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BEFORE THE SAN FRANCISCO
ETHICS COMMISSION

In the Matter of) Complaint No. 13-100730
)
KIM-SHREE MAUFAS, COALITION TO)
ELECT KIM-SHREE 4 SCHOOL BOARD,)
)
) **STIPULATION, DECISION**
) **AND ORDER**
Respondents.)
)
)
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THE PARTIES STIPULATE AS FOLLOWS:

1. This Stipulation, Decision and Order ("Stipulation") is made and entered into by and between Kim-Shree Maufas and Coalition to Elect Kim-Shree 4 School Board, (collectively, "Respondents"), and the San Francisco Ethics Commission ("the Commission").

2. Respondents and the Commission agree to settle and resolve all factual and legal issues in this matter and to reach a final disposition without an administrative hearing. Upon approval of this Stipulation and full performance by Respondents on the terms outlined in this Stipulation, the Commission will take no future action against Respondents and this Stipulation shall constitute the complete resolution of all claims by the Commission against Respondents related to the violations described in Exhibit A. Respondents understand and knowingly and voluntarily waive all rights to judicial review of this Stipulation and any action taken by the Commission or its staff on this matter.

3. Respondents agree to pay a settlement in the amount of Two Thousand Dollars (\$2,000) for the following violations: one violation of California Government Code section

84104, as incorporated by section 1.106 of San Francisco Campaign & Governmental Conduct Code ("SF C&GCC"); and one violation of California Government Code section 84211, as incorporated by SF C&GCC section 1.106, as set forth in Exhibit A.

4. Respondents agree to pay and to deliver the \$2,000 penalty in \$50 monthly installments to the Commission, which the Commission must receive according to the delivery dates set forth in this Paragraph. Respondents agree to pay the first \$50 installment no later than October 15, 2015. Respondents agree to deliver each subsequent \$50 installment to the Ethics Commission office by the 15th day of each following month until Respondents have paid the full balance. Respondents agree that if the 15th day of the month falls on a day when the Ethics Commission is closed, then Respondents will pay the monthly installment on the next day following the 15th that the Commission is open for business. Respondents agree to pay the full balance of the \$2,000 penalty no later than Tuesday, January 15, 2019.

5. The settlement amount shall be paid by check or money order made payable to the "City and County of San Francisco." Respondents agree to deliver the check(s) or money order(s) to the following address:

San Francisco Ethics Commission
Attn: Enforcement Division
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

6. If Respondents do not pay the \$2,000 penalty as set forth in Paragraphs 3, 4, and 5, or if Respondents' payments do not clear the bank or cannot be negotiated in full by the Ethics Commission for any reason, or if Respondents otherwise fail to comply with the terms of this Stipulation, then the Commission reserves the right to reopen the matter and prosecute Respondents under Section C3.699-13 of the San Francisco Charter for any or all the violations set forth in Exhibit A hereto.

7. Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural rights under Section C3.699-13 of the San Francisco Charter and the Commission's Regulations for Investigations and Enforcement Proceedings with respect to this matter. These include, but are not limited to, the right to appear personally at any administrative hearing held in this matter, to be represented by an attorney at Respondents' expense, to confront

1 and cross-examine all witnesses testifying at the hearing and to subpoena witnesses to testify at
2 the hearing.

3 8. Respondents understand and acknowledge that this Stipulation is not binding on
4 any other government agency with the authority to prosecute violations of either California
5 Government Code section 81000 *et seq.* or the San Francisco Campaign & Governmental
6 Conduct Code section 1.100 *et seq.*, and does not preclude the Commission or its staff from
7 cooperating with or assisting any other government agency with regard to the complaint, or any
8 other matter related to it.

9 9. This Stipulation is subject to the Commission's approval. In the event the
10 Commission declines to approve this Stipulation, the Stipulation shall become null and void,
11 except Paragraph 10, which shall survive.

12 10. In the event the Commission rejects the Stipulation and further administrative
13 proceedings before the Commission are necessary, Respondents agree that the Stipulation and all
14 references to it are inadmissible, and that Respondents agree not to challenge, dispute, or object
15 to the participation of any member of the Commission or its staff because of his or her prior
16 consideration of this Stipulation.

