

CITY ETHICS COMMISSION ENFORCEMENT POLICY REGARDING INFRACTIONS

(Adopted by the CEC March 8, 2005)

Introduction

While the City Ethics Commission ("Commission") continues and herein reaffirms its commitment to the fullest possible enforcement of the laws under its jurisdiction, the Commission also recognizes that in the circumstances described in this policy certain limited violations warrant treatment as infractions. The Commission, therefore, hereby adopts this "Infractions Policy" to be applied under the specified and limited circumstances and conditions ("Eligibility Factors") as set forth below. This Infractions Policy will be considered only for those cases meeting all of the Eligibility Factors.

Definitions

For purposes of this Infractions Policy, the following definitions shall apply:

The term "Excess Contributions" means contribution(s) that Candidates/Controlled Committees and/or Persons stipulate are in excess of the limits set forth in Charter Sections 470(c)(3), (4) & (5).

The term "Candidate/Controlled Committee" means a candidate seeking elective City office and committee(s) organized for the purposes of seeking elective City office. For purposes of this Policy, separate committees organized by the same candidate for a Primary Nominating and for General Municipal Election shall be treated as a single Controlled Committee.

The term "Election Cycle" means both the Primary Nominating and General Municipal Election together.

The term "Person" means an individual, proprietorship, firm, joint venture syndicate, business trust, company, corporation, limited liability company, committee, an association, and any other organization.

Applicability

The Infractions Policy shall be available for application to stipulations entered into between the Commission and the Candidate/Controlled Committee or Person contributing to the Candidate/Controlled Committee following adoption of the Infractions Policy by the Commission. Once adopted, the Infractions Policy shall not be applied retroactively.

Eligibility Factors

1.0 Infractions relating to Candidates and their Controlled Committees.

This Policy shall be applicable to a Candidate/Controlled Committee's acceptance of Excess Contributions, provided that:

- a. With respect to a City Council campaign, the Candidate/Controlled Committee has accepted a total of no more than four Excess Contributions in the Election Cycle and the excess portion of Excess Contributions when added together equal no greater than 0.5 percent of the total value of contributions made to the Candidate/Controlled Committee or two thousand dollars (\$2,000), whichever amount is less; or
- b. With respect to a Citywide campaign, the Candidate/Controlled Committee has accepted a total of no more than six Excess Contributions in the Election Cycle and the excess portion of Excess Contributions when added together equal no greater than 0.5 percent of the total value of contributions made to the Candidate/Controlled Committee or six thousand dollars (\$6,000), whichever amount is less¹;

2.0 Infractions Relating to Contributors.

This Policy shall be applicable to Excess Contributions made in any one Election Cycle by a Person permitted to contribute money in City elections to a Candidate/Controlled Committee provided that the total excess portion of the Excess Contributions has a monetary value of one thousand dollars (\$1,000) or less².

¹ If a Candidate/Controlled Committee returns the excess amount of Excess Contributions during the "cure" period as set forth in the Commission's Contribution Disgorgement Policy, the acceptance of that contribution will not be considered a violation and will not count toward the total number of violations eligible under this Infractions Policy.

² If a Person rescinds and obtains the excess amount of Excess Contributions from the Candidate Controlled Committee(s) during the "cure" period as set forth in the Commission's Contribution Disgorgement Policy, the making of the rescinded Excess Contributions will not be considered a violation and will not count toward the total number of violations eligible under this Infractions Policy.

3.0 Conditions of the Infractions Policy Settlements.

Persons electing to receive the benefits of the Infractions Policy shall be required to acknowledge receiving or giving the Excess Contributions by entering into a stipulation with the Commission, subject to approval by the Commission;

- a. In addition to the restrictions for application of the Infractions Policy, the Infractions Policy shall not apply to any Person who has already elected to receive the benefits of the Infractions policy in any previous Election Cycle by entering into a stipulation with the Commission;
- b. Persons who are offered the opportunity to resolve their cases pursuant to the Infractions Policy prior to a probable cause determination pursuant to Los Angeles Administrative Code Section 24.1.2(d)(7)(E) may only accept the terms of the Infractions Policy prior to a probable cause conference; however, Persons who meet all of the Eligibility Factors as a result of a probable cause determination shall qualify to participate in the Infractions Policy.
- c. The Commission shall assess no monetary penalties for an Infraction violation; and
- d. The Commission staff shall, at the time of entering into a stipulation, notify any Person who elects to receive the benefits of the Infractions Policy that the Infractions policy cannot be applied to them in future city elections.

CEC Staff Discretion

In addition to the Eligibility Factors for application of the Infractions Policy set forth above, the Policy shall not apply if extenuating circumstances exist in the judgment of the Commission Staff. Such extenuating circumstances might include, for example, a pattern of violating laws under the jurisdiction of the Commission in any one election cycle, across any number of election cycles or in any other circumstances.

Whether the Infractions Policy is available in any given case is limited to those cases meeting all the Eligibility Factors, and the Commission staff shall determine whether the Eligibility Factors have been satisfied in any given case.