



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich, and Commissioners Cardenas, Hatch, Hayward, and Wilson

From: Thomas Jones, Executive Director
Galena West, Chief of Enforcement
Christopher Burton, Senior Commission Counsel

Date: April 6, 2020

RE: Assignment of Hearing to Administrative Law Judge

Case Name: Rossana Mitchell-Arrieta for Chino Hills City Council 2016, Rossana Mitchell-Arrieta for Chino Hills City Council 2018, Rossana Mitchell-Arrieta, and Frank Arrieta; FPPC Case No. 17/462

I. INTRODUCTION

Respondent Rossana Mitchell-Arrieta (“Mitchell-Arrieta”) was an unsuccessful candidate for the Chino Hills City Council in both the November 8, 2016 and November 6, 2018 General Elections. Rossana Mitchell-Arrieta for Chino Hills City Council 2016 (the “2016 Committee”) was Mitchell-Arrieta’s controlled committee in conjunction with the 2016 election, and Rossana Mitchell-Arrieta for Chino Hills City Council 2018 (the “2018 Committee”) was Mitchell-Arrieta’s controlled committee in conjunction with the 2018 election. Frank Arrieta (“Arrieta”) was the treasurer of both committees.

Respondents committed numerous violations of the Political Reform Act (the “Act”) in conjunction with Mitchell-Arrieta’s 2016 and 2018 campaigns, including a failure to timely file preelection and semiannual campaign statements, 24-hour contribution reports, and a statement of organization; violations of the one bank account rule; violations of the Act’s recordkeeping requirements; improper cash expenditures; and violations of the Act’s mass mailing disclosure provisions, as detailed in the Accusation attached to this memorandum. Respondents filed notices of defense in response to the Accusation and requested an administrative hearing.

II. COMMISSION ACTION ONLY REQUIRED IF THE COMMISSION DESIRES TO PARTICIPATE IN THE ADMINISTRATIVE HEARING

The Executive Director and the Chief of Enforcement are recommending an administrative law judge (“ALJ”) conduct the hearing pursuant to Government Code section 11512, subdivision (a). The ALJ will then make a recommendation to the Commission on the findings of fact, law, and penalty, if applicable, in the matter. The Commission will then make the final determination on the case.

This memorandum is submitted to each member of the Commission pursuant to Regulation 18361.5, subdivision (b), which provides:

If the Executive Director determines that a hearing on the merits should be conducted before an administrative law judge alone pursuant to Government Code section 11512(a), he or she shall provide a copy of the accusation as well as a memorandum describing the issues involved to each member of the Commission. If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, the matter will be scheduled for a hearing before the Commission when an administrative law judge is available.

Thus, no Commission action is required if the Commission approves the recommendation that the administrative hearing in this matter should be conducted before an ALJ. However, two or more Commissioners may vote to keep the matter with the Commission if so desired.

III. PROCEDURAL HISTORY

The Enforcement Division initiated this administrative action against Respondents by serving a Report in Support of a Finding of Probable Cause (the “PC Report”) on April 27, 2019 and June 10, 2019. In response to the PC Report, Respondents requested discovery pursuant to Regulation 18361.4, subdivision (c)(2). The Enforcement Division prepared a response to the discovery request, which was served on Respondents on August 9 and 13, 2019. No written response to the PC Report was submitted by Respondents. However, Respondents requested a probable cause conference.

On December 16, 2019, the Fair Political Practices Commission conducted a probable cause conference on the matter. Senior Commission Counsel Christopher Burton appeared on behalf of the Enforcement Division. However, Respondents failed to appear at the conference. The hearing officer for the probable cause conference, Commission Counsel John M. Feser Jr., determined probable cause existed to believe that Respondents violated the Act as alleged in the PC Report. As a result, Mr. Feser Jr. issued an order dated December 17, 2019 finding probable cause and instructing the Enforcement Division to issue an accusation against Respondents in accordance with the finding.

The Enforcement Division served an Accusation on Respondents on January 27, 2020 by personal service. Respondents later returned notices of defense dated January 30, 2020 to the Enforcement Division, requesting an administrative hearing on this matter.

IV. HEARING OPTIONS

Every hearing in a contested case must be presided over by an ALJ. The agency itself shall determine whether the ALJ is to hear the case alone or whether the agency itself is to hear the case with the ALJ.¹

¹ See Gov. Code § 11512, subd. (a).

