

1 SUSAN G. SHELLEY

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3 Electronic Mail: Susan@SusanShelley.com

4 Respondents, In Pro Per  
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7  
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA

10 In the Matter of

) FPPC No.: 15/003

) OAH No.: 2019030096

11 SUSAN G. SHELLEY, SUSAN SHELLEY  
12 FOR ASSEMBLY 2013 and SUSAN  
13 SHELLEY FOR ASSEMBLY 2014

) Assigned Judge: Hon. Deena Ghaly

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) RESPONDENTS' TRIAL BRIEF

)

14 Respondents.

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)

) *Hearing Dates: June 19, 2019 – June 21, 2019*

) *Place: 320 W. Fourth Street, # 630,*

) *Los Angeles, Calif. 90013*

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19 TO THE HONORABLE DEENA GHALY, TO ALL PARTIES HEREIN AND TO THEIR  
20 ATTORNEYS OF RECORD:

21 NOTICE IS HEREBY GIVEN Respondents submit this Brief in support of their position at  
22 the time of hearing on June 19, 2019.

23 RESPONDENTS' POSITION AT TRIAL

24 1. According to the Accusation, there are factors to be considered by the Fair Political Practices  
25 Commission (FPPC) and the Administrative Law Judge (ALJ) in framing a proposed order  
26 following the finding of a violation pursuant to Section 83116, the determination by the FPPC  
27 that there is probable cause for believing the Political Reform Act has been violated.  
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1 The FPPC and the ALJ “shall consider all the surrounding circumstances including but not  
2 limited to: (1) The seriousness of the violation; (2) the presence or absence of any intention to  
3 conceal, deceive or mislead; (3) whether the violation was deliberate, negligent or inadvertent;  
4 (4) whether the violator demonstrated good faith by consulting the Commission staff or any other  
5 government agency in a manner not constituting a complete defense under Section 83114(b); (5)  
6 whether the violation was isolated or part of a pattern and whether the violator has a prior record  
7 of violations of the Act or similar laws; and (6) whether the violator, upon learning of a reporting  
8 violation, voluntarily filed amendments to provide full disclosure.”

9 This case arose from a routine audit by the Political Reform Audit Program of the State of  
10 California Franchise Tax Board. According to the FPPC's Amended Report in Support of a  
11 Finding of Probable Cause, dated April 18, 2017:

12 “The evidence shows that Shelley was a first-time candidate for state office acting as her own  
13 campaign treasurer, and she made a good-faith effort to familiarize herself with and comply with  
14 the complex and compressed reporting requirements for the special elections. Additionally, the  
15 evidence demonstrates Shelley consulted Commission staff throughout her campaign regarding  
16 disclosure issues. Shelley and the 2013 and 2014 Committees have no history of enforcement  
17 action. A review of the audit report and supporting papers indicates no evidence of deliberate  
18 concealment or intent to deceive the public. The Enforcement Division confirmed the FTB's  
19 audit findings showing that Shelley and the 2013 and 2014 Committees substantially complied  
20 with the Act's campaign reporting requirements during the audit period, as well as in campaign  
21 statements for reporting periods between January 1, 2014 and June 30, 2015.”

22 The FPPC concedes (2) the absence of any intent to conceal, deceive or mislead; the  
23 Franchise Tax Board's audit report concludes, and the FPPC has confirmed, there was (3) no  
24 evidence of deliberate concealment or intent to deceive the public; the FPPC acknowledges (4)  
25 that the candidate demonstrated good faith and consulted the Commission staff throughout her  
26 campaign. The evidence shows that Shelley proactively and on her own initiative sought the  
27 Commission staff's advice to (6) file amendments or reports if needed, and that the Commission  
28 staff did not request any amendments or reports from her or inform her of any problems that

1 needed to be corrected. The FPPC acknowledges that Shelley and the 2013 and 2014 committees  
2 have no history of enforcement action (5), and there is no pattern of violations because all the  
3 late filings at issue in this case occurred between 8/8/13 and 11/7/13, a period of 90 days during  
4 which Shelley was actively campaigning in the compressed special election schedule, and  
5 Shelley's first notification of late filing was in letters from the Political Reform Division of the  
6 office of Secretary of State (SOS) dated January 27, 2014, more than two months after the  
7 special general election was over. Once notified, she immediately sought to correct all errors and  
8 paid late fees assessed by the SOS.

