

LEEANN M. PELHAM
Executive Director
LOS ANGELES CITY ETHICS COMMISSION
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ETHICS COMMISSION

2006 NOV -3 AM 10:44

REC'D BY _____

Complainant

BEFORE THE LOS ANGELES CITY ETHICS COMMISSION

In the Matter of:)	CEC Case No. 05-23
)	
FORESCREE HOGAN-ROWLES and)	
FORESCREE HOGAN-ROWLES FOR CITY)	STIPULATION, DECISION AND
COUNCIL,)	ORDER
Respondents.)	

The complainant, LeeAnn M. Pelham, Executive Director of the Los Angeles City Ethics Commission ("Commission"), and Respondents Forescee Hogan-Rowles ("Hogan-Rowles") and "Forescee Hogan-Rowles for City Council" ("Committee") (collectively, "Respondents"), hereby agree that this Stipulation will be submitted for consideration by the Commission at its next regularly 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 resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondents.

Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural rights under Los Angeles City Charter ("Charter") § 706 and Los Angeles Administrative Code ("LAAC") §§ 24.1.2(d) and (e), including but not limited to 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 Los Angeles Municipal Code ("LAMC") and Los Angeles Special Ordinance No. 174881 § 7(a) 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 \$1,650 to be paid in the form of a cashier's check, payable to the "General Fund of the City of Los Angeles," upon the signing of this Stipulation. The payments submitted herewith are to be held by the Commission until the Commission issues its Decision and Order in this matter.

The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void. The parties further agree that within ten business days after the Commission meeting at which the Stipulation is rejected, all payments tendered by Respondents in connection with this Stipulation shall be returned to Respondents. 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: 11-3-06

Leeann M. Pelham
LEEANN M. PELHAM, Executive Director
CITY ETHICS COMMISSION
Complainant

DATED: 11/1/2006

Foresee Hogan-Rowles
FORESCEE HOGAN-ROWLES
Respondent

DATED: 11/1/2006

Foresee Hogan-Rowles
FORESCEE HOGAN-ROWLES FOR CITY
COUNCIL
Respondent

By: Hogan-Rowles

Print Name

Respondent

Title

RECD BY

ETHICS COMMISSION
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DECISION AND ORDER

The City Ethics Commission has considered the above Stipulation and the attached exhibit at its meeting on 11.14.06. The City Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondents Forescee Hogan-Rowles and the "Forescee Hogan-Rowles for City Council" committee shall pay a fine of \$1,650 to the City of Los Angeles.

DATED: 11.14.06


GIL GARCETTI, President
CITY ETHICS COMMISSION

EXHIBIT 1

Forescee Hogan-Rowles (“Hogan-Rowles”) was a City Council candidate in the primary election for City Council District Eight held on March 4, 2003. Her controlled committee was called “Forescee Hogan-Rowles for City Council” (“Committee”).

A routine post-election audit by the Commission’s Audit Division and a subsequent investigation of the audit findings by the Enforcement Division disclosed violations of City campaign finance laws by Respondents.

Hogan-Rowles and the Committee admit to having violated the LAMC and Special Ordinance No. 174881 as follows by:

- Failing to file a copy of seven pieces of campaign literature with the Commission in violation of LAMC § 49.7.11(C); **[seven counts]** and
- Failing to send scripts or recordings related to four communications made through television, radio, facsimile transmission, and a pre-recorded telephone call in violation of Los Angeles Special Ordinance 174881 § 7(a) **[four counts]**.

APPLICABLE LAW

The Charter, the Los Angeles Campaign Finance Ordinance, LAMC § 49.7.1 *et seq.*, and the Political Reform Act (“PRA”), Cal. Gov. Code § 81000-91014¹ govern campaign disclosure.

VIOLATIONS

COUNTS 1 - 7: FAILURE TO FILE CAMPAIGN LITERATURE [Violations of LAMC § 49.7.11(C)]

LAMC § 49.7.11(C) provides that “Each candidate...who sends a mailing or distributes more than 200 substantially similar pieces of campaign literature shall send a copy of the mailing or other literature to the City Ethics Commission at the same time the mailing or other literature is given to the post office or otherwise distributed.”

Respondents stipulate that they have violated LAMC § 49.7.11(C), as detailed in the following seven counts:

COUNT 1: By failing to file a copy of the campaign literature identified as the “Putting People and Neighborhoods First” mailer with the CEC at the time of the mailing or distribution of approximately 2,000 pieces of that literature on or about September 26, 2002, Respondents violated LAMC § 49.7.11(C).