When the agency itself hears the case, the ALJ shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the ALJ. When the ALJ hears a case, he or she shall exercise all powers relating to the conduct of the hearing. A rule of the ALJ admitting or excluding evidence is subject to review in the same manner and to the same extent as the ALJ's proposed decision in the proceeding.²

V. SUMMARY OF THE ACCUSATION

The Accusation alleges Respondents violated the Political Reform Act as follows:

As to the 2016 Committee, Mitchell-Arrieta, and Arrieta:

Count 1: Failure to Timely File Preelection Campaign Statement

The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to timely file the 2016 Committee's preelection campaign statement for the reporting period of September 25, 2016 to October 22, 2016, in violation of Section 84200.5, subdivision (a); and 84200.8, subdivision (b).

Count 2: Failure to Timely File Semiannual Campaign Statement

The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to timely file the 2016 Committee's semiannual campaign statement for the reporting period of October 23, 2016 to December 31, 2016, in violation of Section 84200, subdivision (a).

Count 3: Failure to Timely File 24-Hour Contribution Report

The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to timely file a 24-hour contribution report for a late contribution in the amount of \$3,000 received on August 17, 2016, in violation of Section 84203.

Count 4: Failure to Timely File 24-Hour Contribution Report

The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to timely file a 24-hour contribution report for a late contribution in the amount of \$1,600.05 received on September 6, 2016, in violation of Section 84203.

Count 5: Failure to Timely File 24-Hour Contribution Report

The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to timely file a 24-hour contribution report for a late contribution in the amount of \$2,526.02 received on October 14, 2016, in violation of Section 84203.

² See Gov. Code § 11512, subd. (b).

Count 6: Failure to Timely File Statement of Organization

The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to timely file the 2016 Committee's statement of organization, in violation of Section 84101.

Count 7: Failure to Pay Expenditures from Campaign Bank Account

The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to pay \$26,004.66 in expenditures from the designated campaign bank account, in violation of Section 85201, subdivisions (d) and (e).

Count 8: Unlawful Cash Expenditures of \$100 or More

The 2016 Committee, Mitchell-Arrieta, and Arrieta made a cash expenditure in the amount of \$1,533 on November 30, 2016, in violation of Section 84300, subdivision (b).

Count 9: Failure to Maintain Campaign Records

The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to maintain adequate source documentation for contributions totaling \$5,380 and expenditures totaling \$32,258.06, in violation of Section 84104 and Regulation 18401.

As to the 2016 Committee and Mitchell-Arrieta:

Count 10: Failure to Comply With Disclosure Requirements for Mass Mailings

The 2016 Committee and Mitchell-Arrieta failed to disclose the street address and city of the 2016 Committee and the correct committee name on six mass mailings sent out between August 25, 2016 and October 13, 2016, in violation of Section 84305.

As to the 2018 Committee, Mitchell-Arrieta, and Arrieta:

Count 11: Failure to Timely File Preelection Campaign Statement

The 2018 Committee, Mitchell-Arrieta, and Arrieta failed to timely file the 2018 Committee's preelection campaign statement for the reporting period of September 23, 2018 to October 20, 2018, in violation of Section 84200.5, subdivision (a); and 84200.8, subdivision (a).

Count 12: Failure to Timely File Semiannual Campaign Statement

The 2018 Committee, Mitchell-Arrieta, and Arrieta failed to timely file the 2018 Committee's semiannual campaign statement for the reporting period of October 21, 2018 to December 31, 2018, in violation of Section 84200, subdivision (a).

Count 13: Failure to Timely File 24-Hour Contribution Report

The 2018 Committee, Mitchell-Arrieta, and Arrieta failed to timely file a 24-hour contribution report for a late contribution in the amount of \$10,000 received on September 22, 2018, in violation of Section 84203.

VI. CONCLUSION

If, at the next regularly scheduled meeting, two or more Commissioners indicate a desire to participate in the hearing, likely to take place in Los Angeles, the matter will be scheduled for a hearing before the Commission when an ALJ is available.³ Otherwise, hearing of this matter will be conducted before an ALJ alone pursuant to Government Code Section 11512, subdivision (a).

³ Reg. § 18361.5, subd. (b).