9 The (1) "seriousness" of the alleged violations is fully mitigated by the fact that Shelley  
10 timely filed Form 497 reports throughout the campaign, disclosing 84% of required donor  
11 information during the second pre-election reporting period prior to the special general election  
12 on 11/19/13. The "seriousness" is further mitigated by the additional disclosures made by  
13 Shelley and the 2014 committee in Form 460 reports filed on 4/22/13 and 7/30/13. It is one of  
14 the "unique" circumstances of this election that although the funds raised in the 2014 committee  
15 (at the state's instruction) had to be transferred to the 2013 committee in order to be legally spent  
16 on the 2013 campaign, they were fully disclosed six weeks or more before the special election  
17 primary on September 17, 2013. The "seriousness" is even further mitigated by the fact that  
18 Shelley lost the election and did not attain public office.

19 In considering "all the surrounding circumstances," the FPPC and the ALJ are bound to  
20 consider what the Accusation acknowledges as the "unique" circumstances of this election:  
21 candidates were instructed to open a 2014 committee in order to legally raise funds for the  
22 anticipated 2013 special election, and then to transfer the funds to a 2013 committee to be legally  
23 spent. It was a unique burden for a first-time state candidate acting as her own treasurer, in an  
24 all-volunteer campaign with no paid staff, to have the additional challenge of a second active  
25 committee, which doubled the reporting requirements for two elections that were only 60 days  
26 apart.

27 2. The continued prosecution of this Accusation constitutes a violation of the Double Jeopardy  
28 Clause of the 5<sup>th</sup> Amendment to the United States Constitution and is barred as a matter of law. It

1 is a deeply entrenched concept of criminal law that a State should not be allowed to make  
2 repeated attempts to convict an individual for an alleged offense (See Cal. Penal Code section  
3 687);

4 3. Respondent, Susan Shelley, was a first-time state candidate for the California State Assembly,  
5 45<sup>th</sup> District, in 2013, “special” primary and “special” general election, and has already been  
6 deemed by the Political Reform Audit Program of the State of California Franchise Tax Board,  
7 and the FPPC confirmed this result, to have “substantially complied with the Act’s campaign  
8 reporting requirements during the audit period, as well as in campaign statements for reporting  
9 periods between January 1, 2014 and June 30, 2015,” as stated in the FPPC’s Amended Report in  
10 Support of a Finding of Probable Cause, dated April 18, 2017.

11 4. Respondent’s campaign committees (2013 and 2014) were assessed fines by the Secretary of  
12 State’s Office for the late filing of pre-election campaign statements, all of which occurred  
13 between August 8, 2013, and November 7, 2013, and these have been paid by Respondent; the  
14 Secretary of State’s Office issued a full waiver of liability or reduction of liability for “good  
15 cause” for 6 of the 8 late-filed campaign statements that are the subject of counts 2 through 5 of  
16 this Accusation.

17 5. The Franchise Tax Board has determined, and the FPPC confirmed this result, that Ms.  
18 Shelley was a first-time candidate for state office acting as her own campaign treasurer, and she  
19 made a good-faith effort to familiarize herself with and comply with the complex and  
20 compressed reporting requirements for the special elections; and that the evidence demonstrates  
21 Shelley consulted Commission staff throughout her campaign regarding disclosure issues; and  
22 that Shelley and the 2013 and 2014 Committees have no history of enforcement action; and that  
23 a review of the audit report and supporting papers indicates no evidence of deliberate  
24 concealment or intent to deceive the public.

