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3 San Francisco Ethics Commission
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BEFORE THE SAN FRANCISCO
ETHICS COMMISSION

In the Matter of:

ETHICS COMPLAINT NO. 13-131112

ACCUSATION

This document has been issued pursuant to Section IX.A of the San Francisco Ethics Commission Regulations for Investigations and Enforcement Proceedings (“Regulations”).

This Accusation is a public document.

DATE ISSUED: June 6, 2014

COMPLAINT NUMBER: 13-131112

RESPONDENT: Alpha Buie

INTRODUCTION

On May 28, 2014, the Ethics Commission (“the Commission”) held a Probable Cause Hearing concerning the complaint described herein, and determined that there is probable cause to believe that Alpha Buie (“Respondent”) committed three violations of the California Government Code.

During the course of its investigation, staff determined that there was reason to believe that Respondent committed three violations of the California Government Code by:

- failing to file Recipient Committee Campaign Statement Form 460s.

1 **I. BACKGROUND & PROCEDURAL HISTORY**

2 **A. BACKGROUND**

3 On October 27, 2011, Respondent formed a Committee as a General Purpose Committee for
4 the purpose of African American Political Education and Voter Registration. Respondent was the
5 Treasurer for the Committee. On October 27, 2011, the Committee filed its first Recipient Committee
6 Campaign Statement Form 460 (“Form 460”), which covered the pre-election period of January 1,
7 2011 to October 22, 2011. On that Form 460, Respondent reported receiving \$1,000 in contributions.
8 Respondent continued to file each required Form 460 through October 25, 2012. On October 25,
9 2012, Respondent filed her most recent Form 460 covering the reporting period from October 1, 2012 to
10 October 20, 2012. On that Form 460, Respondent was still identified as the Treasurer for the
11 Committee and she reported receiving \$9,570.00 in contributions year to date, and making \$13,503.76
12 in expenditures year to date. Respondent also reported an ending cash balance of \$5,216.51. There
13 was no indication on that Form 460 that it was a termination statement, and Respondent did not file a
14 Form 410 termination statement. That was the last period for which Respondent filed a Form 460.
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16 **B. PROCEDURAL HISTORY**

17 On February 20, 2013, the Ethics Commission’s Executive Director sent a letter to Respondent
18 informing her that the Form 460 covering the period ending December 31, 2012, was due to be filed
19 by January 31, 2013, and that it had not been filed with the Ethics Commission. On March 28, 2013,
20 the Executive Director sent a second notice indicating that the required Form 460 had still not been
21 filed with the Ethics Commission.
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23 On November 12, 2013, the Ethics Commission notified Respondent by letter that a
24 complaint had been initiated against her for failing to file the next required Form 460, and that because
25 the Committee was not properly terminated, Respondent failed to file additional required semi-annual
26 Form 460s. Respondent received the Probable Cause Report and notice of the May 28, 2014 Probable
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1 Cause Hearing on March 21, 2014. Respondent did not attend the Probable Cause Hearing on May
2 28, 2014, and did not submit a response to the Probable Cause Report.

3 **II. ALLEGED VIOLATIONS OF LAW**

4 In the Probable Cause Report, staff presented the following three counts against Respondent.
5 The Ethics Commission found probable cause for the following counts.

6 **Counts 1 through 3 – Three Violations of California Government Code, section 84200(a)**

7 California Government Code, section 84200(a), incorporated into local law by San Francisco
8 Campaign and Governmental Conduct Code, section 1.106, provides that elected officers, candidates,
9 and committees pursuant to California Government Code, section 82013(a), shall file semi-annual
10 statements each year no later than July 31 for the period ending June 30, and no later than January 31
11 for the period ending December 31.¹ California Government Code, section 84214, states that
12 committees and candidates that qualify as a committee under California Government Code, section
13 82013(a), must terminate their filing obligations pursuant to regulations adopted by the California Fair
14 Political Practices Commission (“FPPC”).²

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16 Respondent formed a General Purpose Committee on October 27, 2011. Respondent received
17 \$1,000 in monetary contributions in 2011. Respondent filed the Committee’s most recent Form 460
18 on October 25, 2012, which covered the period from October 1 to October 20, 2012. On that Form
19 460, Respondent reported that the Committee received \$9,570.00 in monetary contributions and made
20 \$13,503.76 in expenditures in 2012. Respondent also reported that the Committee had an ending cash
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23 ¹ California Government Code, section 82013(a), states that a committee is a person or
24 combination of persons who directly or indirectly receives contributions totaling \$1,000 or more in a
calendar year.

25 ² FPPC Regulation 18404(b), states that a committee which qualifies pursuant to California
26 Government Code, section 82013(a), may terminate the committee’s status as a committee, only by
27 completing the termination section on the Form 410 declaring, under penalty of perjury, that the
committee: (1) has ceased to receive contributions and make expenditures and does not anticipate
28 receiving contributions or making expenditures in the future; (2) has eliminated or has declared that it
has no intention or ability to discharge all of its debts, loans received and other obligations; (3) has no
surplus funds; and (4) has filed all required campaign statements disclosing all reportable transactions.

1 balance of \$5,216.51 for that reporting period. Respondent did not terminate the Committee on the
2 Form 460 filed on October 25, 2012, and did not file a Form 410 termination statement. Because the
3 Committee was not terminated, Respondent was required to file semi-annual Form 460s on January
4 31, 2013; on July 31, 2013; and on January 31, 2014. Respondent did not file any of the required
5 semi-annual statements as of the time of the Probable Cause Hearing.

6 Respondent's Committee qualified as a committee pursuant to California Government Code,
7 section 82013(a), by raising over \$1,000 in contributions. Respondent did not terminate the
8 Committee as required by California Government Code, section 84214, and FPPC Regulation
9 18404(b). Respondent's filing obligation for the Committee continues until the Committee is formally
10 terminated.
11

12 **Count 1.** By failing to file the required semi-annual Form 460 by January 31, 2013, the Ethics
13 Commission alleges that Respondent committed one violation of California Government Code, section
14 84200(a).
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16 **Count 2.** By failing to file the required semi-annual Form 460 by July 31, 2013, the Ethics
17 Commission alleges that Respondent committed one violation of California Government Code, section
18 84200(a).
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20 **Count 3.** By failing to file the required semi-annual Form 460 by January 31, 2014, the Ethics
21 Commission alleges that Respondent committed one violation of California Government Code, section
22 84200(a).
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24 **III. ADDRESS FOR ALL SERVICE OR DELIVERY**

25 Wherever the Regulations require service on or delivery to the Commission, the Chairperson,
26 its members, or the Executive Director, service and delivery shall be effected at the Commission
27 office:
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San Francisco Ethics Commission
Attn: *Enforcement Division*

25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Dated: _____

JOHN ST. CROIX, Executive Director
San Francisco Ethics Commission

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