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6
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA

10 In the Matter of) FPPC No. 17/462
11)
12)
13 ROSSANA MITCHELL-ARRIETA FOR) **ACCUSATION**
14 CHINO HILLS CITY COUNCIL 2016,)
15 ROSSANA MITCHELL-ARRIETA FOR)
16 CHINO HILLS CITY COUNCIL 2018,) (Gov. Code § 11503)
17 ROSSANA MITCHELL-ARRIETA,)
AND FRANK ARRIETA,)
18 Respondents.)

19 Complainant, the Enforcement Division of the Fair Political Practices Commission, after a
20 finding of probable cause pursuant to Government Code Section 83115.5, alleges the following:

21 **JURISDICTION**

22 1. Complainant is the Enforcement Division of the Fair Political Practices Commission
23 (the "Commission") and makes this Accusation in its official capacity and in the public interest.

24 2. The authority to bring this action is derived from Title 2, California Code of
25 Regulations, Sections 18361 and 18361.4, subdivision (e), and the statutory law of the State of
26 California, specifically including, but not limited to, Government Code Sections 83111, 83116, and
27 91000.5, which assign to the Enforcement Division the duty to administer, implement, and enforce the
28 provisions of the Political Reform Act, found at Government Code Sections 81000 through 91014.

1 3. When enacting the Political Reform Act (the “Act”),¹ California voters specifically
2 found and declared that previous laws regulating political practices had suffered from inadequate
3 enforcement, and it was their purpose to ensure that the Act be vigorously enforced.²

4 4. To that end, Section 81003 requires that the Act be liberally construed to achieve its
5 purposes.

6 5. One of the stated purposes of the Act is to ensure voters are fully informed and improper
7 practices are inhibited by requiring all political candidates, as well as the committees that support or
8 oppose them, to disclose all contributions and expenditures made throughout a campaign.³ In
9 furtherance of this purpose, the Act establishes a comprehensive campaign reporting system.⁴

10 **RESPONDENTS**

11 6. Rossana Mitchell-Arrieta (“Mitchell-Arrieta”) was an unsuccessful candidate for the
12 Chino Hills City Council in both the November 8, 2016 and November 6, 2018 General Elections.

13 7. Rossana Mitchell-Arrieta for Chino Hills City Council 2016 (the “2016 Committee”)
14 was Mitchell-Arrieta’s controlled committee in conjunction with the November 8, 2016 General
15 Election.

16 8. Rossana Mitchell-Arrieta for Chino Hills City Council 2018 (the “2018 Committee”)
17 was Mitchell-Arrieta’s controlled committee in conjunction with the November 6, 2018 General
18 Election.

19 9. Frank Arrieta (“Arrieta”) was the treasurer of the 2016 Committee and the 2018
20 Committee.

21 **APPLICABLE LAW**

22 10. All applicable law in this Accusation is the law as it existed during the relevant time for
23 the violations alleged.

24 ///

26 ¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of the
27 Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of
Regulations.

28 ² Sections 81001, subd. (h), and 81002, subd. (f).

³ Section 81002, subd. (a).

⁴ Sections 84200, *et seq.*

1 **A. Mandatory Filing of Campaign Statements**

2 11. At the core of the Act's campaign reporting system is the requirement that committees
3 file campaign statements and reports for certain reporting periods, by certain deadlines, and including
4 certain information.⁵

5 12. The Act requires a candidate-controlled committee to file preelection campaign
6 statements prior to elections in which the candidate appears on the ballot.⁶

7 13. For the November 8, 2016 General Election, a candidate-controlled committee was
8 required to file a preelection campaign statement for the period ending September 24, 2016, no later
9 than September 29, 2016, and the period ending October 22, 2016, no later than October 27, 2016.⁷

10 14. For the November 6, 2018 General Election, a candidate-controlled committee was
11 required to file a preelection campaign statement for the period ending September 22, 2018, no later
12 than September 27, 2018, and the period ending October 20, 2018, no later than October 25, 2018.⁸

13 15. Further, the Act requires candidate-controlled committees to file semiannual campaign
14 statements twice per year disclosing their campaign contributions and expenditures.

15 16. A recipient committee must file a semiannual statement by January 31 for the period
16 ending December 31 and by July 31 for the period ending June 30, or the next business day if the
17 deadline falls on a weekend or holiday.⁹

18 **B. Duty to File 24-Hour Contribution Reports**

19 17. Each candidate or committee that makes or receives a late contribution must file a report
20 within 24 hours of making or receiving the contribution.¹⁰

21 18. A "late contribution" includes a contribution aggregating \$1,000 or more that is made to
22 or received by a candidate, controlled committee, or primarily formed committee within 90 days before
23 the date of the election at which the pertinent candidate or measure is to be voted on.¹¹

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25 ⁵ Sections 84200, *et seq.*

26 ⁶ Section 84200.5.

