

1 GARY S. WINUK
Chief of Enforcement
FAIR POLITICAL PRACTICES COMMISSION

2 428 J Street, Suite 620
3 Sacramento, CA 95814
Telephone: (916) 322-5660
4 Facsimile: (916) 322-1932

5 Attorney for Complainant

6
7 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

8 **STATE OF CALIFORNIA**

9
10 In the Matter of) FPPC No. 12/301
11)
12 YES ON PROPOSITION A,) STIPULATION, DECISION and
13) ORDER
14 Respondent.)

15 Complainant, the Enforcement Division of the Fair Political Practices Commission, and
16 Respondent Yes on Proposition A, hereby agree that this Stipulation will be submitted for consideration
17 by the Fair Political Practices Commission at its next regularly scheduled meeting.

18 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this
19 matter and to reach a final disposition without the necessity of holding an administrative hearing to
20 determine the liability of Respondent, pursuant to Section 83116 of the Government Code.

21 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural
22 rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Section 18361.1
23 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to,
24 the right to personally appear at any administrative hearing held in this matter, to be represented by an
25 attorney at Respondent's own expense, to confront and cross-examine all witnesses testifying at the
26 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge
27 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

1 It is further stipulated and agreed that Respondent violated the Political Reform Act by failing to
2 provide proper written disclosure for a period of at least five seconds of a broadcast of thirty seconds on
3 a television advertisement or to provide for the reasonable degree of color contrast between the
4 background and text of the statement, in violation of Government Code Section 84503 (Count 1).

5 Respondent agrees to the issuance of the Decision and Order, which is attached hereto.
6 Respondent also agree to the Commission imposing upon it an administrative penalty in the amount of
7 Two Thousand Five Hundred Dollars (\$2,500). A cashier's check from Respondent in said amount,
8 made payable to the "General Fund of the State of California," is submitted with this Stipulation as full
9 payment of the administrative penalty, to be held by the State of California until the Commission issues
10 its Decision and Order regarding this matter. The parties agree that in the event the Commission refuses
11 to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the
12 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent in
13 connection with this Stipulation shall be reimbursed to Respondent. Respondent further stipulates and
14 agrees that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the
15 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
16 shall be disqualified because of prior consideration of this Stipulation.

17
18 Dated: _____

Gary S. Winuk, Chief of Enforcement, on behalf of the
Fair Political Practices Commission

19
20
21 Dated: _____

Bill Baber
Yes on Proposition A

DECISION AND ORDER

1 The foregoing Stipulation of the parties “In the Matter of Yes on Proposition A, FPPC No. 12/301,”
2 including all attached exhibits, is hereby accepted as the final Decision and Order of the Fair Political
3 Practices Commission, effective upon execution below by the Chair.
4

5 IT IS SO ORDERED.
6

7 Dated: _____

8 Ann Ravel, Chair
9 Fair Political Practices Commission
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28