FAIR POLITICAL PRACTICES COMMISSION

STIPULATION, DECISION AND ORDER
Campaign Statement/Report Late Filer Violations
(Streamline Program)

Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent(s) hereby agree that this stipulation will be included on the next regularly scheduled meeting, or as soon thereafter as the matter can be heard, of the Fair Political Practices Commission. Once presented and approved by the Chief of Enforcement, the parties agree that this stipulation will be the final disposition of the violation(s) described herein.

FPPC CASE NUMBER: 2022-00502

RESPONDENT(S): Elrawd MacLearn for Clerk-Recorder-Assessor 2022 and Elrawd MacLearn

REPRESENTATION: Not applicable

GOVERNMENT CODE SECTION(S) VIOLATED: 84200.5, 84203

Total Penalty: $2,303

STATEMENT BY RESPONDENT(S):
I acknowledge that the violation(s) of the Political Reform Act described above have occurred and voluntarily request that the Fair Political Practices Commission resolve this matter by imposition of the monetary penalty specified above. I acknowledge receipt of the *Statement of Respondent's Rights* and voluntarily waive any and all procedural rights to contest this matter in an administrative hearing. I have paid the amount of the penalty described above. I understand that I must also pay any potential late filing penalties assessed by my filing officer.

Dated:_____ Sign: _____

Print Name: _____

Dated:_____ Sign: _____

Print Name: _____

ORDER OF THE COMMISSION:
I have reviewed this stipulation, taken into consideration any comments made regarding this item, and am executing this agreement under the authority of the Fair Political Practices Commission granted to me by Regulation 18360.3. This agreement is effective upon execution below.

IT IS SO ORDERED.

Dated: _____

_____
KENDALL L.D. BONEBRAKE, ENFORCEMENT CHIEF

FAIR POLITICAL PRACTICES COMMISSION

STATEMENT OF RESPONDENT'S RIGHTS

The Complainant, the Enforcement Division of the Fair Political Practices Commission, and Respondent, both identified by name on the front of this document, hereby agree that this Stipulation, Decision and Order will be submitted for notice at the next regularly scheduled Fair Political Practices Commission meeting, or as soon as the matter can be heard.

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

Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under California Government Code sections 83115.5, 11500, *et seq*., and Title 2 of the California Code of Regulations sections 18361.4 through 18361.11, including but not limited to the issuance and receipt of an accusation, and the right to appear personally and be represented by counsel at his or her own expense in any administrative hearing held in this matter, to confront and cross examine all witnesses testifying at the hearing, to subpoena witnesses to testify at the hearing, and to have an impartial administrative law judge present at the hearing to act as a hearing officer.

It is further stipulated and agreed that Respondent has violated the Political Reform Act as described herein.

Respondent agrees to the issuance of the Decision and Order and imposition by the Commission through the Chief of Enforcement of a penalty in the amount specified on the Stipulation, and a payment in full has been submitted by Respondent to be held by the State of California until the issuance of the Decision and Order. This will be the final disposition of the violation(s) described herein.

The parties agree that in the event the Chief of Enforcement refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which this Stipulation is presented, payments tendered shall be reimbursed to Respondent. Respondent further stipulates and agrees that in the event the Chief of Enforcement rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, neither a member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

DESCRIPTION OF VIOLATION:

Campaign Statement/Report Late Filer

Tier	Count	Statement/Report	Reporting Period	Due Date	Date Filed	Describe Reportable Activity	Penalty[1]
T1	1	Pre-election	01/01/22-04/23/22	4/28/2022	5/10/2022	Contributions: $9,080 Expenditures: $3,774	$291
T1	2	Pre-election	04/04/22-05/21/22	5/26/2022	6/1/2022	Contributions: $13,223 Expenditures: $7,502	$332
WL	3	24-hour contribution report	4/6/2022	4/7/2022	4/11/2022	Contribution: $4,900	$0
WL	4	24-hour contribution report	5/3/2022	5/4/2022	5/10/2022	Contribution: $1,000	$0
T2	5	24-hour contribution report	5/23/2022	5/31/2022	6/20/2022	Contribution: $1,000	$820
T2	6	24-hour contribution report	5/27/2022	5/28/2022	6/20/2022	Contribution: $3,000	$860
WL	7	24-hour contribution report	6/7/2022	6/8/2022	6/20/2022	Contribution: $1,280	$0

TOTAL PENALTY: $2,303

This matter is eligible for a streamline resolution under the criteria provided in Regulation 18360.1.

Filer is a Local Candidate Committee

[1] The penalty for failing to timely file a campaign statement or report under Tier One is $200-$600 plus 1% of contributions received or expenditures made, whichever is greater per late statement or report. The penalty under Tier Two is $800-$1,200 plus 2% of contributions received or expenditures made, whichever is greater, per late statement or report.
The base penalty can vary in $100 increments based on the extent and the gravity of the public harm caused by the specific violation, the level of experience the respondents have with the Political Reform Act, the level of diligence to come into compliance, and the level of cooperation during investigation and in reaching settlement.
Violations that qualify for a Warning Letter ("WL") are considered prior history for purposes of streamline eligibility for future violations.
The Enforcement Chief has the discretion to include violations in Tier One ("T1D") and Tier Two ("T2D") and exclude violations from receiving a penalty ("WLD").