27 ⁷ Section 84200.8.

28 ⁸ Section 84200.8.

⁹ Section 84200, subd. (a); Regulation 18116, subd. (a).

¹⁰ Section 84203.

¹¹ Section 82036.

1 **C. One Bank Account Rule**

2 19. To ensure full disclosure of campaign activity and to guard against improper use of
3 campaign funds, a candidate must establish a single, designated campaign bank account upon filing a
4 statement of intention to be a candidate.¹²

5 20. All campaign contributions and loans must be deposited into the campaign account.¹³
6 Personal funds of the candidate that will be used for the campaign must be deposited in the campaign
7 account prior to expenditure.¹⁴

8 21. All campaign expenditures must be made from the campaign account.¹⁵

9 **D. Recordkeeping Requirements**

10 22. Candidates and treasurers have a duty to maintain detailed accounts, records, bills, and
11 receipts necessary to prepare campaign statements and establish campaign statements were properly
12 filed.¹⁶ This duty includes maintenance of detailed information and original source documentation for a
13 period of four years following the date the campaign statement to which they relate is filed.¹⁷

14 23. Examples of original source documentation that must be maintained include copies of
15 bills, receipts, and invoices for expenditures of \$25 or more.¹⁸

16 **E. Prohibited Cash Expenditures of \$100 or More**

17 24. The Act prohibits making an expenditure of \$100 or more in cash.¹⁹

18 25. The Act defines “expenditure” as a payment, forgiveness of a loan, payment of a loan by
19 a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding
20 circumstances that it is not made for political purposes.²⁰

21 ///

22 ///

23 ///

24 ¹² Section 85201, subd. (a).

25 ¹³ Section 85201, subd. (c).

26 ¹⁴ Section 85201, subd. (d).

27 ¹⁵ Section 85201, subd. (e).

28 ¹⁶ Section 84104.

¹⁷ Regulation 18401.

¹⁸ Regulation 18401, subd. (a)(4).

¹⁹ Section 84300, subd. (b).

²⁰ Section 82025.

1 **F. Requirements for Mass Mailings**

2 26. A “mass mailing” is defined as over 200 substantially similar pieces of mail, but does
3 not include a form letter or other mail sent in response to an unsolicited request, letter, or inquiry.²¹

4 27. The Act requires that a mass mailing disclose the name, street address, and city of the
5 committee that sent the mailing.²²

6 28. The committee that pays for the largest portion of expenditures related to a mass
7 mailing—including design, printing, and postage—is considered the sender.²³

8 **G. Joint and Several Liability of Candidate, Committee, and Treasurer**

9 29. Every committee must have a treasurer.²⁴

10 30. It is the duty of a committee treasurer to ensure that the committee complies with the
11 campaign reporting provisions of the Act.²⁵

12 31. A treasurer may be held jointly and severally liable, along with the candidate and the
13 committee, for violations committed by the committee.²⁶

14 **H. Factors to be Considered by the Fair Political Practices Commission and Administrative**
15 **Law Judge**

16 32. In framing a proposed order following a finding of a violation pursuant to Section 83116,
17 the Commission and the administrative law judge shall consider all the surrounding circumstances
18 including but not limited to: (1) The seriousness of the violation; (2) The presence or absence of any
19 intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or
20 inadvertent; (4) Whether the violator demonstrated good faith by consulting the Commission staff or any
21 other government agency in a manner not constituting a complete defense under Section 83114(b); (5)
22 Whether the violation was isolated or part of a pattern and whether the violator has a prior record of
23 violations of the Act or similar laws; and (6) Whether the violator, upon learning of a reporting
24 violation, voluntarily filed amendments to provide full disclosure.²⁷

25 ²¹ Section 82041.5.

26 ²² Section 84305, subd. (a).

27 ²³ Regulation 18435, subds. (b) and (c).

28 ²⁴ Section 84100.

²⁵ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

²⁶ Sections 83116.5 and 91006.

²⁷ Regulation 18361.5, subd. (d).

GENERAL FACTS

1
2 33. Complainant incorporates paragraphs 6 through 9 of this Accusation, as though
3 completely set forth herein.