25 6. The Franchise Tax Board has determined that a Pre-election Statement for the period October  
26 6, 2013, through November 2, 2013, was not filed with the Secretary of State (SOS) by Shelley  
27 and the 2014 committee. However, receipts and expenditures of this committee during this  
28 period totaled \$266.00 and \$0.00, respectively, and the \$266 was merely an intra-candidate

1 transfer of funds from the 2013 committee. The activity for this period was reported on the  
2 candidate's Semi-Annual Statement filed for the period ending December 31, 2013. A copy of  
3 the Franchise Tax Board's Audit Report supports this conclusion, and the FPPC has confirmed  
4 this result. The Secretary of State's office issued a full waiver of liability for the late-filed paper  
5 report and reduced the liability for the late electronic filing to \$100. This fine was paid.

6 7. The Franchise Tax Board has determined that a Pre-election Statement for the period October  
7 6, 2013 through November 2, 2013, was not filed with the Secretary of State (SOS) by Shelley  
8 and the 2013 committee. Receipts and expenditures during this period totaled \$36,580 and  
9 \$28,663, respectively. But during this period, Shelley and the 2013 committee timely filed  
10 reports of monetary contributions totaling \$28,500 on eleven (11) separate Form 497 reports.  
11 Therefore, 78% of contributions during this period were fully and timely disclosed. Furthermore,  
12 during this same time period, the Shelley for Assembly 2013 committee received \$2,355 in  
13 contributions under \$100 as recorded in credit card donation records and bank deposits. These  
14 small contributions are not required to be itemized by date received, nor are they required to  
15 disclose information about the donors, such as address, employer and occupation. To the  
16 contrary, contributions of less than \$100 are reported as a single lump sum. Therefore, during the  
17 relevant reporting period, the Shelley 2013 campaign committee disclosed over 84% of  
18 contributor information that was required on the Form 460 before the election.

19 The activity for this period was reported on the candidate's Semi-annual Statement filed for the  
20 period ending December 31, 2013. A copy of the Franchise Tax Board's Audit Report supports  
21 this conclusion, and the FPPC has confirmed this result. The Secretary of State's office found  
22 "good cause" to issue a full waiver of liability for the late-filed paper report and reduce the  
23 liability for the late electronic filing to \$300. This fine was paid.

24 8. The rest of the FPPC's complaint (Accusation) is that three (3) Pre-election Statements were  
25 not timely filed by one or both of the two committees:

26 *For The September 17, 2013 Special Primary Election*

27 a. for the Statement Period 1/1/13 -8/03/13, the due date was 8/8/13 – Susan Shelley and the  
28 2013 committee electronically filed the report on 8/19/13 (11 days late) and the paper format

1 was filed on 10/2/13. The evidence demonstrates that Shelley consulted the Commission staff  
2 before and after filing this report electronically due to what the FPPC has acknowledged in the  
3 Accusation was the “unique” complexity of the two-committee reporting. The Secretary of  
4 State’s office assessed a fine of \$550 for the late filing by the 2013 committee as well as a fine of  
5 \$660 for the parallel filing by the 2014 committee. These fines have been paid.

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7 *For The Special General Election of November 19, 2013*

8 b. For the Statement Period 9/1/13- 10/5/13, the due date was 10/10/13 – Susan Shelley filed her  
9 statements for the 2013 and 2014 committees electronically on 10/21/13 (11 days late) and she  
10 filed her paper format on 2/6/14. The Secretary of State’s office issued a full waiver of liability  
11 for the late filing of the paper reports for “good cause.” The SOS did not waive liability for the  
12 late electronic filings, and assessed fines of \$110 to each committee. These fines have been paid.

