

1 GALENA WEST  
Chief of Enforcement  
2 MICHAEL HAMILTON  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5772  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7  
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9  
10 STATE OF CALIFORNIA

11 In the Matter of

) FPPC No.: 13/1234  
)  
)

12  
13 WENDY ALBRIGHT, AND WENDY  
14 ALBRIGHT FOR 38<sup>TH</sup> COUNTY CENTRAL  
COMMITTEE 2012,

) DEFAULT DECISION AND  
ORDER  
)

) (Government Code Sections 11506  
) and 11520)  
)  
)

15  
16 Respondents.

17  
18 Complainant, the Enforcement Division of the Fair Political Practices Commission, hereby  
19 submits this Default Decision and Order for consideration by the Fair Political Practices Commission at  
its next regularly scheduled meeting.

20 Pursuant to the California Administrative Procedure Act,<sup>1</sup> Wendy Albright and Wendy Albright  
21 38<sup>th</sup> County Central Committee ("Albright") have been served with all of the documents necessary to  
22 conduct an administrative hearing regarding the above-captioned matter, including the following:

- 23
- 24 1. An Order Finding Probable Cause;
  - 25 2. An Accusation;
  - 26 3. A Notice of Defense (Two Copies);
  - 27 4. A Statement to Respondent; and,

28 <sup>1</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in sections 11370 through 11529 of the Government Code.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

Government Code section 11506 provides that failure of a respondent to file a Notice of Defense within fifteen days after being served with an Accusation shall constitute a waiver of respondent's right to a hearing on the merits of the Accusation. The Statement to Respondent, served on Albright, explicitly stated that a Notice of Defense must be filed in order to request a hearing. Albright failed to file a Notice of Defense within fifteen days of being served with an Accusation. Government Code Section 11520 provides that, if the respondent fails to file a Notice of Defense, the Commission may take action, by way of a default, based upon the respondent's express admissions or upon other evidence, and that affidavits may be used as evidence without any notice to the respondent.

Albright violated the Political Reform Act as described in Exhibit 1, which is attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the law and evidence in this matter. This Default Decision and Order is submitted to the Commission to obtain a final disposition of this matter.

Dated: 29 Jun 16

  
Galena West, Chief of Enforcement  
Fair Political Practices Commission

**ORDER**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$10,000 (Ten Thousand Dollars) upon Albright, payable to the "General Fund of the State of California."

IT IS SO ORDERED, effective upon execution below by the Chair of the Fair Political Practices Commission at Sacramento, California.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Joann Remke, Chair  
Fair Political Practices Commission

## EXHIBIT 1

### INTRODUCTION

Respondents Wendy Albright (“Albright”) and Wendy Albright 38<sup>th</sup> County Central Committee 2012 (the “Committee”) were, at all times relevant to this exhibit, a successful candidate for the Republican Party Central Committee for the County of Los Angeles in Assembly District 38. Albright was elected in June 2012 and is still serving on the 38<sup>th</sup> Republican Party Central Committee.

The Political Reform Act (Act)<sup>1</sup> requires certain public officials and candidates, including candidate-controlled committees, to file periodic statements disclosing campaign contributions and/or expenditures, commonly known as a Semi-Annual statement or Form 460. As an active controlled committee, Albright and the Committee are required to file Semi-Annual campaign statements.

This matter arose out of non-filer referrals sent to the Fair Political Practices Commission’s Enforcement Division by the Los Angeles County Clerk-Recorder, for Albright and the Committee’s failure to timely file Semi-Annual campaign statements covering the year of 2013.

For the purposes of this Default Decision and Order, Albright and the Committee’s violations of the Act are as follows:

**COUNT 1:** Albright and the Committee failed to file a Semi-Annual campaign statement for the period of January 1, 2013, through June 30, 2013, by July 31, 2013, in violation of Government Code Section 84200.

**COUNT 2:** Albright and the Committee failed to file a Semi-Annual campaign statement for the period of July 1, 2013, through December 31, 2013, by January 31, 2014, in violation of Government Code Section 84200.

### DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

When the Fair Political Practices Commission (the “Commission”) determines that there is probable cause for believing that the Act has been violated, it may hold a hearing to determine if a violation has occurred.<sup>2</sup> Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the “APA”).<sup>3</sup> A hearing to determine

---

<sup>1</sup> The Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission (“Commission”) are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

<sup>2</sup> Section 83116

<sup>3</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code, Section 83116.

whether the Act has been violated is initiated by the filing of an accusation, which shall be a concise written statement of the charges specifying the statutes and rules which the respondent is alleged to have violated.<sup>4</sup>

Included among the rights afforded a respondent under the APA, is the right to file the Notice of Defense with the Commission within 15 days after service of the accusation, by which the respondent may (1) request a hearing, (2) object to the accusation's form or substance or to the adverse effects of complying with the accusation, (3) admit the accusation in whole or in part, or (4) present new matter by way of a defense.<sup>5</sup>

The APA provides that a respondent's failure to file a Notice of Defense within 15 days after service of an accusation constitutes a waiver of the respondent's right to a hearing.<sup>6</sup> Moreover, when a respondent fails to file a Notice of Defense, the Commission may take action based on the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to the respondent.<sup>7</sup>

## PROCEDURAL REQUIREMENTS AND HISTORY

### A. Initiation of the Administrative Action

"The service of the probable cause hearing notice, as required by Section 83115.5, upon the person alleged to have violated this title shall constitute the commencement of the administrative action."<sup>8</sup>

A finding of probable cause may not be made by the Commission unless the person alleged to have violated the Act is 1) notified of the violation by service of process or registered mail with return receipt requested; 2) provided with a summary of the evidence; and 3) informed of his right to be present in person and represented by counsel at any proceeding of the Commission held for the purpose of considering whether probable cause exists for believing the person violated the Act.<sup>9</sup> Additionally, the required notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office.<sup>10</sup>

No administrative action pursuant to Chapter 3 of the Act, alleging a violation of any of the provisions of Act, shall be commenced more than five years after the date on which the violation occurred.<sup>11</sup>

---

<sup>4</sup> Section 11503

<sup>5</sup> Section 11506, subd. (a)(1)-(6)

<sup>6</sup> Section 11506, subd. (c)

<sup>7</sup> Section 11520, subd. (a)

<sup>8</sup> Section 91000.5, subd. (a)

<sup>9</sup> Section 83115.5

<sup>10</sup> Section 83115.5

<sup>11</sup> Section 91000.5

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-22, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Albright and the Committee in this matter by serving them with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail, return receipt requested,<sup>12</sup> on July 23, 2014. (Certification, Exhibit A-2). The administrative action commenced on July 28, 2014, the date the certified mail receipt was signed (Certification, Exhibit A-2), and the five year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Albright and the Committee contained a cover letter and a memorandum describing probable cause proceedings, advising that Albright had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification, Exhibit A-3). Albright neither requested a probable cause conference nor submitted a written response to the Report.