4 34. The 2016 Committee qualified on July 1, 2016, and terminated as of December 2, 2016.

5 35. During its lifetime, the 2016 Committee reported receiving \$41,673.90 in contributions
6 and making \$36,143.90 in expenditures.

7 36. Mitchell-Arrieta was unsuccessful in the November 8, 2016 General Election, receiving
8 approximately 19.9 percent of the vote.

9 37. The 2018 Committee qualified on September 22, 2018, and terminated as of February
10 15, 2019.

11 38. In 2018, the 2018 Committee reported receiving \$11,625 in contributions and making
12 \$11,625 in expenditures.

13 39. Mitchell-Arrieta was unsuccessful in the November 6, 2018 General Election, receiving
14 approximately 27.2 percent of the vote.

15 40. The 2016 Committee failed to timely file certain campaign statements and reports. In
16 particular, the 2016 Committee failed to timely file its preelection campaign statement covering the
17 reporting period of September 25, 2016 to October 22, 2016. Although due on October 27, 2016, the
18 2016 Committee did not file the statement until November 1, 2016. The statement reported \$5,750 in
19 contributions and \$13,445.02 in expenditures.

20 41. The 2016 Committee also failed to timely file its semiannual campaign statement
21 covering the reporting period of October 23, 2016 to December 31, 2016. Although due on January 31,
22 2017, the 2016 Committee did not file the statement until March 10, 2017. The statement reported
23 \$1,000 in contributions and no expenditures.

24 42. The 2016 Committee also failed to timely file 24-hour contribution reports for certain
25 late contributions. Specifically, the 2016 Committee failed to timely file 24-hour contribution reports
26 for certain candidate loans, including \$3,000 received on August 17, 2016; \$1,600.05 received on
27 September 6, 2016; and \$2,526.02 received on October 14, 2016. As of the date of this accusation,
28 these reports had not been filed.

1 43. Although the 2016 Committee failed to timely file the 24-hour reports, the subject
2 candidate loans from Mitchell-Arrieta were otherwise reported on the 2016 Committee's preelection
3 campaign statements, which were filed prior to the election.

4 44. Finally, the 2016 Committee failed to timely file its statement of organization. Although
5 the 2016 Committee's statement of organization was due on July 11, 2016, given its qualification date
6 of July 1, 2016, the statement of organization was not filed until September 27, 2016.

7 45. The 2018 Committee failed to timely file certain campaign statements and reports, as
8 well. In particular, the 2018 Committee failed to timely file its preelection campaign statement covering
9 the reporting period of September 23, 2018 to October 20, 2018. Although due on October 25, 2018,
10 the 2018 Committee did not file the statement until November 6, 2018, the day of the election. The
11 statement reported \$13,445.02 in contributions and \$21,140.04 in expenditures.

12 46. The 2018 Committee also failed to timely file its semiannual campaign statement
13 covering the reporting period of October 21, 2018 to December 31, 2018. Although due on January 31,
14 2019, the 2018 Committee did not file the statement until February 15, 2019. The statement reported no
15 contributions and \$1,872.69 in expenditures.

16 47. The 2018 Committee also failed to timely file one 24-hour contribution report for a
17 \$10,000 candidate loan received on September 22, 2018. As of the date of this accusation, this report
18 had not been filed.

19 48. Although the 2018 Committee failed to timely file the 24-hour report, the subject loan
20 was otherwise reported on the applicable preelection campaign statement, which was filed prior to the
21 election.

22 49. According to the Enforcement Division's investigation, the 2016 Committee made a
23 total of \$41,257.23 in expenditures during 2016. Of that amount, \$26,004.66 in expenditures were
24 made using funds outside of the official campaign bank account, amounting to 63 percent of all
25 expenditures.

26 50. Specifically, \$14,759.50 in expenditures during the reporting period of July 1, 2016 to
27 September 24, 2016; \$8,154.98 in expenditures during the reporting period of September 25, 2016 to
28

1 October 22, 2016; and \$3,090.18 in expenditures during the reporting period of October 23, 2016 to
2 December 31, 2016, were made outside of the campaign bank account.

3 51. The 2016 Committee made these payments out of two different accounts associated with
4 Mitchell-Arrieta's law firm, Law Offices of Rossana Mitchell.

5 52. The pertinent expenditures consisted of payments for mailers and other advertisements
6 paid for by the 2016 Committee.