13 9. The filing and pursuit of this Accusation is a prime example of wasteful government  
14 spending and the useless prosecution of a (defeated) first-time candidate for elective State Office  
15 whose actions have already been deemed substantial compliance by another California State  
16 Agency (Franchise Tax Board), a conclusion that has been confirmed by the FPPC. There was a  
17 good-faith effort to comply with all provisions of the California Government Code by the  
18 candidate, who was grappling with the unique requirement to have two committees for the same  
19 election, and the public was not deceived by the candidate.

20 10. The FPPC has acknowledged that there is no history of enforcement action by the  
21 Respondent or her 2013 and 2014 campaign committees. The evidence shows that Shelley was a  
22 first time candidate for state office acting as her own campaign Treasurer and she made a good  
23 faith effort to familiarize herself with, and comply with, the complex and compressed reporting  
24 requirements for the special election. The evidence demonstrates Shelley consulted the FPPC  
25 staff throughout her campaign at least three times on 8/16/13, 8/19/13 and 12/20/13 regarding  
26 disclosure issues, and relied upon the advice she received. The Franchise Tax Board’s audit  
27 report concludes, and the FPPC has confirmed, there was no evidence of deliberate concealment  
28 or intent to deceive the public. Shelley and her committees substantially complied with the

1 Political Reform Act's campaign reporting requirements during the audit period, as well as in  
2 campaign statements for reporting periods between January 1, 2014 and June 30, 2015. The  
3 Secretary of State's office has already assessed a total of \$2,210 in fines for the late filings of  
4 pre-election reports by the two committees, all of which were due within a 90-day period for the  
5 2013 special primary election held on 9/17/13 and the special general election held on 11/19/13,  
6 and these fines have been paid.

7 11. The Fair Political Practices Commission is attempting to violate the 5<sup>th</sup> Amendment Double  
8 Jeopardy Clause and California Penal Code section 687 by bringing this Accusation against  
9 Respondent.

10 12. The Fair Political Practices Commission acknowledged in a news release in February 2015,  
11 announcing the launch of an "Online Toolkit for New Candidates," that "candidates without  
12 extensive campaign experience or a specialized attorney" faced difficulties in determining "how  
13 to comply with various rules and laws involved in running for office." Then-Chair Jodi Remke  
14 stated, "We want to encourage people to participate in the political process."

15 13. The FPPC states in the Accusation, "The Enforcement Division has reduced the number of  
16 violations charged in this case in light of any potential confusion that may have occurred due to  
17 the multiple committees." However, the confusion, and the burden of complex double filing  
18 requirements for two elections in a compressed 90-day period during the campaign, constitute an  
19 equal factor in each and every one of the violations alleged. It is arbitrary to select a limited  
20 number of violations to charge when the unique circumstances apply equally to all the violations  
21 charged. None of these alleged violations warrant charges given "all the surrounding  
22 circumstances."

23 13. FPPC regulation 18361.4(e) states: "The hearing officer shall not make a finding of  
24 probable cause if he or she is presented with clear and convincing evidence that, at a time prior  
25 to the alleged violation, the violator consulted with the staff of the Commission in good faith,  
26 disclosed truthfully all the material facts, and committed the acts complained of either in reliance  
27 on the advice of the staff or because of the staff's failure to provide advice." The evidence shows  
28 that Ms. Shelley sought the advice of the staff of the Commission in good faith, disclosed

1 truthfully all material facts, relied on the advice of the staff, and did not receive the most basic  
2 assistance: a simple notification of the filing schedule of required reports. The FPPC has  
3 acknowledged by its 2015 creation of a candidate toolkit that new candidates were having  
4 difficulties finding all the information they needed to comply with the law and regulations. The  
5 case against Ms. Shelley for alleged violations in the 2013 campaign stems from the precise  
6 problem that the agency sought to address in 2015. The case should be closed without further  
7 action.

