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County of Ventura Elections Division - COMPLAINANTS

BEFORE THE COUNTY OF VENTURA CAMPAIGN FINANCE
ETHICS COMMISSION

In the Matter of:) Case No. RP10-0002
)
)
Friends for Dennis Carpenter for Sheriff)
2010 Committee,) **STIPULATION, DECISION AND**
) **ORDER**
and Stephen DeCesari, Treasurer;)
)
RESPONDENTS)
)

The appointed outside Investigator for the County of Ventura Campaign Finance Ethics Commission ("Commission") in this matter, Craig A. Steele, and Respondents Friends for Dennis Carpenter for Sheriff 2010 Committee ("Committee") and Committee's Treasurer Stephen DeCesari ("Treasurer") (Committee and Treasurer are referred to collectively herein as "Respondents"), hereby agree that this Stipulation will be submitted for consideration by the Commission at its next scheduled meeting, and that the agreements herein are contingent upon the approval of this stipulation and the accompanying Decision and Order by the Commission.

The parties agree to enter into this Stipulation to finally resolve all factual and legal issues raised in Case No. RP10-0002 and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of the Respondents. Upon approval of the Decision and Order by the Commission and compliance with the terms of this Stipulation by Respondents, the Commission shall take no further enforcement action relating to complaints or allegations regarding the facts and circumstances underlying Case No. RP10-0002.

Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural rights under the Ventura County Ordinance Code, the Procedural Rules of the Commission and, as applicable State law including, without limitation, the issuance and receipt of an accusation, the right to personally appear at any administrative hearing held in this matter, to confront and cross-examine all witnesses testifying at the hearing, to

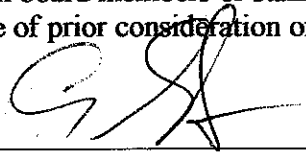
subpoena witnesses to testify at the hearing, and to have the Commission or an impartial administrative law judge hear the matter.

Respondents stipulate that they have violated the Ventura County Code as described in Exhibit 1, attached hereto and incorporated herein by reference, and that Exhibit 1 is a true and accurate summary of the facts in this matter.

Respondents agree to the issuance of the attached Decision and Order and imposition by the Commission of administrative penalties in the amount of four hundred dollars (\$400.00) in the form of a cashier's check, payable to the "General Fund of the County of Ventura," submitted with the executed copy of this Decision and Order of the Commission.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void. Respondents further stipulate and agree that in the event the Commission rejects the Stipulation and a full evidentiary hearing before the Commission becomes necessary, no Commission board members or staff, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

DATED: July 28, 2010



CRAIG A. STEELE, Investigator
COUNTY OF VENTURA CAMPAIGN
FINANCE ETHICS COMMISSION

DATED: 8-1-2010


Stephen DeCesari
on behalf of Respondents

DECISION AND ORDER

The County of Ventura Campaign Finance Ethics Commission ("Commission") has considered the above Stipulation and the attached exhibit at its meeting on

_____. The Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondents shall pay a stipulated fine of \$400.00 to the General Fund of the County of Ventura upon approval of this Decision and Order.

DATED: _____

Chair
COUNTY OF VENTURA CAMPAIGN
FINANCE ETHICS COMMISSION

EXHIBIT 1

Respondent Friends for Dennis Carpenter for Sheriff 2010 Committee (the "Committee") qualified as a Committee under State and local law and filed a form 410 Statement of Organization as a Committee with the County of Ventura and State of California, thereby becoming subject to the jurisdiction of the Ventura County Campaign Finance Reform Ordinance. Respondent Stephen DeCesari (the "Treasurer") was the Committee Treasurer and there were no other Principal Officers listed for the Committee. The Committee was "primarily formed" to support the election of Dennis Carpenter as Ventura County Sheriff.

The Committee timely filed California Form 460 campaign statements, as relevant in this case, on January 29, 2010 and March 26, 2010. The January 2010 Form 460 discloses that the Committee received contributions of \$700 each from John and Alise Fickeworth on August 18, 2009. The March 2010 Form 460 discloses that the Committee again received contributions of \$700 each from the same John and Alise Fickeworth on February 17, 2010. The contributions from John and Alise Fickeworth the Committee accepted on February 17, 2010 violated Section 1268(a) of the Ventura County Campaign Finance Reform Ordinance, which prohibits the Committee from accepting contributions in excess of \$700 cumulatively from each contributor.

After the Committee filed its required reports, the Elections Division filed a complaint on April 1, 2010, alleging that the Committee had violated the County's contribution limit ordinance. The Initial Complaint Review Attorney found cause to proceed with the investigation on May 3, 2010. This Stipulation resolves the complaint regarding this violation.

Respondents assert that the alleged violation was not intentional and that it resulted from an accounting error. Respondents' assertion is supported by the record in this matter, in that the contributions that exceeded the limit were timely and accurately reported by the Committee. There was no effort to disguise the amount of the contributions or the identity of the contributors. The Treasurer contacted the Committee and your investigator, admitted the error and the violation and offered to cooperate in resolving the matter. No factual investigation was required.

Under the provisions of the Ordinance, the Commission could impose a maximum fine of \$4,200, three times the amount improperly accepted) under Ventura County Ordinance Code Section 1294(b)). However, a large fine in this case is unwarranted and would lead to additional fundraising by the Committee, since all the Committee's funds have been expended.

FACTORS IN MITIGATION

The Respondents have no other history of enforcement, have cooperated with the investigation, and were willing to enter into this stipulation to avoid expense to both the Commission and themselves. The violations did not affect the result of the election. Respondents' history, cooperation and the nature of the violation justify a reduced penalty

in this case involving a first and one-time violation. The stipulated fine of \$400 represents \$200 per contribution that exceeded the limit, which exceeds some stipulated fines imposed and approved by the Commission from the prior election cycle..

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