**B. Ex Parte Request for a Finding of Probable Cause**

Since Albright failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served to General Counsel Zackery P. Morazzini on August 20, 2014. (Certification, Exhibit A-4.)

On September 25, 2014, Heather Rowan, Commission Counsel, Legal Division issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Albright and the Committee. (Certification, Exhibit A-5.)

**C. The Issuance and Service of the Accusation**

Under the Act, if the Hearing Officer makes a finding of probable cause, he or she shall prepare an accusation pursuant to Section 11503 of the APA, and have it served on the persons who are the subject of the probable cause finding.<sup>13</sup>

Section 11503 states:

A hearing to determine whether a right, authority, license or privilege should be revoked, suspended, limited or conditioned shall be initiated by filing an accusation. The accusation shall be a written statement of charges

---

<sup>12</sup> Section 83115.5: Where any communication is required by law to be mailed by registered mail to or by the state, or any officer or agency thereof, the mailing of such communication by certified mail is sufficient compliance with the requirements of the law.

<sup>13</sup> Regulation 18361.4, subd. (e)

which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

Upon the filing of the accusation, the agency shall 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.<sup>14</sup>

Section 11505, subdivision (b) set forth the language required in the accompanying statement to the respondent.

The Accusation and accompanying information may be sent to the respondent by any means selected by the agency, but that no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent has been served personally or by registered mail as set forth in Section 11505.<sup>15</sup>

On October 15, 2014, the Commission's Chief of Enforcement Gary Winuk, issued an Accusation against Albright and the Committee in this matter. (Certification, Exhibit A-6). In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form, copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7 were personally served on November 10, 2014. (Certification, Exhibit A-8).

Along with the Accusation, the Enforcement Division served Albright with a "Statement to Respondent" which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. (Certification, Exhibit A-7). Albright did not file a Notice of Defense within the statutory time period, which ended on November 24, 2014.

As a result, on February 2, 2016, Commission Counsel Michael W. Hamilton sent a letter to Albright advising that this matter would be submitted for a Default Decision and Order at the

---

<sup>14</sup> Section 11505, subdivision (a)

<sup>15</sup> Section 11505, subdivision (c)

Commission's public meeting scheduled for February 18, 2016. (Certification, Exhibit A-22). A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

### SUMMARY OF THE LAW

One purpose of the Act is to ensure that receipts and expenditures made in an election are fully and truthfully disclosed so that voters are fully informed regarding candidates activities and improper practices are inhibited.<sup>16</sup> In furtherance of this purpose, the Act places certain obligations on candidates and treasurers to comply with all of the Acts requirements concerning the receipt and expenditure of funds.

#### Campaign Reporting and the Duty to File Semi-Annual Statements

Under the Act's campaign reporting system, candidates and their controlled committees are required to file periodic campaign statements disclosing their financial activities. Candidates and their committees are required to file Semi-Annual campaign statements each year no later than July 31 for the period ending on June 30, and no later than January 31 of the next year for the period ending on December 31.<sup>17</sup> A committee continues to have filing obligations until it files a statement of organization declaring the committee's termination with the Secretary of State, and any local filing officers with whom the committee is required to file originals of its campaign reports.<sup>18</sup>

#### Treasure and Candidate Liability

Under the Act, it is the duty of the candidate and the treasurer of a controlled committee to ensure that the committee complies with all of the requirements of the Act concerning the receipt, expenditure, and reporting of funds.<sup>19</sup> The candidate and treasurer may be held jointly and severally liable, along with the committee, for violations committed by the committee.<sup>20</sup>

### SUMMARY OF THE EVIDENCE

Albright was a successful candidate for the Republican Party Central Committee for the County of Los Angeles in Assembly District 38. Albright and the Committee had an obligation to file Semi-Annual statements for the periods covering January 1 through June 30, 2013, by the July 31, 2013 deadline, and for July 1 through December 31, 2013, by the January 31, 2014 deadline. (Certification, Exhibit A-13 and A-18). Albright and the Committee violated the Act by failing to timely file their Semi-Annual campaign statements.

///

///

---

<sup>16</sup> Section 81002, subsection (a).

<sup>17</sup> Section 84200 and Regulation 18116

<sup>18</sup> Section 84214.

<sup>19</sup> Sections 81004, 84100 84213, and Regulation 18427

<sup>20</sup> Sections 83116.5 and 91006.

Semi-Annual Statement July 31, 2013

The call report of the Los Angeles County Registrar-Recorder/County Clerk (the "Clerk") shows that on August 2, 2013, the Clerk left a voicemail for Albright regarding the Committee's past due statements. According to the report, Albright was informed that their Semi-Annual statement was due on July 31, 2013, and was instructed to contact them as soon as possible. (Certification, Exhibit A-9).

On August 15, 2013, the Clerk sent Albright and the Committee a "past due notice" that their Semi-Annual campaign statement was due on July 31, 2013, and that they may be subject to a fine of \$10 per day. (Certification, Exhibit A-10).

On August 30, 2013, the Clerk sent Albright and the Committee a second notice that their statement was past due, and further stated that if the statement was not filed within two weeks of the date of the written notification they would be referred to the Enforcement Division of the Fair Political Practices Commission. (Certification, Exhibit A-11).

The call report of the Clerk shows that on September 13, 2013, the Clerk left Albright a voicemail regarding their Semi-Annual statement that was due on July 31, 2013. According to the report, Albright was instructed to file the statement as soon as possible or to contact their office regarding any questions she may have. (Certification, Exhibit A-12).

On September 16, 2013, the Clerk referred Albright and the Committee to the Enforcement Division for their failure to timely file their Semi-Annual campaign statement by July 31, 2013. (Certification, Exhibit A-13).