17 11. This Stipulation, along with the attached Exhibit A, reflects the entire agreement
18 between the parties hereto and supersedes any and all prior negotiations, understandings, and
19 agreements with respect to the transactions contemplated herein. This Stipulation may not be
20 amended orally. Any amendment or modification to this Stipulation must be in writing duly
21 executed by all parties and approved by the Commission at a regular or special meeting.

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

25 13. For the reasons set forth in Exhibit A, the parties agree that Two Thousand
26 Dollars (\$2,000) is an appropriate settlement for Respondents' violations of the provisions listed
27 in Paragraph 3 of this Stipulation.

1 14. The parties hereto may sign different copies of this Stipulation, which will be
2 deemed to have the same effect as though all parties had signed the same document.
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5 Dated: _____
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7 SHAISTA SHAIKH, ASSISTANT DEPUTY EXECUTIVE
8 DIRECTOR
9 SAN FRANCISCO ETHICS COMMISSION
10 COMPLAINANT

11
12 Dated: 9/17/2015

13  ND ON
14 BEHALF OF COALITION TO ELECT KIM-SHREE 4
15 SCHOOL BOARD,
16 RESPONDENTS
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1 14. The parties hereto may sign different copies of this Stipulation, which will be
2 deemed to have the same effect as though all parties had signed the same document.
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5 Dated: 9/17/2015


SHAISTA SHAIKH, ASSISTANT DEPUTY EXECUTIVE
DIRECTOR
SAN FRANCISCO ETHICS COMMISSION
COMPLAINANT

11 Dated: 9/28/2015

KIM-SHREE MAUFAS, INDIVIDUALLY, AND ON
BEHALF OF COALITION TO ELECT KIM-SHREE 4
SCHOOL BOARD,
RESPONDENTS

DECISION AND ORDER

The foregoing Stipulation of the parties in the matter of "Kim-Shree Maufas, Coalition to Elect Kim-Shree 4 School Board; San Francisco Ethics Commission Complaint Number 13-100730," including the attached exhibit, 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: Sept 28, 2015



PAUL A. RENNE, CHAIRPERSON
SAN FRANCISCO ETHICS COMMISSION

EXHIBIT A
INTRODUCTION

Respondent Kim-Shree Maufas was elected to the Board of Education on November 7, 2006, and she ran for re-election to that position in 2010.

On February 28, 2006, Respondent Maufas formed the "Coalition to Elect Kim-Shree 4 School Board" committee ("Committee") and filed a Form 410, Statement of Organization Recipient Committee, with the Ethics Commission. Respondent Maufas identified herself as the Treasurer for the Committee and remains the Treasurer.

In July 2010, the Commission received a complaint alleging that Respondents violated local and state campaign finance laws by misreporting information in the Committee's campaign statements. On August 8, 2012, after many months of various delays from Respondent Maufas in providing supporting documentation of the Committee's campaign statements, the Executive Director initiated a targeted audit of the Committee, pursuant to San Francisco Campaign and Governmental Conduct Code ("SF C&GCC") section 1.150. The audit of this Committee covered the period from January 1, 2006 through June 30, 2012.

In this matter, Respondents failed to file maintain records that would support the information disclosed in the Committee's campaign statements. In addition, Respondents failed to report contributions on the Committee's campaign statements.

For the purposes of this Stipulation, Respondents admit the following violations:

- COUNT 1:** Respondents failed to maintain required committee records, in violation of California Government Code section 84104, as incorporated by SF C&GCC section 1.106.
- COUNT 2:** Respondents failed to disclose campaign contributions, in violation of California Government Code section 84211, as incorporated by SF C&GCC section 1.106.

SUMMARY OF APPLICABLE LAW

California Government Code

California Government Code section 84104 provides that each candidate shall maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, and to establish that campaign statements were properly filed.

California Government Code section 84211(a) requires each campaign statement to disclose the total amount of contributions received during the period covered by the statement and the total cumulative amount of contributions received.

California Government Code section 84211(c) requires each campaign statement to disclose the total amount of contributions received during the period covered by the campaign statement from persons who have contributed \$100 or more.