7 53. The 2016 Committee reported the subject expenditures on its campaign statements for
8 the reporting periods of July 1, 2016 to September 24, 2016, and September 25, 2016 to October 22,
9 2016. However, the Committee failed to report any of the subject expenditures on its campaign
10 statement for the period of October 23, 2016 to December 31, 2016.

11 54. The 2016 Committee failed to maintain adequate source documentation for contributions
12 totaling \$5,380 and expenditures totaling \$32,258.06 during 2016. In total, the 2016 Committee failed
13 to maintain sufficient records for approximately 13 percent of all contributions and 78 percent of all
14 expenditures made during 2016, which made financial reconciliation by the Enforcement Division
15 difficult.

16 55. The 2016 Committee improperly made a \$1,533 expenditure in cash on November 30,
17 2016. According to Mitchell-Arrieta, the expenditure was a payment to herself in order to repay
18 candidate loans.

19 56. During the 2016 campaign, the 2016 Committee paid for joint advertisements with
20 another Chino Hills City Council candidate, Jim Gallagher. In all, the two candidates split the costs
21 equally for 97,000 total copies of six different joint mass mailings. The mass mailings failed to disclose
22 the street address and city of the 2016 Committee and failed to print the complete committee name of
23 the 2016 Committee. In particular, the mailers stated they were paid for by Committee to Elect Rossana
24 Mitchell-Arrieta, instead of the committee's full name, Rossana Mitchell-Arrieta for Chino Hills City
25 Council 2016.

26 **PROCEDURAL HISTORY**

27 57. The Enforcement Division initiated an administrative action against Respondents in this
28 matter by serving them with a packet containing a cover letter, a Report in Support of a Finding of

1 Probable Cause (the “PC Report”), a fact sheet regarding probable cause proceedings, selected sections
2 of the Government Code regarding probable cause proceedings for the Commission, and selected
3 regulations of the Commission regarding probable cause proceedings.

4 58. The 2016 Committee, 2018 Committee, and Arrieta were served with the PC Report on
5 April 27, 2019. The 2016 Committee, 2018 Committee, and Mitchell-Arrieta were served with the PC
6 Report on June 10, 2019. The information contained in the PC Report packet advised Respondents that
7 they had 21 days in which to request a probable cause conference, file a written response to the PC
8 Report, or both.

9 59. On or about May 1, 2019, Mitchell-Arrieta requested a probable cause conference with
10 the Hearing Officer.

11 60. A probable cause conference took place on December 16, 2019. However, neither
12 Mitchell-Arrieta or Arrieta appeared, despite Mitchell-Arrieta’s request for the conference.

13 61. On or about December 17, 2019, the Hearing Officer issued an order finding, based on
14 the PC Report, that there was probable cause to believe Respondents violated the Act, as alleged in the
15 PC Report, and directed the Enforcement Division to issue an accusation against Respondents in
16 accordance with the finding.

17 VIOLATIONS

18 62. The 2016 Committee, 2018 Committee, Mitchell-Arrieta, and Arrieta committed 13
19 violations of the Act as follows:

20 Count 1

21 Failure to Timely File Preelection Campaign Statement

22 63. Complainant incorporates paragraphs 1 through 62 of this Accusation, as though
23 completely set forth herein.

24 64. The 2016 Committee, Mitchell-Arrieta, and Arrieta had a duty to file a preelection
25 campaign statement for the period of September 25, 2016 to October 22, 2016, by the deadline of
26 October 27, 2016.

27 65. The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to file the preelection
28 campaign statement for the period of September 25, 2016 to October 22, 2016, by the deadline.

1 66. By failing to file the preelection campaign statement by October 27, 2016, the 2016
2 Committee, Mitchell-Arrieta, and Arrieta violated Section 84200.5, subdivision (a); and 84200.8,
3 subdivision (b).

4 **Count 2**

5 **Failure to Timely File Semiannual Campaign Statement**

6 67. Complainant incorporates paragraphs 1 through 66 of this Accusation, as though
7 completely set forth herein.

8 68. The 2016 Committee, Mitchell-Arrieta, and Arrieta had a duty to file a semiannual
9 campaign statement for the period of October 23, 2016 to December 31, 2016, by the deadline of
10 January 31, 2017.

11 69. The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to file the semiannual
12 campaign statement for the period of October 23, 2016 to December 31, 2016, by the deadline.