Semi-Annual Statement January 31, 2014

The call report of the Clerk shows that on February 10, 2014, the Clerk left Albright a voicemail regarding their campaign statement due on January 31, 2014. According to the report, Albright was informed that they could be subject to a fine of \$10 per day. (Certification, Exhibit A-14).

On February 14, 2014, the Clerk sent Albright and the Committee a notice that their Semi-Annual statement was due on January 31, 2014, and they may be subject to a penalty of \$10 per day. (Certification, Exhibit A-15).

The call report of the Clerk shows that on February 27, 2014, the Clerk left Albright a voicemail regarding her outstanding statement. According to the report, Albright was informed that their statement was past due and that they could be subject to fine of \$10 per day. (Certification, Exhibit A-16).

On March 3, 2014, the Clerk notified Albright and the Committee that failure to file within ten days from the date of the notice would result in a referral to the Enforcement Division. (Certification, Exhibit A-17).

On March 18, 2014, the Clerk referred Albright and the Committee to the Enforcement Division for failing to timely file their Semi-Annual Statement by the January 31, 2014, deadline. (Certification, Exhibit A-18).

On February 7, 2014, the Enforcement Division sent Albright and the Committee a letter requesting that she file the Semi-Annual statements that were due on July 31, 2013, and January 31, 2014. (Certification, Exhibit A-19). Albright did not file the statements.

On March 6, 2014, the Enforcement Division sent Albright and the Committee a second letter requesting that she file their outstanding statements. (Certification, Exhibit A-20). Albright did not file the statements.

As of January 27, 2016, Albright had not filed the outstanding Semi-Annual campaign statements. (Certification, Exhibit A-21).

Accordingly, Albright and the Committee committed 2 violations of the Act, as follows:

#### COUNT 1

##### **Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2013**

Albright and the Committee had a duty to file a Semi-Annual campaign statement covering the period from January 1, 2013 through June 30, 2013, by the July 31, 2013, deadline. By failing to timely file this statement, Albright and the Committee violated Section 84200 of the Government Code.

#### COUNT 2

##### **Failure to Timely File a Semi-Annual Campaign Statement by January 31, 2014**

Albright and the Committee had a duty to file a Semi-Annual campaign statement covering the period from July 1, 2013 through December 31, 2013, by the January 31, 2014, deadline. By failing to timely file this statement, Albright and the Committee violated Section 84200 of the Government Code.

#### **CONCLUSION**

This matter consists of two counts of violating the Act, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000) per count, for a total maximum administrative penalty of \$10,000.<sup>21</sup>

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5 subdivision (d)(1) through (6): (1)The

---

<sup>21</sup> Section 83116, subd. (c).

seriousness of the violation; (2) The presence or absence of any intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or inadvertent; (4) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code section 83114(b); (5) Whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and (6) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

In this matter, Albright failed to file two Semi-Annual campaign statements. The failure to comply with this obligation denied the public information about the financial activities of the Albright.

The Clerk and the Enforcement Division have made numerous requests that Albright file the outstanding statements, but Albright has never complied.

Albright is fully aware of her obligation to file as she has received a total of ten notifications regarding the outstanding Semi-Annual statements that are at issue in this matter.

Additionally, this is not the first time Albright has been referred to the Enforcement Division for failing to file a Semi-Annual Statement. Albright was referred for failing to file a Semi-Annual campaign statement due on July 31, 2012. The Enforcement Division resolved this matter by issuing Albright a warning letter.

There are no mitigating factors in this case.

The Enforcement Division also takes into consideration previous cases that were approved by the Commission in determining penalties. In this matter, the following cases were used as guidelines:

*In the Matter of Michael Aldapa*, FPPC No. 13/220, on October 15, 2015, the Commission approved a default judgement for the maximum penalty of \$5,000 per violation after the Committee failed to file two pre-election statements and a Semi-Annual statement. Aldapa was well aware of his obligation to file, but disregarded multiple requests for compliance.

*In the Matter of Michael Rogers and Mike Rogers for Supervisor 2012*, FPPC No. 13/280, on January 21, 2016, the Commission approved a default judgement for the maximum penalty of \$5,000 after the Committee failed to file a Pre-Election statement. Rogers was well aware of his filing obligation, but refused to file after multiple requests.

The Albright matter is similar to both cases in that Albright was well aware of their obligation to file, but did not file their statements despite multiple requests for compliance from the Clerk and the Enforcement Division. An additional fact worth noting is that Albright unlike Aldapa and Rogers won the election, and she is still in office.

**PROPOSED PENALTY**

After consideration of the factors of Regulation 18361.5, it is respectfully requested that a penalty \$5,000 per count for a total of \$10,000 is imposed against Albright and the Committee.



**DECLARATION OF CUSTODIAN OF RECORDS  
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION  
Enforcement Division**

**CERTIFICATION OF RECORDS**

I, the undersigned, declare and certify as follows:

1. I am employed as a Staff Services Analyst by the California Fair Political Practices Commission (the "Commission"). My business address is: California Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. As such, I am authorized to certify copies of those records as being true and correct copies of the original business records which are in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case No. 13/1234, Wendy Albright, Wendy Albright 38<sup>th</sup> County Central Committee 2012*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

- EXHIBIT A-1. Copy of the Report in Support of a Finding of Probable Cause;
- EXHIBIT A-2. Copy of Proof of Service and return receipt for Report in Support of a Finding of Probable Cause;
- EXHIBIT A-3. Copy of Cover letter regarding the Report in Support of a Finding of Probable Cause and accompanying documents;
- EXHIBIT A-4. Copy of Ex Parte Request for a Finding of Probable Cause and an order that an Accusation be prepared and served;
- EXHIBIT A-5. Copy of Finding of Probable Cause and Order to Prepare and Serve an Accusation and proof of service;
- EXHIBIT A-6. Copy of Accusation;
- EXHIBIT A-7. Copy of Statement to the Respondent, and accompanying documents;
- EXHIBIT A-8. Copy of Proof of Service dated November 10, 2014;
- EXHIBIT A-9. Copy of Los Angeles Registrar-Recorder/County Clerk call report dated August 2, 2013;
- EXHIBIT A-10. Copy of notices sent by the Los Angeles Registrar-Recorder/County Clerk on August 15, 2013;
- EXHIBIT A-11. Copy of notices sent by the Los Angeles Registrar-Recorder/County Clerk on August 30, 2013;
- EXHIBIT A-12. Copy of Los Angeles Registrar-Recorder/County Clerk call report dated September 13, 2013;
- EXHIBIT A-13. Copy of referral from Los Angeles Registrar-Recorder/County Clerk dated