California Government Code section 84211(f) requires each campaign statement to disclose the full name, street address, occupation, employer, and date and amount of each contribution from each contributor who contributes \$100 or more in the period covered by the campaign statement.

VIOLATIONS OF LAW

COUNT ONE

FAILURE TO MAINTAIN REQUIRED COMMITTEE RECORDS

The law requires candidates and committees to maintain documents to support the information disclosed in campaign statements for four years following the filing of the statements. *See* Cal. Gov. Code § 84104 and FPPC Reg. 18401.

Respondents have failed to maintain or provide the required supporting documentation for a number of transactions reported on the Committee's campaign statements. The Committee failed to provide copies of contributor checks, contributor card information, and records of contributions for contributions totaling \$24,819.50 or 67% of the total campaign contributions.

In addition, Respondents failed to provide receipts, invoices, or other supporting documentation for various unitemized expenditures (including a significant amount of cash withdrawals). The total amount of these expenditures was \$20,884, or approximately 48% of the total amount of expenditures made by the Committee.

Respondents failed to maintain information and original source documentation necessary to establish that the Committee's campaign statements were accurate and that campaign funds were properly spent. Therefore, Respondents violated California Government Code section 84104, as incorporated by SF C&GCC section 1.106.

COUNT TWO

FAILURE TO DISCLOSE CAMPAIGN CONTRIBUTIONS

California Government Code section 84211 requires each campaign statement to contain specific information about contributions received by the committee.

Respondents failed to report the following contributions on their campaign statements:

- for the statement covering the period from July 1, 2006 to September 30, 2006, Respondents failed to report one \$500 contribution;
- for the statement covering the period from October 22, 2006 to December 31, 2006, Respondents failed report two \$100 contributions;
- for the statement covering the period from January 1, 2007 to June 30, 2007, Respondents failed to report two \$100 contributions;
- for the statement covering the period from July 1, 2007 to December 31, 2007, Respondents failed to report one \$100 contribution;
- for the statement covering the period from January 1, 2008 to June 30, 2008, Respondents failed to report two \$500 contributions and one \$300 contribution;
- for the statement covering the period from July 1, 2009 to December 31, 2009, Respondents failed to report one \$50 contribution; and
- for the statement covering the period from January 1, 2012 to June 30, 2012, Respondents failed to report one \$50 contribution.

The total amount of contributions Respondents failed to report is \$2,400. Because Respondents did not report these contributions, Respondents violated California Government Code section 84211, subdivisions (a), (c), and (f), as incorporated by SF C&GCC section 1.106.

PENALTY DISCUSSION

This matter consists of two counts of violations of the SF C&GCC carrying a maximum administrative penalty of \$5,000 per violation for a total of \$10,000.

When determining penalties, the Ethics Commission considers all of the relevant circumstances surrounding the case, including but not limited to: (a) the severity of the violation; (b) the presence or absence of any intention to conceal, deceive, or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d) whether the violation was an isolated incident or part of a pattern; (e) whether the respondent has a prior record of violations of law; and (f) the degree to which the respondent cooperated with the investigation and demonstrated a willingness to remedy any violations.

The Political Reform Act was enacted in part to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed so that the voters may be fully informed and improper activities may be inhibited. The Political Reform Act was also enacted to ensure that laws and practices unfairly favoring incumbents were abolished so that elections may be conducted more fairly. The SF C&GCC was enacted to assist voters in making informed electoral decisions and ensure compliance with campaign contribution limits through the required filing of campaign statements detailing the sources of campaign contributions and how those contributions have been expended.

In this matter, the violations of law were, at a minimum, negligent and staff has not found the presence of any intention to conceal or deceive. However, the violations were not isolated, as they persisted over a number of years. Respondents caused harm to the public by failing to disclose all campaign finance activity, prior to the November 2006 and 2010 elections.

In mitigation, Respondent Maufas has no prior enforcement history with the Ethics Commission. Respondent Maufas informed Enforcement staff of family issues which began in 2010. Respondent Maufas also did not have a professional treasurer assisting her campaign.

CONCLUSION

After consideration of the facts of this case and consideration of penalties in prior enforcement actions, the Assistant Deputy Executive Director of the Ethics Commission recommends the imposition of the agreed upon penalty of **Two Thousand Dollars (\$2,000)**.