8  
9 I

10 INTRODUCTION

11 Respondents, SUSAN G. SHELLEY, SUSAN SHELLEY FOR ASSEMBLY 2013 and  
12 SUSAN SHELLEY FOR ASSEMBLY 2014 have been named in the above-referenced  
13 Accusation by the Fair Political Practices Commission in connection with Respondent Susan G.  
14 Shelley's efforts to win a seat in the California Assembly in 2013. Shelley For Assembly 2013  
15 and Shelley For Assembly 2014 were candidate-controlled committees. According to the  
16 Accusation, candidates who intended to run in an anticipated 2013 special election were  
17 instructed to open a 2014 campaign committee in order to legally raise funds that were intended  
18 to be spent on the 2013 campaign.

19 According to the Accusation, Robert Blumenfield, a member of the California State  
20 Assembly, representing the 45<sup>th</sup> District in Los Angeles, was scheduled to term out of office in  
21 2014. In March 2013, Blumenfield won election to the Los Angeles City Council, District 3. His  
22 term on the City Council was to begin July 1, 2013. He vacated his State Assembly office  
23 effective June 30, 2013.

24 In accordance with the instructions from state officials to candidates who intended to run in  
25 the anticipated 2013 special election, Shelley filed a Candidate Intention Statement on January  
26 14, 2013, and a Statement of Organization on February 20, 2013, establishing the Shelley for  
27 Assembly 2014 committee, ID #1355796. Shelley made a \$25,000 personal loan to the  
28 committee, which was disclosed along with any other contributions on a Form 460 "quarterly"



1 report filed electronically on April 22, 2013. Shelley made an additional loan of \$5,000 to the  
2 committee, which was disclosed along with any other contributions on a Form 460 semi-annual  
3 report on July 30, 2013. Another contribution made to the 2014 committee was disclosed in a  
4 Form 497 report on 8/4/13. The 2014 committee stopped accepting contributions for the 2013  
5 campaign once the bank account for the 2013 committee, ID #1358945, was opened.

6 In accordance with the direction of state officials, funds in the 2014 committee were  
7 transferred to the 2013 committee in order to be spent on the 2013 campaign. Therefore, the  
8 public had full disclosure of these contributions and their donors before the first pre-election  
9 report was due on August 8, 2013.

10 The Special Primary Election was called in early July 2013, scheduled for September 17,  
11 2013. Vote-by-mail voting began in mid-August, creating an intense and compressed schedule,  
12 which became even more intense and compressed for the Special General Election, scheduled for  
13 November 19, 2013, with vote-by-mail balloting beginning in mid-October.

14 The Accusation reads that Respondent had a duty to timely file pre-election statements and  
15 that she failed to timely file her pre-election campaign statements in violation of Government  
16 Code sections 84200.5 (c ) and 84200.8(a).

17 As a first-time state candidate and treasurer in an all-volunteer campaign with two committees  
18 and no paid staff, Shelley made a good-faith effort to find and understand all the requirements of  
19 a state campaign. At the time the 2014 committee was established, no filing schedule for the  
20 special election existed, because it had not yet been called. Shelley looked for information on the  
21 Los Angeles County Registrar/Recorder's website and the Secretary of State's website. As late  
22 as April 2014, she believed, and so stated in her requests for a waiver of liability for late filing,  
23 that all requirements of candidates related to filing reports were listed somewhere on the website  
24 of the Secretary of State. She learned from the FTB auditor in the summer of 2014 that the filing  
25 schedule was actually somewhere on the FPPC's website.

26 There was no notification to candidates by the FPPC of the filing schedule, and no listing of  
27 the filing deadlines on the calendar of dates for the 2013 election which was given to candidates  
28 by the L.A. County Registrar/Recorder's office and also posted on its website. The FPPC later

1 acknowledged the difficulty that new candidates like Shelley had in finding all the requirements  
2 by establishing, in February 2015, its Online Toolkit for New Candidates. In the FPPC's press  
3 release, Chris McKenzie, executive director of the League of California Cities, was quoted as  
4 saying, "Having election information and requirements in one place will make the process of  
5 running for office more easily accessible for people who want to serve their communities in an  
6 elected capacity."