September 16, 2013;

- EXHIBIT A-14. Copy of Los Angeles Registrar-Recorder/County Clerk call report from February 10, 2014;
- EXHIBIT A-15. Copy of the notice sent by the Los Angeles Registrar-Recorder/County Clerk on February 14, 2014;
- EXHIBIT A-16. Copy of Los Angeles Registrar-Recorder/County Clerk call report from February 27, 2014;
- EXHIBIT A-17. Copy of the notice sent by the Los Angeles Registrar-Recorder/County Clerk on March 3, 2014;
- EXHIBIT A-18. Copy of referral from Los Angeles Registrar-Recorder/County Clerk dated March 18, 2014;
- EXHIBIT A-19. Copy of letter from the Enforcement Division dated February 7, 2014;
- EXHIBIT A-20. Copy of letter from the Enforcement Division dated March 6, 2014;
- EXHIBIT A-21. Copy of Declaration by Michael Hamilton;
- EXHIBIT A-22. Copy of Notice of Intent to Enter into Default Decision and Order.

Executed on February 2, 2016, Sacramento, California

  
 Kathryn Trumbly  
Staff Services Analyst  
Fair Political Practices Commission  


**Exhibit A-1**

---

DEFAULT DECISION AND ORDER FPFC NO. 13/1234

1 GARY S. WINUK  
Chief of Enforcement  
2 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
3 Sacramento, CA 95814  
Telephone: (916) 322-5660  
4 Facsimile: (916) 322-1932

5 Attorney for Complainant

6  
7 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**  
8 **STATE OF CALIFORNIA**  
9

10 In the Matter of ) FPPC No. 13/1234  
11 )  
12 ) **REPORT IN SUPPORT OF A FINDING OF**  
13 **WENDY ALBRIGHT AND ) PROBABLE CAUSE**  
14 **WENDY ALBRIGHT 38<sup>TH</sup> COUNTY )**  
15 **CENTRAL COMMITTEE 2012, )**  
16 Respondents. ) Conference Date: TBA  
Conference Time: TBA  
Conference Location: Commission Offices  
428 J Street, Suite 800  
Sacramento, CA 95814

17 **INTRODUCTION**

18 Respondent Wendy Albright ("Respondent Albright") was a successful candidate for the  
19 Republican Party County Central Committee for the County of Los Angeles in Assembly District 38.  
20 Respondent Wendy Albright 38<sup>th</sup> County Central Committee 2012 ("Respondent Committee") is the  
21 controlled committee of Respondent Albright.

22 This case resulted from a referral from the Los Angeles County Clerk's Office which alleged  
23 that Respondents failed to file campaign statements as required under the Political Reform Act (the  
24 "Act").<sup>1</sup>

25  
26 <sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory  
27 references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices  
28 Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory  
references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

1 The Act requires candidates and their controlled committees to file campaign statements at  
2 specific times disclosing information regarding contributions received and expenditures made by their  
3 committees. In this matter, for the period of January 1, 2013, through December 31, 2013,  
4 Respondents failed to file two semi-annual campaign statements disclosing the receipt of contributions  
5 and the making of expenditures. Respondents failed to make the required disclosures despite receiving  
6 numerous notifications and reminders from the Los Angeles County Clerk.

7 This Report in Support of Finding Probable Cause therefore alleges that Respondents violated  
8 the Act as follows:

9 **COUNT 1:** Respondents Wendy Albright and Wendy Albright 38<sup>th</sup> County Central  
10 Committee 2012 failed to file a semi-annual campaign statement for the  
11 reporting period of January 1, 2013, through June 30, 2013, which was due by  
12 July 31, 2013, in violation of Section 84200, subdivision (a).

13 **COUNT 2:** Respondents Wendy Albright and Wendy Albright 38<sup>th</sup> County Central  
14 Committee 2012 failed to file a semi-annual campaign statement for the  
15 reporting period of July 1, 2013, through December 31, 2013, which was due by  
16 January 31, 2014, in violation of Section 84200, subdivision (a).

## 17 SUMMARY OF THE LAW

### 18 Jurisdiction

19 Section 83116 provides the Fair Political Practices Commission (the "Commission") with  
20 administrative jurisdiction to enforce the provisions of the Act.

### 21 Probable Cause Proceedings

22 Prior to bringing an enforcement action, the General Counsel of the Commission or his  
23 designee (the "hearing officer"), must make a finding that there is probable cause to believe the  
24 Respondent has violated the Act. (Section 83115.5, and Regulations 18361 and 18361.4, subd. (e).)  
25 After a finding of probable cause, the Commission may hold a hearing<sup>2</sup> to determine whether  
26 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation. (Section  
27 83116.)

28 <sup>2</sup>A noticed hearing is to be held in accordance with the provisions of the Administrative Procedure Act, commencing  
with Government Code section 11500.

1 **Standard for Finding Probable Cause**

2 A probable cause determination is governed by Sections 83115.5 and 83116, and Regulation  
3 18361.4. For the hearing officer to make a finding of probable cause, it is only necessary that he be  
4 presented with sufficient evidence to lead a person of ordinary caution and prudence to believe, or  
5 entertain a strong suspicion, that a respondent committed or caused a violation. (Regulation 18361.4,  
6 subd. (e).)

7 **Duty to File Semi-Annual Campaign Statements**

8 Section 84200, subdivision (a), requires candidates, elected officers, and recipient  
9 committees to file semi-annual campaign statements each year no later than July 31 for the reporting  
10 period ending on June 30, and no later than January 31 of the following year for the semi-annual  
11 reporting period ending December 31. Regulation 18116 provides that when a filing deadline falls on a  
12 Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.

13 All filing obligations continue until the recipient committee is terminated by filing a statement of  
14 termination (Form 410) with the SOS and a copy with the local filing officer receiving the committee's  
15 original campaign statements. (Section 84214 and Regulation 18404.)

16  
17 **SUMMARY OF THE EVIDENCE**

18 According to the records maintained by the Los Angeles County Clerk, Respondent Wendy  
19 Albright was a successful candidate for the Republican Party County Central Committee for the County  
20 of Los Angeles in Assembly District 38 in the June 5, 2012 election. Respondent Wendy Albright is  
21 currently a member of the Republican Party County Central Committee for the County of Los Angeles  
22 in Assembly District 38.

