 to $120,000). For settlement purposes, the remaining

[16] Additionally, Parent was listed in the Staff section on the CSD webpage rather than in the section listing the Board of Directors.

twenty-two payments (ranging in amounts from $5,000 to $14,400) were noted as aggravating information, but they were not charged.

Holden involved late-filed reports regarding ninety-four behested payments (ranging in amounts from $5,000 to $100,000)—totaling approximately $1,576,500. Sixteen counts were charged for the most egregious payments, which were generally $25,000 or more. The Enforcement Division charged sixteen counts for a penalty that would be proportionate to the wrongdoing.

The current case involves seven behested payment reports filed late (ranging in amounts from $5,500 to $20,000, totaling approximately $58,650) and thirty reports that lacked necessary disclosure (ranging in amounts from $5,000 to $40,000, totaling approximately $322,650). These amounts are far less than those involved in *Dodd* ($5,000 to $120,000, totaling approximately $481,900) or *Holden* ($5,000 to $100,000, totaling approximately $1,576,500). This case is different than prior cases because, in addition to late-filing violations, it also involves behested payment reports that failed to disclose Parent's positions with CSD. This reporting requirement was implemented in December 2021, and this case is one of the first such non-reporter violations in front of the Commission. Therefore, if pursued as a stand-alone non-reporting violation, it would likely result in a warning letter or a Streamline settlement.

Furthermore, in this case, one late-filed report was for a payment of $20,000 and the remaining six were for payments of $9,000 or less. All of the late-filed reports in this case were outstanding for a shorter time than in *Dodd* and *Holden*:13–97 days late, rather than 41–107 in *Dodd* or 20–276 in *Holden*. As with all three cases, all of the late reports were filed voluntarily without any prompting from the FPPC.

Here, there is one late behested payment report involving a payment of $20,000 or more. In line with *Dodd* and *Holden*, charging $1,500 per count for late behested payment reports involving a payment of $20,000 or more would therefore result in a total penalty of $1,500. For settlement purposes, the remaining behested payment report violations are not being charged but rather noted as aggravating information, and the lower threshold of $20,000 or more (from *Dodd*) is being used. Charging $1,500 per count for the late behested payment reports totaling $20,000 or more would result in a total penalty of $1,500 and is consistent with what was charged in *Dodd* and *Holden*, taking into consideration the mitigation that was previously described, particularly the lower number of days late for the late reports,

the lower amount of each behested payment, the cumulative behested payment total, the disclosure provided by Parent on the outdated Form 803 that was used, and that Parent was a local city councilmember rather than a State elected officer (as in *Dodd* and *Holden*). Therefore, a penalty of $1,500 is recommended for Count 1.

CONCLUSION

Complainant, the Enforcement Division of the Fair Political Practices Commission, and respondent, Colin Parent, hereby agree 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 the regularly scheduled meeting that is noted in the case caption on page 1—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. Respondent has consulted with his attorney, Amber Maltbie of Nossaman, LLP. Respondent understands and hereby knowingly and voluntarily waives, 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 respondent's 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.

5. Respondent agrees to the issuance of the decision and order set forth below. Also, Respondent agrees to the Commission imposing against him an administrative penalty in the amount of $1,500. One or more payments totaling this amount—to be paid to the General Fund of the State of California—is/are submitted with this stipulation as full payment of the administrative penalty described above, and they will be held by the State of California until the Commission issues its decision and order

regarding this matter.

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

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

Dated: _____

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Kendall L.D. Bonebrake, Chief of Enforcement
Fair Political Practices Commission

Dated: _____

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Colin Parent, Respondent

The foregoing stipulation of the parties "In the Matter of Colin Parent," FPPC Case No. 2025-00772, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chair.

IT IS SO ORDERED.

Dated: _____

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Adam Silver, Chair
Fair Political Practices Commission