

1 JOHN ST. CROIX
Executive Director
2 SAN FRANCISCO ETHICS COMMISSION
30 Van Ness Avenue, Suite 3900
3 San Francisco, CA 94102
415-581-2300

4 Complainant

6 BEFORE THE SAN FRANCISCO
7 ETHICS COMMISSION

9 In the Matter of)

Ethics Complaint No. NRF-14-050921

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11)
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RENEE SAUCEDO FOR SUPERVISOR)
(ID NUMBER 1263784);)
RENEE SAUCEDO, CANDIDATE AND)
GENEVIE GALLEGOS, TREASURER)

**STIPULATION, DECISION
AND ORDER**

Respondents.

16 Complainant, John St. Croix, Executive Director of the San Francisco Ethics Commission,
17 and Respondents Renee Saucedo for Supervisor (ID Number 1263784); Renee Saucedo, candidate
18 and Genevie Gallegos, treasurer, hereby agree that this Stipulation will be submitted for
19 consideration by the Ethics Commission at its next meeting. The parties agree to enter into this
20 Stipulation to resolve all factual and legal issues raised in the matter of Ethics Commission
21 Complaint Number NRF-14-050921.

22 Respondents understand, and hereby knowingly and voluntarily waive, any and all
23 procedural rights under Section C3.699-13 of the San Francisco Charter and the Ethics
24 Commission's Regulations for Investigations and Enforcement Proceedings with respect to this
25 matter. This includes, but is not limited to, the right to appear personally at any administrative

1 hearing held in this matter, to be represented by an attorney at Respondents' expense, to confront
2 and cross-examine all witnesses testifying at the hearing and to subpoena witnesses to testify at the
3 hearing.

4 It is hereby stipulated and agreed that the Respondents committed one (1) violation of the
5 San Francisco Campaign Finance Reform Ordinance and one (1) violation of the Electronic Filing
6 Ordinance, as described below in the summary of facts, which is a true and accurate summary of the
7 facts in this matter.

8 **SUMMARY OF LAW**

9 Section 1.106 of the San Francisco Campaign and Governmental Conduct Code requires
10 committees active in local elections to file campaign finance disclosure statements with the Ethics
11 Commission. All active committees were required to file a semi-annual campaign finance
12 statement for the period July 1, 2004 to December 31, 2004 by January 31, 2005. S.F. C&GCC
13 § 1.106; Cal. Gov. Code §§ 84200 *et seq.* Committees that received contributions or made
14 independent expenditures totaling five thousand dollars (\$5,000) or more in a calendar year were
15 also required to file this statement in electronic form by the same due date. SF C&GCC §§ 1.300 *et*
16 *seq.*

17 It is the duty of a committee's treasurer to ensure that the committee complies with all of the
18 requirements of San Francisco's Campaign Finance Reform Ordinance and Electronic Filing
19 Ordinance and California's Political Reform Act concerning the receipt and expenditure of funds,
20 and the reporting of such funds. S.F. C&GCC § 1.106; Cal. Gov. Code §§ 81004(b) and 84100; 2
21 CCR § 18427(a). A candidate and a committee's treasurer may be held jointly and severally liable,
22 along with the committee, for any reporting violations committed by the committee. S.F. C&GCC
23 § 1.106 and 1.170(f); Cal. Gov. Code § 91006.

24 Any person who intentionally or negligently violates any provisions of the San Francisco
25 Campaign Finance Reform Ordinance or Electronic Filing Ordinance is liable in an administrative

1 proceeding before the Ethics Commission for penalties in an amount of up to five thousand dollars
2 (\$5,000) for each violation, or three times the amount not reported, whichever is greater. S.F.
3 C&GCC § 1.170; S.F. Charter § C3.699-13.