23 Respondent Committee is the controlled committee of Respondent Wendy Albright. According  
24 to the statement of organization maintained by the Los Angeles County Clerk, Respondent Committee  
25 filed its statement of organization on or about February 27, 2012. Respondent Committee's last filing of  
26 campaign statements was for the period July 1, 2012 through December 31, 2012.

1 As discussed below, the Los Angeles County Clerk provided multiple reminders to Respondents  
2 regarding their filing obligations.

3 COUNT 1

4 **Failure to File Semi-Annual Campaign Statements**

5 Respondent Wendy Albright and Respondent Committee had a duty to file with the Los  
6 Angeles County Clerk a semi-annual campaign statement for the January 1, 2013, through June 30,  
7 2013, reporting period which was due on or before July 31, 2013. Beginning on or about August 2,  
8 2013, the Los Angeles County Clerk's Office Left voicemails for, and sent written notification to,  
9 Respondents reminding them to file the semi-annual campaign statement that was due July 31, 2013.  
10 Despite these reminders, according to the records of the Los Angeles County Clerk's Office,  
11 Respondents failed to file the semi-annual campaign statement, in violation of Section 84200,  
12 subdivision (a).

13 COUNT 2

14 **Failure to File Semi-Annual Campaign Statements**

15 Respondent Wendy Albright and Respondent Committee had a duty to file with the Los  
16 Angeles County Clerk a semi-annual campaign statement for the July 1, 2013, through December 31,  
17 2013, reporting period which was due on or before January 31, 2014. Beginning on or about February  
18 10, 2014, the Los Angeles County Clerk's Office left voicemails for, and sent written notification to,  
19 Respondents reminding them to file the semi-annual campaign statement that was due January 31,  
20 2014. Despite these reminders, according to the records of the Los Angeles County Clerk's Office,  
21 Respondents failed to file the semi-annual campaign statement, in violation of Section 84200,  
22 subdivision (a).

23  
24 **OTHER RELEVANT MATERIAL AND ARGUMENTS**

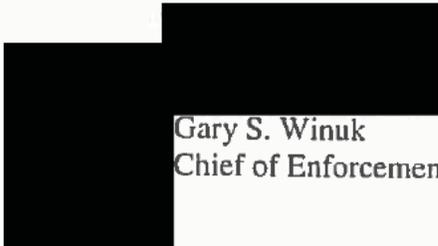
25 In addition to the Respondents' failure to respond to numerous notifications and reminders  
26 from the Los Angeles County Clerk, the Respondents failed to respond to notifications and reminders  
27 from the Enforcement Division.  
28

1 **CONCLUSION**

2 Probable cause exists to believe that Respondents committed two violations of the Act as set  
3 forth above. An Accusation should therefore be issued in accordance with the procedures described in  
4 Regulation 18361.4, subdivision (e), charging Respondent with violating the Act.  
5

6 Dated: April 10, 2014

Respectfully submitted,

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
Gary S. Winuk  
Chief of Enforcement

**Exhibit A-2**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814. On July 23, 2014, I served the following document(s):

1. Letter dated April 10, 2014 from Gary Winuk;
2. FPPC No. 14/1234 Report in Support of a Finding of Probable Cause;
3. Memorandum regarding Probable Cause Proceedings;
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

By United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and placed the envelope or package for collection and mailing by certified mail, return receipt requested, following my company's ordinary business practices. I am readily familiar with this business' practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

**SERVICE LIST**

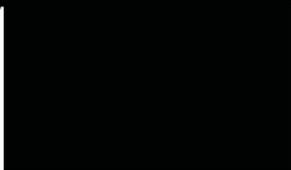
Wendy Albright  
West Coast Mastiff & Large Breed  
Rescue



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 23, 2014.



Tracy Frazier



**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7006 0810 0000 5120 9553

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent by \_\_\_\_\_  
 Street or PO \_\_\_\_\_  
 City, \_\_\_\_\_  
 PS Form \_\_\_\_\_

Wendy Albright  
 West Coast Mastiff & Large Breed  
 Rescue

Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Wendy Albright  
 West Coast Mastiff & Large Breed  
 Rescue

2. Article Number (Transfer from service label) 7006 0810 0000 5120 9553

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Printed Name) Jackie Ficora  Agent  Addressee

B. Received by (Printed Name) \_\_\_\_\_

C. Date of Delivery 7/25/14

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below: \_\_\_\_\_

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**Exhibit A-3**

---

DEFAULT DECISION AND ORDER FPFC NO. 13/1234



**FAIR POLITICAL PRACTICES COMMISSION**

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

April 10, 2014

**CERTIFIED MAIL. RETURN RECEIPT REQUESTED**

Wendy Albright

Wendy Albright, 38<sup>th</sup> County Central Committee, 2012

**In the Matter of Wendy Albright and Wendy Albright 38<sup>th</sup> County Central Committee  
2012; FPPC No. 13/1234**

Dear Ms. Albright:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") is proceeding with an administrative action against you for your failure to comply with the filing and disclosure provisions of the Political Reform Act (the "Act"), as described in our previous correspondence dated February 7, 2014 and March 6, 2014. The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence. The report has been filed with the Commission's General Counsel (the "Hearing Officer") and is now being served upon you.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office which is located at 428 J Street, Ste. 620, Sacramento, CA 95814. You may appear at the conference in person or by telephone and you are entitled to be represented by counsel. *If you wish to submit a written response or request a probable cause conference, it must be filed with the Commission Assistant, Kelli Breton, at the address listed above within 21 days from the date of service of this letter.* You can reach Ms. Breton at (916) 327-8269.

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. *If you are interested in reaching a settlement in this matter, please contact Tracey Frazier at (916) 327-2019 or [tfrazier@fppc.ca.gov](mailto:tfrazier@fppc.ca.gov).*

Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Enforcement Division. *This request must also be filed with Ms. Breton within 21 days from the date of service of this letter.* Should you request discovery, the Enforcement Division will provide the evidence by service of process or certified mail. From the date you are served with the evidence, you would have an additional 21 days to file a written response to the Report, just as described above.