13 70. By failing to file the semiannual campaign statement by January 31, 2017, the 2016
14 Committee, Mitchell-Arrieta, and Arrieta violated Section 84200, subdivision (a).

15 **Count 3**

16 **Failure to Timely File 24-Hour Contribution Report**

17 71. Complainant incorporates paragraphs 1 through 70 of this Accusation, as though
18 completely set forth herein.

19 72. The 2016 Committee, Mitchell-Arrieta, and Arrieta had a duty to file a 24-hour
20 contribution report within 24 hours of making or receiving a late contribution.

21 73. The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to timely file a 24-hour
22 contribution report for a late contribution in the amount of \$3,000 received on August 17, 2016.

23 74. By failing to timely file a 24-hour contribution report disclosing the \$3,000 late
24 contribution, the 2016 Committee, Mitchell-Arrieta, and Arrieta violated Section 84203.

25 **Count 4**

26 **Failure to Timely File 24-Hour Contribution Report**

27 75. Complainant incorporates paragraphs 1 through 74 of this Accusation, as though
28 completely set forth herein.

1 **Count 7**

2 **Failure to Pay Expenditures from Campaign Bank Account**

3 87. Complainant incorporates paragraphs 1 through 86 of this Accusation, as though
4 completely set forth herein.

5 88. The 2016 Committee, Mitchell-Arrieta, and Arrieta were required to make all campaign
6 expenditures out of the designated campaign bank account.

7 89. The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to pay \$26,004.66 in
8 expenditures from the designated campaign bank account.

9 90. By failing to pay expenditures from the designated campaign bank account, the 2016
10 Committee, Mitchell-Arrieta, and Arrieta violated Section 85201, subdivisions (d) and (e).

11 **Count 8**

12 **Unlawful Cash Expenditure of \$100 or More**

13 91. Complainant incorporates paragraphs 1 through 90 of this Accusation, as though
14 completely set forth herein.

15 92. The 2016 Committee, Mitchell-Arrieta, and Arrieta were not permitted to make cash
16 expenditures of \$100 or more.

17 93. The 2016 Committee, Mitchell-Arrieta, and Arrieta made a cash expenditure of \$100 or
18 more.

19 94. By making a cash expenditure of \$100 or more, the 2016 Committee, Mitchell-Arrieta,
20 and Arrieta violated Section 84300, subdivision (b).

21 **Count 9**

22 **Failure to Maintain Campaign Records**

23 95. Complainant incorporates paragraphs 1 through 94 of this Accusation, as though
24 completely set forth herein.

25 96. The 2016 Committee, Mitchell-Arrieta, and Arrieta had a duty to maintain certain records
26 for all contributions and other receipts received and expenditures made.

27 97. The 2016 Committee, Mitchell-Arrieta, and Arrieta failed to maintain adequate records
28 for contributions totaling \$5,380 and expenditures totaling \$32,258.06.

1 98. By failing to maintain adequate source documentation for certain contributions and
2 expenditures, the 2016 Committee, Mitchell-Arrieta, and Arrieta violated Section 84104 and Regulation
3 18401.

4 **Count 10**

5 **Failure to Comply With Disclosure Requirements for Mass Mailings**

6 99. Complainant incorporates paragraphs 1 through 98 of this Accusation, as though
7 completely set forth herein.

8 100. The 2016 Committee and Mitchell-Arrieta had a duty to disclose the street address and
9 city of the committee and the correct committee name on mass mailings sent by the 2016 Committee.

10 101. The 2016 Committee and Mitchell-Arrieta failed to disclose the street address and city of
11 the 2016 Committee on six mass mailings sent out between August 25, 2016 and October 13, 2016.

12 102. By failing to disclose the street address and city, and the correct name, of the 2016
13 Committee on six mass mailings, the 2016 Committee and Mitchell-Arrieta violated Section 84305.

14 **Count 11**

15 **Failure to Timely File Preelection Campaign Statement**

16 103. Complainant incorporates paragraphs 1 through 102 of this Accusation, as though
17 completely set forth herein.

18 104. The 2018 Committee, Mitchell-Arrieta, and Arrieta had a duty to file a preelection
19 campaign statement for the period of September 23, 2018 to October 20, 2018, by the deadline of
20 October 25, 2018.

21 105. The 2018 Committee, Mitchell-Arrieta, and Arrieta failed to file the preelection
22 campaign statement for the period of September 23, 2018 to October 20, 2018, by the deadline.