4 If any committee files a paper campaign finance statement after the due date, the committee
5 shall be liable for a late filing fee in the amount of ten dollars (\$10.00) per day from the due date
6 until the statement is filed. S.F. C&GCC § 1.106 and Cal. Gov. Code § 91013.5(a). No liability
7 shall be waived for a late semi-annual paper campaign finance if it is not filed within ten (10) days
8 after the Ethics Commission has sent specific written notice of the filing requirement. *Id.* No
9 liability for a late paper campaign finance statement shall exceed the cumulative amount of the
10 committee's financial activity, or one hundred dollars (\$100.00), whichever is greater. S.F.
11 C&GCC § 1.106 and Cal. Gov. Code § 91013.5(c). If any committee files an electronic campaign
12 finance disclosure statement after the due date, the committee shall be liable for a late filing fee in
13 the amount of twenty-five dollars (\$25.00) per day from the due date until the statement is filed.
14 S.F. C&GCC § 1.215.

15 **SUMMARY OF FACTS**

16 Renee Saucedo for Supervisor ("the Committee") qualified as a committee, and, as such, the
17 Committee was required to file campaign finance statements with the Ethics Commission pursuant
18 to local and state law. Furthermore, the Committee received contributions totaling more than five
19 thousand dollars (\$5,000) in a calendar year, so the Committee was required to file electronic as
20 well as paper statements with the Ethics Commission.

21 As candidate and treasurer, Renee Saucedo and Genevie Gallegos, respectively, were
22 responsible for ensuring that the Committee complied with the filing requirements and may be held
23 personally liable for violations by the Committee.

24 August 1, 2005 was the filing due date for semi-annual campaign statements covering the
25 period from January 1, 2005 to June 30, 2005.

1 The Committee was required, but failed, to file paper and electronic semi-annual campaign
2 statements for this period by August 1, 2005.

3 On August 10, 2005, the Ethics Commission sent the Committee written notice of its failure
4 to file the required statements.

5 On August 23, 2005, the Committee had not yet filed the above statements, so the Ethics
6 Commission sent specific written notice to the Committee regarding its failure to file these
7 statements.

8 On or around August 23, 2005, Ethics Commission staff listed the Committee's name on the
9 Ethics Commission's website as a Non-Responsive Filer.

10 On September 27, 2005, the Committee had still not filed the above statements, so the
11 Ethics Commission initiated an enforcement action regarding the Committee's non-filing pursuant
12 to the Ethics Commission's Regulations for Investigations and Enforcement Proceedings Section
13 III-A. On that day, the Ethics Commission sent a notice to Respondents that an enforcement action
14 had been initiated and sent a copy of the enforcement notice to the District Attorney and the City
15 Attorney.

16 On September 29, 2005, Respondents filed paper and electronic campaign finance
17 disclosure statements for the period January 1, 2005 to June 30, 2005. These statements were filed
18 fifty-nine (59) days after the August 1, 2005 due date.

19 **MITIGATING INFORMATION**

20 The Committee's cumulative financial activity for the period of January 1, 2005 to June 30,
21 2005 was less than one hundred dollars (\$100.00). Total cumulative contributions received were
22 zero dollars (\$0.00), total cumulative expenditures were zero dollars (\$0.00) and the Committee's
23 ending cash balance on June 30, 2005 was twenty dollars and four cents (\$20.04).

24 **AGGRAVATING INFORMATION**

25 Respondents' failure to file the statements described above or to contact the Ethics

1 Commission prior to specific written notice or initiation of the enforcement action resulted in public
2 harm and unnecessary expense to the Ethics Commission in the form of staff time and other
3 resources.

4 Respondents have also been late filing campaign finance statements for previous periods.
5 The previous late statements were never filed more than a few days after the due dates, however.

6 **COUNT I**

7 Respondents failed to file a paper campaign finance disclosure statement for the period
8 covering January 1, 2005 to June 30, 2005 by the August 1, 2005 due date.

9 **COUNT II**

10 Respondents failed to file an electronic campaign finance disclosure statement for the period
11 covering January 1, 2005 to June 30, 2005 by the August 1, 2005 due date.

12 **APPLICATION OF LAW**

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14 By failing to file the paper and electronic campaign finance disclosure statements described
15 above, Respondents violated San Francisco Campaign and Governmental Conduct Code Sections
16 1.106 and 1.300 *et seq.* Because the Committee's cumulative financial activity for the reporting
17 period was less than one hundred dollars (\$100.00), the maximum late filing fee that the Ethics
18 Commission may impose for Respondent's late paper statement is one hundred dollars (\$100.00),
19 pursuant to San Francisco's Campaign and Governmental Conduct Code Section 1.106 and
20 California Government Code Section 91013.5(c).

