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9	BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
10	STATE OF CALIFORNIA
11	In the Matter of OAH No. 2019030096 ) FPPC No. 15/003
12	) FFFC No. 15/005
13	SUSAN G. SHELLEY, SUSAN ) COMPLAINANT'S OPENING BRIEF IN
14	SHELLEY FOR ASSEMBLY 2013, and ) SUPPORT OF THE PROPOSED DECISION SUSAN SHELLEY FOR ASSEMBLY )
15	) Hearing Judge: Deena R. Ghaly
16	) Hearing Date: June 19, 2019 Respondents. ) Hearing Time: 9:00 a.m.
17	Hearing Place: 320 W. Fourth Street, Suite 630 Los Angeles, CA 90013
18	Complainant, the Enforcement Division of the Fair Political Practices Commission, submits this
19	brief pursuant to Government Code section 83116 and title 2, California Code of Regulations sections
20	18361.5 and 18561.9. The proposed decision of Administrative Law Judge Deena R. Ghaly, dated August
21	9, 2019, states findings of fact that are supported by and consistent with the evidence presented at the
22	hearing in this matter on June 19, 2019, in Los Angeles, California. The proposed decision also contains
23	an accurate statement and application of the law pertinent to this mater.
24	There is no additional material evidence, which could, with reasonable diligence, have been
25	discovered and presented at the administrative hearing.
26	The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references
27	are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18110 through 18997 of title 2 of the California Code of Regulations, and all regulatory references are to this source. See §§ 83111 and 83116.
28	1 COMPLAINANT'S OPENING BRIEF IN SUPPORT OF THE PROPOSED DECISION
	In the Matter of Susan G. Shelley, Susan Shelley for Assembly 2013, and Susan Shelley for Assembly 2014  OAH NO. 2019030096; FPPC NO. 15/003

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The purpose of this brief is to provide Enforcement Division's recommendation regarding this proposed decision pursuant to Regulation 18361.9(b)(1)(D). Regulation 18361.9 refers to Government Code section 11517 for the possible actions the Commission can take regarding this proposed decision from the Administrative Law Judge after a full hearing on this matter. Enforcement Division's recommendation is that the Commission adopt the proposed decision and penalty but also make technical and minor changes in the proposed decision (Gov. Code section 11517(c)(2)(C)). Enforcement Division is making this recommendation because the decision contains factual findings that are supported by evidence presented at the hearing, the law is properly stated and applied, and no additional material evidence could have been discovered, using reasonable diligence, and presented at the administrative hearing.

The Enforcement Division recommends the following technical and minor changes to the proposed decision since the agency may make clarifying changes or a change of a similar nature so long as the change does not affect the factual or legal basis of the proposed decision:

- 1. On page 7, paragraph 8, there is a reference to a Government Code that has a typographical error. Amend as follows: "(Gov. Code §§ 82400.5, subd. (c) (amended in 2016) and 84200.8, subd. (a) and (b).)"
- 2. On page 12, paragraph 18, there is a misstatement of fact and omission of a reference to an exhibit. Amend as follows: "Its auditors found that Respondents Shelley and the 2013 Committee had not substantially complied with the PRA's disclosure and record-keeping requirements and found that Shelley and the 2014 Committee had substantially complied with the PRA's disclosure and record-keeping requirements but also noted findings of non-filings, late filings, and failure to attribute certain contributions to their contributors by the 2013 Committee, and of non-filings and late filings by the 2014 Committee. (See, Exh. 16 and 17.)
- 3. On page 17, first paragraph, there is a sentence fragment. Amend as follows: "There was no evidence admitted that the Respondents committed the violations with an intent to conceal, deceive or mislead."

Additionally, the proposed total administrative penalty of \$12,500 for the five proven violations of the Political Reform Act is appropriate in this matter because it takes into consideration all of the factors to be considered in framing a proposed decision<sup>2</sup> and correctly points out that the Enforcement Division had already taken into consideration the mitigation presented when choosing not to pursue all violations available for prosecution.

Thus, the Enforcement Division respectfully requests that the Commission make technical and minor changes in the proposed decision and adopt it as the decision.

Dated: Aug 28, 2019

## FAIR POLITICAL PRACTICES COMMISSION

By: Galena West

Chief of Enforcement

Theresa Gilbertson Commission Counsel

<sup>&</sup>lt;sup>2</sup> Reg. 18361.5, subdivision (d).