23 106. By failing to file the preelection campaign statement by October 25, 2018, the 2018
24 Committee, Mitchell-Arrieta, and Arrieta violated Section 84200.5, subdivision (a); and 84200.8,
25 subdivision (b).

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1 **Count 12**

2 **Failure to Timely File Semiannual Campaign Statement**

3 107. Complainant incorporates paragraphs 1 through 106 of this Accusation, as though
4 completely set forth herein.

5 108. The 2018 Committee, Mitchell-Arrieta, and Arrieta had a duty to file a semiannual
6 campaign statement for the period of October 21, 2018 to December 31, 2018, by the deadline of
7 January 31, 2019.

8 109. The 2018 Committee, Mitchell-Arrieta, and Arrieta failed to file the semiannual
9 campaign statement for the period of October 21, 2018 to December 31, 2018, by the deadline.

10 110. By failing to file the semiannual campaign statement by January 31, 2019, the 2018
11 Committee, Mitchell-Arrieta, and Arrieta violated Section 84200, subdivision (a).

12 **Count 13**

13 **Failure to Timely File 24-Hour Contribution Report**

14 111. Complainant incorporates paragraphs 1 through 110 of this Accusation, as though
15 completely set forth herein.

16 112. The 2018 Committee, Mitchell-Arrieta, and Arrieta had a duty to file a 24-hour
17 contribution report within 24 hours of making or receiving a late contribution.

18 113. The 2018 Committee, Mitchell-Arrieta, and Arrieta failed to timely file a 24-hour
19 contribution report for a late contribution in the amount of \$10,000 received on September 22, 2018.

20 114. By failing to timely file a 24-hour contribution report disclosing the \$10,000 late
21 contribution, the 2018 Committee, Mitchell-Arrieta, and Arrieta violated Section 84203.

22 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

23 115. Mitchell-Arrieta previously served as a Board Member for the Chino Valley Unified
24 School District from 1997 to 2001 and as a Chino Hills City Councilmember in 2002. She has also been
25 an active lawyer in California since 2000.

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PRAYER

WHEREFORE, Complainant prays as follows:

1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and Regulation 18361.5, and at such hearing find that the 2016 Committee, 2018 Committee, Mitchell-Arrieta, and Arrieta violated the Act as alleged herein;
2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2016 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 1**;
3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2016 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 2**;
4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2016 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 3**;
5. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2016 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 4**;
6. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2016 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 5**;
7. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2016 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 6**;
8. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the 2016 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 7**;

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- 1 9. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
2 order the 2016 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up
3 to \$5,000 for the violation of the Political Reform Act alleged in **Count 8**;
- 4 10. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
5 order the 2016 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up
6 to \$5,000 for the violation of the Political Reform Act alleged in **Count 9**;
- 7 11. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
8 order the 2016 Committee and Mitchell-Arrieta to pay a monetary penalty of up to \$5,000
9 for the violation of the Political Reform Act alleged in **Count 10**;
- 10 12. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
11 order the 2016 Committee and Mitchell-Arrieta to pay a monetary penalty of up to \$5,000
12 for the violation of the Political Reform Act alleged in **Count 11**;
- 13 13. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
14 order the 2018 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up
15 to \$5,000 for the violation of the Political Reform Act alleged in **Count 12**;
- 16 14. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
17 order the 2018 Committee, Mitchell-Arrieta, and Arrieta to pay a monetary penalty of up
18 to \$5,000 for the violation of the Political Reform Act alleged in **Count 13**;
- 19 15. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision
20 (d), consider the following factors in framing a proposed order following a finding of a
21 violation pursuant to Section 83116: (1) the seriousness of the violation; (2) the presence
22 or absence of any intention to conceal, deceive or mislead; (3) whether the violation was
23 deliberate, negligent or inadvertent; (4) whether the violator demonstrated good faith by
24 consulting the Commission staff or any other government agency in a manner not
25 constituting a complete defense under Section 83114, subdivision (b); (5) whether the
26 violation was isolated or part of a pattern and whether the violator has a prior record of
27 violations of the Act or similar laws; and (6) whether the violator, upon learning of a
28 reporting violation, voluntarily filed amendments to provide full disclosure;

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16. That the Fair Political Practices Commission grant such other and further relief as it
deems just and proper.

Dated: 16 Jan 20



Galena West
Chief of Enforcement
Fair Political Practices Commission