¹ Under Charter §470(b)(1), definitions of terms set forth in the PRA, Cal. Gov. Code § 81000 *et seq.*, and its regulations, Cal. Code of Reg. §18109 *et seq.*, apply to Los Angeles City campaign finance, campaign disclosure, and government ethics provisions unless the terms are otherwise defined.

COUNT 2: By failing to file a copy of the campaign literature identified as the “Queens of Business Calendar” with the CEC at the time of the mailing or distribution of approximately 910 pieces of that literature on or about February 4, 2003, Respondents violated LAMC § 49.7.11(C).

COUNT 3: By failing to file a copy of the campaign literature identified as the “Walk Piece Reprint” mailer with the CEC at the time of the mailing or distribution of approximately 10,000 pieces of that literature on or about February 5, 2003, Respondents violated LAMC § 49.7.11(C).

COUNT 4: By failing to file a copy of the campaign literature identified as “Absentee Mailer ” with the CEC at the time of the mailing or distribution of approximately 10,700 pieces of that literature on February 11, 2003, Respondents violated LAMC § 49.7.11(C).

COUNT 5: By failing to file a copy of the campaign literature identified as “LA Times Endorsement Mailer” with the CEC at the time of the mailing or distribution of 40,000 pieces of that literature on February 26, 2003, Respondents violated LAMC § 49.7.11(C).

COUNT 6: By failing to file a copy of the campaign literature identified as “Spanish Mailer” with the CEC at the time of the mailing or distribution of approximately 6,000 pieces of that literature on February 28, 2003, Respondents violated LAMC § 49.7.11(C).

COUNT 7: By failing to file a copy of the campaign literature identified as “English and Spanish Doorhangers” with the CEC at the time of the mailing or distribution of approximately 40,000 pieces of that literature on or about February 28, 2003, Respondents violated LAMC § 49.7.11(C).

COUNTS 8 - 11: FAILURE TO SEND SCRIPTS OR RECORDINGS
[Violations of Ordinance 174881 § 7(a)]

Los Angeles Special Ordinance 174881 § 7(a) provides that “[a]ny committee ... that makes or incurs payments for 1,000 or more pre-recorded telephone calls or any other forms of electronic or facsimile transmission of substantially similar content, or that makes or incurs expenditures of \$1,000 or more for a radio or television advertisement, in support of or opposition to any candidate(s) for City Council, shall send a copy of the script or recording used for each communication with a clear indication of the date the communication was first publicly made or aired to the Ethics Commission within one calendar day of the first time the calls, transmissions, or advertisements are made or aired.”

Respondents stipulate that they have violated Ordinance 174881 § 7(a), as detailed in the following four counts:

COUNT 8: By failing to send a copy of the script or recording of a radio advertisement purchased through Wadio Works for approximately \$10,500 to the CEC within one calendar day of the first time the advertisement aired on February 19, 2003, Respondents violated Ordinance 174881 § 7(a).

COUNT 9: By failing to send a copy of the script of a facsimile transmission to the CEC within one calendar day of the first time one of the 1,200 transmissions was sent on or about February 21, 2003, Respondents violated Ordinance 174881 § 7(a).

COUNT 10: By failing to file a copy of a television script or recording purchased through 3rdeye/4th Dimension and Comcast for approximately \$7,617.25 to the CEC within one calendar day of the first time the advertisement aired on February 26, 2003, Respondents violated Ordinance 174881 § 7(a).

COUNT 11: By failing to send a copy of the script or recording of an automated telephone call to the CEC within one calendar day of the first time one of the 10,000 calls was made on or about March 1, 2003, Respondents violated Ordinance 174881 § 7(a).

FACTORS IN MITIGATION

Respondents had no prior enforcement history with the Commission at the time the violations were committed and cooperated with the investigation of this matter.

CONCLUSION

While a maximum administrative penalty in this matter could result in a penalty of up to \$5,000 per count (\$55,000), the facts of this case justify the imposition of the agreed upon administrative penalty against Respondents totaling \$1,650. The penalty amount is equivalent to the total of (i) for Counts 1 – 7, \$150 per count of failure to file campaign literature (\$150 x 7), \$1,050 and (ii) for Counts 8-11, \$150 per count of failure to file campaign literature (\$150 x 4); \$600.