21 Respondents agree to the issuance of the attached Decision and Order. This Decision and
22 Order is part of a settlement by which Respondents agree to pay a total settlement amount of five
23 hundred and fifty dollars (\$550.00) to the Ethics Commission to resolve these two violations by
24 Respondents. This total amount includes a monetary penalty of two hundred dollars (\$200.00)—
25

1 one hundred dollars (\$100.00) for each violation—and a late filing fee of three hundred and fifty
2 dollars (\$350.00)—one hundred dollars (\$100.00) for the late paper statement and two hundred and
3 fifty dollars (\$250.00) for the late electronic statement.

4 The total amount of five hundred and fifty dollars (\$550.00) will be paid in the form of a
5 check or money order made out to the San Francisco Ethics Commission within ten (10) business
6 days after the Ethics Commission approves this Stipulation, Decision and Order, unless, at the
7 Executive Director’s sole discretion, the Ethics Commission entered into a Payment Schedule
8 Agreement with Respondents, as set forth in Appendix A. If the Ethics Commission and
9 Respondents enter into a Payment Schedule Agreement, Respondents agree to pay the Ethics
10 Commission a \$35.00 administrative fee in addition to the total amount specified above, and failure
11 to submit the payments listed in Appendix A shall render this agreement null and void.

12 All payments shall be remitted to:

13
14 San Francisco Ethics Commission
15 Attn: Linda Bjorke/Enforcement Division
16 30 Van Ness Avenue, Suite 3900
17 San Francisco, CA 94102

18 Respondents understand and acknowledge that this Stipulation is not binding on any other law
19 enforcement agency, and does not preclude the Commission or its staff from referring the matter to,
20 cooperating with, or assisting any other government agency with regard to the matter, or any other
21 matter related to it.

22 The parties agree that in the event the Ethics Commission refuses to approve this
23 Stipulation, it shall become null and void. In that event, nothing in this Stipulation may be used for
24 any purpose, including in any court or other proceeding relating to this matter, and the parties are
25 free to take positions contrary to those stated herein. Respondents further stipulate and agree that in
the event the Commission rejects this Stipulation and a full evidentiary hearing before the

1 Commission becomes necessary, neither any member of the Commission, nor its staff, shall be
2 disqualified because of prior consideration of this Stipulation.

3 This Stipulation reflects the entire agreement between the parties hereto and supersedes any
4 and all prior negotiations, understandings, and agreements with respect to the transactions
5 contemplated herein. This Stipulation may not be amended orally. Any amendment or
6 modification to this Stipulation must be in writing duly executed by all parties.

7 This Stipulation shall be construed under, and interpreted in accordance with, the laws of the
8 State of California. If any provision of the Stipulation is found to be unenforceable, the remaining
9 provisions shall remain valid and enforceable.

10 The parties hereto may sign different copies of this Stipulation, which will be deemed to
11 have the same effect as though all parties had signed the same document.

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13 Dated: _____
14 _____
15 JOHN ST. CROIX, Executive Director
16 San Francisco Ethics Commission

17 Dated: _____
18 _____
19 Candidate/Treasurer
20 Renee Saucedo for Supervisor

21 Dated: _____
22 _____
23 Candidate/Treasurer
24 Renee Saucedo for Supervisor
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DECISION AND ORDER

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The foregoing Stipulation of the parties "In the Matter of Renee Saucedo for Supervisor (ID Number 1263784); Renee Saucedo, Candidate, and Genevie Gallegos, Treasurer," Ethics Complaint Number NRF-14-050927, including all attached exhibits, is hereby accepted as the final decision and order of the San Francisco Ethics Commission, effective upon execution below by the Chairperson.

IT IS SO ORDERED.

Dated: _____

EMI GUSUKUMA
Chairperson
San Francisco Ethics Commission