7 Shelley made a good-faith effort to find all the information and wrote to the  
8 advice@fppc.ca.gov email address suggested on the Secretary of State's website for questions. In  
9 an email on August 16, 2013, to the FPPC advice staff, she concluded with, "Thank you for your  
10 assistance. I'm making every effort to comply with everything, and it's a daunting task." In  
11 another email on August 19, 2013, she concluded with, "Your help would be most appreciated.  
12 I'll file an amended report, or two amended reports, if you can tell me how this should be  
13 reported." In an email on December 20, 2013, following the election, she concluded with, "In a  
14 related matter, I acted as my own treasurer and would like to make sure the campaign's reporting  
15 is in full compliance. I made every effort during the campaign to file all required reports as  
16 completely and accurately as possible. Please let me know if anything is missing or incorrect."  
17 The FPPC advice staff did not respond to that request, and never sent the filing schedule or a link  
18 to the page on the FPPC website where the filing requirements could have been found, despite  
19 the clear lack of knowledge of the candidate who was seeking help.

20 In the Prayer section of the Accusation, the FPPC seeks an order that Shelley pay a monetary  
21 penalty of up to \$5,000.00 for each of the five (5) Counts included in the Accusation. What the  
22 FPPC fails to include in the Accusation is that the office of the Secretary of State of California  
23 has already reviewed these late filings, assessed some fines and waived or reduced others for  
24 "good cause," and that all fines assessed, \$2,210 in total for the late filing of pre-election reports  
25 by two committees for two elections within a 90-day period, have been paid by the Respondent.  
26 The FPPC also fails to include in the Accusation that the California Franchise Tax Board  
27 (Political Reform Audit Program) performed an audit of Respondent's two committees and  
28 found substantial compliance with the disclosure and recordkeeping provisions of the Political

1 Reform Act (Government Code Section 81000 et seq.) and related rules and regulations of the  
2 Fair Political Practices Commission, a conclusion confirmed by the FPPC. Despite this, the  
3 FPPC is trying to assess further fines of \$25,000.00 against the Shelley 2013 and 2014 campaign  
4 committees.

## 5 II

### 6 THE FPPC IS ESTOPPED FROM PURSUING THIS ACCUSATION

7 Equitable estoppel is a doctrine . . . based upon consideration of justice and good conscience . .  
8 Equitable estoppel is a rule of justice and government should be held to the same standard of  
9 rectilinear rectitude that it demands from its citizens and that the government's immunity from  
10 estoppel is in fact "exemption from requirements of morals and justice. US v. Georgia- Pacific  
11 Co. (9<sup>th</sup> Cir. 1970) 421 F. 2d. 92. See also Brandt v. Hickel ( 9<sup>th</sup> Cir. 1970) 427F. 2d. 53, 56  
12 where the Court has held that a "crucial misstatement" was enough to estop the government.  
13 Estoppel is available against the government if "the government's wrongful conduct threatens to  
14 work a serious injustice and if the public's interest would not be unduly damaged. See United  
15 States v. Lazy FC Ranch, (9<sup>th</sup> Cir. 1973), 481 F. 2d 985; Gestuvo v. Immigration and  
16 Naturalization Service, 337 F. Supp. 1093 (C.D. Cal. 1971).

17 In its Accusation, at paragraph 49, the FPPC acknowledges in this case where candidates had  
18 two committees open for the 45<sup>th</sup> Assembly District that this was a "unique" situation. The FPPC  
19 acknowledges the confusion arising due to multiple committees simultaneously operating by the  
20 FPPC's own rules. There are no aggravating factors because the FPPC misrepresents in  
21 paragraph 50 of the Accusation that Respondents did not file "any campaign statements in any  
22 format so no disclosure was available to the public immediately before the Special General  
23 election." The FPPC's statement that there was "no disclosure" during the 2nd pre-election  
24 report period is flat-out wrong. During the relevant reporting period, the Shelley 2013 campaign  
25 committee filed timely Form 497 reports, disclosing over 84% of contributor information that  
26 was required on the late-filed Form 460 before the election.