*Should you take no action within 21 days from the date of service of this letter, your rights to respond and to request a conference are automatically waived and the Enforcement Division will independently pursue the issuance of an accusation.*

For your convenience, I have enclosed a fact sheet on probable cause proceedings and copies of the most relevant statutes and regulations.

Sincerely,

  
Gary S. Winuk, Chief  
Enforcement Division

GSW:tf:rn

## PROBABLE CAUSE FACT SHEET

---

### INTRODUCTION

The Fair Political Practices Commission is required by law to determine whether probable cause exists to believe that the Political Reform Act (the "Act") was violated before a public administrative accusation may be issued.

The probable cause proceedings before the Fair Political Practices Commission are unique, and most respondents and their attorneys are unfamiliar with them. Therefore, we have prepared this summary to acquaint you with the process.

### THE LAW

Government Code sections 83115.5 and 83116 set forth the basic requirement that a finding of probable cause be made in a "private" proceeding before a public accusation is issued and a public hearing conducted in accordance with the Administrative Procedure Act.

The Commission has promulgated regulations further defining the probable cause procedure and delegating to the General Counsel (the "Hearing Officer" for purposes of these proceedings) the authority to preside over such proceedings and decide probable cause. A copy of these statutes and regulations are attached for your convenience.

In summary, the statutes and regulations entitle you to the following:

- a) A written probable cause report containing a summary of the law alleged to have been violated, and a summary of the evidence, including any exculpatory and mitigating information and any other relevant material and arguments;
- b) The opportunity to request discovery, respond in writing, and to request a probable cause conference within 21 days of service of the probable cause report;
- c) If the Commission met to consider whether a civil lawsuit should be filed in this matter, a copy of any staff memoranda submitted to the Commission and a transcript of staff discussions with the Commission at any such meeting; and
- d) If a timely request was made, a non-public conference with the General Counsel and the Enforcement Division staff to consider whether or not probable cause exists to believe the Act was violated.

### THE PROCEDURE

#### Probable Cause Report

Administrative enforcement proceedings are commenced with the service, by registered or certified mail or in person, of a probable cause report. The report will contain a summary of the law and the evidence, including any exculpatory and mitigating information of which the staff has knowledge and any other relevant material and arguments. It is filed with the Hearing Officer.

## **Discovery**

Within 21 calendar days following the service of the probable cause report, you may request discovery of the evidence in the possession of the Enforcement Division. This is not a right to full discovery of the Enforcement Division file, but to the evidence relied upon by the Division along with any exculpatory or mitigating evidence<sup>1</sup>.

This request must be sent by registered or certified mail to the Commission Assistant.

## **Response to Probable Cause Report**

Within 21 calendar days following the service of the probable cause report (or, if you timely requested discovery, within 21 calendar days from the service of the evidence) you may submit a response to the Report. By regulation, the written response may contain, "... a summary of evidence, legal arguments, and any mitigating or exculpatory information." (Cal. Code Regs., tit. 2, § 18361.4, subd. (c).)

You must file your response with the Commission Assistant and provide a copy, by service of process or registered or certified mail with return receipt requested, to all other proposed respondents listed in the probable cause report.

## **Staff Reply**

Within 10 calendar days following the date the response was filed with the Commission Assistant, Commission staff may submit any evidence or argument in rebuttal. You will be served with a copy of any such reply.

## **Probable Cause Conference**

Probable cause conferences are held at the offices of the Fair Political Practices Commission, which is located at 428 J Street, Ste. 620, Sacramento, CA 95814. You may appear at the conference in person or by telephone. The proceedings are not public unless all proposed respondents agree to open the conference to the public. Otherwise, the probable cause report, any written responses, and the probable cause conference itself are confidential.

Unless the probable cause conference is public, the only persons who may attend are the staff of the Commission, any proposed respondent and his or her attorney or representative, and, at the discretion of the Hearing Officer, witnesses.

The Hearing Officer may, but need not, permit testimony from witnesses. Probable cause conferences are less formal than court proceedings. The rules of evidence do not apply. The conferences will be recorded and a copy of the recording will be provided upon request.

Since it has the burden of proof, the Enforcement Division is permitted to open and close the conference presentations. The Hearing Officer may also hold the record open to receive additional evidence or arguments.

Probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether or not there is probable cause to believe that the

---

<sup>1</sup> But see Title 2, California Code of Regulations, Section 18362, which states that the Commission provides access to complaints, responses to complaints, and investigative files and information in accordance with the requirements of the Public Records Act. (Govt. Code § 6250, et seq.)

Political Reform Act was violated. Anyone who wishes to discuss settlement with the Enforcement Division may do so before or after the probable cause conference but not during the conference.

Pursuant to Title 2, California Code of Regulations, Section 18361.4, subdivision (e), the Hearing Officer will find probable cause "if the evidence is sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that a proposed respondent committed or caused a violation."

Ordinarily, probable cause determinations are made based upon the written probable cause report, any written response by the respondent, any written reply by the Enforcement Division, and the oral arguments presented at the conference. Timely written presentations are strongly recommended.

### **Probable Cause Order and Accusation**

Once the matter is submitted to the Hearing Officer, the probable cause decision will normally be made within ten days. If the Hearing Officer finds probable cause, he will issue a Finding of Probable Cause, which will be publicly announced at the next Commission Meeting. An accusation will be issued soon after the Finding of Probable Cause is publicly announced.

### **Continuances**

Every reasonable effort is made to accommodate the schedules of parties and counsel. However, once a date has been set it is assumed to be firm and will not be continued except upon the order of the Hearing Officer after a showing of good cause. Settlement negotiations will be considered good cause only if the Hearing Officer is presented with a fully executed settlement, or is convinced that settlement is imminent.

### **Settlements**

Settlement discussions may take place at any time except during the probable cause conference. In order to open settlement discussions, a proposed respondent or his or her counsel or representative should present a written offer to settle stating, where appropriate, the violations to be admitted, and the monetary penalty or other remedy to be tendered.

The Enforcement Division attorney assigned to the case will negotiate any potential settlement on behalf of the Fair Political Practices Commission, and will draft the language of the settlement agreement. The Hearing Officer will not directly participate in the negotiations, but will be represented by Enforcement Division attorneys. Staff attorneys will present settlement offers to the Hearing Officer for his/her approval.