## 27 III

### 28 THE PUBLIC HAS NOT BEEN MISLED BY THE

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ACTIONS OF THE RESPONDENTS

The Respondents have filed all campaign statements as required by law and have paid late-filing fines assessed by the Secretary of State. The Respondents were deemed to have “substantially complied with the Act’s campaign reporting requirements” by the Franchise Tax Board, after thorough audit of that State agency, and the FPPC has confirmed this result. As evidence of the good faith action of Respondents, there is no request made by the FPPC that Respondents file any amendments to their campaign statements. Good faith actions are always a defense to alleged violation of the Political Reform Act and related regulations.

IV

THE FPPC AND FRANCHISE TAX BOARD  
HAVE ALREADY DETERMINED THAT  
RESPONDENTS SUBSTANTIALLY COMPLIED WITH  
THE POLITICAL REFORM ACT’S REPORTING REQUIREMENTS

The FPPC has prepared its “Amended Report In Support Of A Finding Of Probable Cause” and acknowledges in the “Summary Of The Evidence” section, the following:

“FTB’s audit, and the Enforcement Division of the Fair Political Practices Commission confirmed, that Shelley and the 2013 and 2014 Committees substantially complied with the Act’s campaign reporting requirements.” The FPPC also acknowledges in this same documents that Respondent filed both electronic and paper reports. In the “Exculpatory And Mitigating Information” section of its Amended PC Report, the FPPC states:

“The evidence shows that Shelley was a first time candidate for state office acting as her own campaign treasurer, and she made a good-faith effort to familiarize herself and comply with the complex and compressed reporting requirements for the special elections. Additionally, the evidence demonstrates Shelley consulted Commission staff throughout her campaign regarding disclosure issues.

“Shelley and the 2013 and 2014 Committees have no history of enforcement action. A review of the audit report and supporting papers indicates no evidence of deliberate concealment or intent to deceive the public. The Enforcement Division confirmed the FTB’s audit findings

1 showing that Shelley and the 2013 and 2014 Committees substantially complied with the Act's  
2 campaign reporting requirements during the audit period, as well as in campaign statements for  
3 reporting periods between January 1, 2014 and June 30, 2015."

4 V

5 CONCLUSION

6 The question remains why a State agency would continue to pursue this Accusation when it  
7 already acknowledges that Respondents made good-faith efforts to comply with the Political  
8 Reform Act and related regulations. The FPPC acknowledges that Respondents did not deceive  
9 the public and did not engage in any intentional concealments. Furthermore, the Franchise Tax  
10 Board conducted an audit of the Respondents' committees and found Respondents to be in  
11 substantial compliance with the Act's campaign reporting requirements, and the FPPC confirmed  
12 this conclusion.

13 The FPPC has engaged in a bad faith prosecution of this action while acknowledging good  
14 faith efforts to comply with reporting requirements by Respondents. The FPPC is not requiring  
15 amendments to the campaign statements of Respondents, and nowhere in the charging document  
16 does it even disclose or acknowledge that the Secretary of State assessed fines for the same late  
17 filings and SHELLEY has paid these fines. This is a clear case of a double jeopardy prosecution  
18 that violates the 5<sup>th</sup> Amendment of the U.S. Constitution and California Penal Code section 687.

19 For the above stated reasons, the Court should dismiss this Accusation against Respondents or  
20 recommend that the FPPC close this case without further action.

21  
22 Dated: June 17, 2019

23 SUSAN G. SHELLEY

24  
25 BY: 

26 SUSAN G. SHELLEY, SUSAN  
27 SHELLEY FOR ASSEMBLY 2013,  
28 AND SUSAN SHELLEY FOR  
ASSEMBLY 2014