### **CONCLUSION**

This fact sheet was intended to give you a brief summary of the probable cause process at the Fair Political Practices Commission. Such a summary cannot answer every question that might arise in such proceedings. Therefore, if you have any questions that are not addressed by this fact sheet or the copies of the law and regulations we have attached, feel free to contact the attorney whose name appears on the probable cause report.

*Attachments: Relevant Sections of (1) California Government Code , and (2) Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations.*

## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

---

#### **§ 83115.5. Probable cause; violation of title; notice of violation; summary of evidence; notice of rights; private proceedings**

No finding of probable cause to believe this title has been violated shall be made by the commission unless, at least 21 days prior to the commission's consideration of the alleged violation, the person alleged to have violated this title is notified of the violation by service of process or registered mail with return receipt requested, provided with a summary of the evidence, and informed of his right to be present in person and represented by counsel at any proceeding of the commission held for the purpose of considering whether probable cause exists for believing the person violated this title. Notice to the alleged violator shall be deemed made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office. A proceeding held for the purpose of considering probable cause shall be private unless the alleged violator files with the commission a written request that the proceeding be public.

#### **§ 83116. Violation of title; probable cause; hearing; order**

When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, Government Code). The Commission shall have all the powers granted by that chapter. When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order that may require the violator to do all or any of the following:

- (a) Cease and desist violation of this title.
- (b) File any reports, statements, or other documents or information required by this title.
- (c) Pay a monetary penalty of up to five thousand dollars (\$5,000) per violation to the General Fund of the state. When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

**REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION  
TITLE 2, DIVISION 6 OF THE CALIFORNIA CODE OF REGULATIONS**

**Probable Cause Regulations**

---

**§ 18361 (b). Delegation by the Executive Director Pertaining to Enforcement Proceedings and Authority to Hear Probable Cause Proceedings.**

Probable cause proceedings under Regulation 18361.4 shall be heard by the General Counsel or an attorney from the Legal Division. The General Counsel may delegate the authority to hear probable cause proceedings, in writing, to an administrative law judge.

**§ 18361.4. Probable Cause Proceedings**

(a) Probable Cause Report. If the Chief of the Enforcement Division decides to commence probable cause proceedings pursuant to Sections 83115.5 and 83116, he or she shall direct the Enforcement Division staff to prepare a written report, hereafter referred to as "the probable cause report." The probable cause report shall contain a summary of the law and evidence gathered in connection with the investigation, including any exculpatory and mitigating information of which the staff has knowledge and any other relevant material and arguments. The evidence recited in the probable cause report may include hearsay, including declarations of investigators or others relating the statements of witnesses or concerning the examination of physical evidence.

(b) No probable cause hearing will take place until at least 21 calendar days after the Enforcement Division staff provides the following, by service of process or registered or certified mail with return receipt requested, to all proposed respondents:

- (1) A copy of the probable cause report;
- (2) Notification that the proposed respondents have the right to respond in writing to the probable cause report and to request a probable cause conference at which the proposed respondent may be present in person and represented by counsel, and;
- (3) If the Commission met in executive session on this matter pursuant to Regulation 18361.2, a copy of any staff memoranda submitted to the Commission at that time along with the recording of any discussion between the Commission and the staff at the executive session as required in subdivision (b) of Regulation 18361.2.

(c) Response to Probable Cause Report.

- (1) Each proposed respondent may submit a written response to the probable cause report. The response may contain a summary of evidence, legal arguments, and any mitigating or exculpatory information. A proposed respondent who submits a response must file it with the Commission Assistant who will forward the response to the General Counsel or an attorney in the Legal Division (the "hearing officer") and provide a copy, by service of process or registered or certified mail with return receipt requested, to all other proposed respondents listed in the probable cause report not later than 21 days following service of the probable cause report.
- (2) Within 21 calendar days following the service of the probable cause report, a proposed

respondent may request discovery of evidence in the possession of the Enforcement Division. This request must be sent by registered or certified mail to the Commission Assistant. Upon receipt of the request, the Enforcement Division shall provide discovery of evidence relied upon by the Enforcement Division sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that a proposed respondent committed or caused a violation, along with any exculpatory or mitigating evidence. This is not a right to full discovery of the Enforcement Division file. The Enforcement Division shall provide access to documents for copying by the Respondent, or upon agreement among the parties, the Enforcement Division will provide copies of the requested documents upon payment of a fee for direct costs of duplication. The Enforcement Division shall provide such evidence by service of process or registered or certified mail with return receipt requested to all respondents, with a copy to the Commission Assistant. A respondent may submit a written response to the probable cause report described in subsection (1) no later than 21 calendar days after service of discovery.

- (3) The Commission staff may submit any evidence or argument in rebuttal to the response. When the Commission staff submits evidence or argument in rebuttal to the response, it shall provide a copy, by service of process or registered or certified mail with return receipt requested, to all proposed respondents listed in the probable cause report not later than 10 calendar days following the date the response was filed with the Commission Assistant. The hearing officer may extend the time limitations in this section for good cause. At any time prior to a determination of probable cause, the hearing officer may allow additional material to be submitted as part of the initial response or rebuttal.

(d) Probable Cause Conference. Any proposed respondent may request a probable cause conference. The request shall be served upon the Commission Assistant and all other proposed respondents not later than 21 days after service of the probable cause report unless the hearing officer extends the time for good cause. The Commission Assistant shall fix a time for the probable cause conference and the hearing officer shall conduct the conference informally. The conference shall be closed to the public unless a proposed respondent requests and all other proposed respondents agree to a public conference. If the conference is not public, only members of the Commission staff, any proposed respondent and his or her legal counsel or representative shall have the right to be present and participate. The hearing officer may allow witnesses to attend and participate in part or all of the probable cause conference. In making this determination, the hearing officer shall consider the relevancy of the witness' proposed testimony, whether the witness has a substantial interest in the proceedings, and whether fairness requires that the witness be allowed to participate. Representatives of any civil or criminal prosecutor with jurisdiction may attend the conference at the discretion of the hearing officer if they agree to respect the confidential nature of the proceedings. If the conference is not open to the public and none of the parties and the presiding officer object, the conference may be conducted in whole or in part by telephone. The probable cause conference shall be recorded. The hearing officer may determine whether there is probable cause based solely on the probable cause report, any responses or rebuttals filed and any arguments presented at the probable cause conference by the interested parties. If the hearing officer requires additional information before determining whether there is probable cause, he or she may permit any party to submit additional evidence at the probable cause conference.

(e) **Finding of Probable Cause.** The hearing officer may find there is probable cause to believe a violation has occurred if the evidence is sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that a proposed respondent committed or caused a violation. A finding of probable cause by the hearing officer does not constitute a finding that a violation has actually occurred. The hearing officer shall not make a finding of probable cause if he or she is presented with clear and convincing evidence that, at a time prior to the alleged violation, the violator consulted with the staff of the Commission in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice of the staff or because of the staff's failure to provide advice. If the hearing officer makes a finding of probable cause, the Enforcement Division shall prepare an Accusation pursuant to Section 11503 and have it served upon the person or persons who are subjects of the probable cause finding. The hearing officer shall publicly announce the finding of probable cause. The announcement shall contain a summary of the allegations and a cautionary statement that the respondent is presumed to be innocent of any violation of the Act unless a violation is proved in a subsequent proceeding. The Chief of the Enforcement Division shall be responsible for the presentation of the case in support of the Accusation at an administrative hearing held pursuant to Section 83116.

#### **§ 18362. Access to Complaint Files**

(a) Access to complaints, responses thereto, and investigative files and information shall be granted in accordance with the requirements of the Public Records Act (Government Code Section 6250, et seq.).

(b) When release of material is requested pursuant to subdivision (a), the Executive Director, or his or her designee, shall review the material prior to its release or prior to a claim of exemption to determine that the requirements of the Public Records Act have been satisfied.

(c) Any person requesting copies of material pursuant to subdivision (a) shall reimburse the Commission \$0.10 per page for each page copied or supply copying equipment and make copies in the offices of the Commission. Documents may not be removed from the offices of the Commission. If the request is for copies totaling ten pages or less, the copies shall be provided without charge for copying since the administrative costs do not warrant collection of \$1.00 or less. If the request is for copies totaling more than ten pages, reimbursements of copying costs shall include the cost for the first ten pages. Charges imposed pursuant to this subdivision are for the purpose of recovering the cost of copying.

(d) Requests for access and copies pursuant to subdivision (a) shall be made in writing and shall specifically identify the documents sought.

#### **§ 18361.2. Memorandum Respecting Civil Litigation.**

(a) If the Executive Director concludes civil litigation should be initiated, he or she shall submit to the Commission a written memorandum, which shall be first reviewed by the General Counsel, or an attorney from the Legal Division, summarizing the facts and the applicable law of the case and recommending the initiation of a lawsuit. The memorandum shall include all exculpatory and mitigating information known to the staff.

(b) The Commission shall review the memorandum at an executive session. The General Counsel, or an attorney from the Legal Division, and the Commission Assistant shall be in attendance. No other member of the staff may be present unless the Commission meets with a member of the staff for that person to answer questions. The Commission may not resume its deliberations until the person is no longer present. Any communication between the Commission and the person during the executive session shall be recorded. After review of the memorandum, the Commission may direct the Executive Director to do any of the following:

- (1) Initiate civil litigation.
- (2) Decide whether probable cause proceedings should be commenced pursuant to 2 Cal. Code of Regulations Section 18361.4.
- (3) Return the matter to the staff for further investigation.
- (4) Take no further action on the matter or take any other action it deems appropriate.

(c) If the Commission decides to initiate civil litigation, the Commission may then permit other members of the staff to attend the executive session.

(d) If the Executive Director deems it necessary, he or she may call a special meeting of the Commission to review a staff memorandum recommending the initiation of civil litigation.

(e) It is the intent of the Commission in adopting this section to preserve for the members of the Commission the authority to decide whether alleged violations should be adjudicated in administrative hearings or in civil litigation, while at the same time avoiding the possibility that discussions with members of the staff might cause members of the Commission to prejudge a case that might be heard by the Commission under Government Code Section 83116.

**Exhibit A-4**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

1 GARY S. WINUK  
Chief of Enforcement  
2 FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620  
3 Sacramento, CA 95814  
Telephone: (916) 322-5660  
4 Facsimile: (916) 322-1932

5 Attorney for Complainant

7 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

8 STATE OF CALIFORNIA

9 In the Matter of

) FPPC No. 13/1234

)

)

11 WENDY ALBRIGHT AND WENDY  
12 ALBRIGHT 38<sup>TH</sup> COUNTY CENTRAL  
13 COMMITTEE 2012,

) EX PARTE REQUEST FOR A FINDING OF  
) PROBABLE CAUSE AND AN ORDER  
) THAT AN ACCUSATION BE PREPARED  
) AND SERVED

14 Respondent.

) Gov. Code § 83115.5

)

)

16 TO ZACKERY P. MORAZZINI, GENERAL COUNSEL OF THE FAIR POLITICAL  
17 PRACTICES COMMISSION:

18 Pursuant to Section 83115.5 of the Political Reform Act (the "Act")<sup>1</sup> and Regulation 18361.4,  
19 Respondent Wendy Albright ("Respondent") was served with a copy of a Report in Support of a Finding  
20 of Probable Cause (the "Report") in the above-entitled matter. The Report (attached as "Exhibit A"),  
21 was part of a packet of materials, including a cover letter and a memorandum describing Probable Cause  
22 Proceedings, which was sent to Respondent by the Enforcement Division on July 23, 2014, by certified  
23 mail, with a return receipt requested. (The proof of service for the Report is attached as "Exhibit B".)

24  
25  
26 <sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory  
27 references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices  
28 Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All  
regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

1 The United States Postal Service delivered the Report and attached materials to Respondent on  
2 July 28, 2014. (A copy of the confirmation page is attached as "Exhibit C".) On July 28, 2014, the  
3 Enforcement Division received the original return receipt indicating that Respondent received the Report  
4 and attached materials. (A copy of the return receipt is attached as "Exhibit D".)

5 In the cover letter and attached materials, Respondent was advised that she could respond in  
6 writing to the Report, and orally present his case to the General Counsel at a probable cause conference  
7 to be held in Sacramento. Respondent was further advised that in order to have a probable cause  
8 conference, she needed to make a written request for one, on or before 21 days from the date she  
9 received the Report. Additionally, Respondent was advised that if she did not request a probable cause  
10 conference, such a conference would not be held, and probable cause would be determined based solely  
11 on the Report and any written response that Respondent submitted within 21 days of the date  
12 Respondent was served with the Report. Respondent did not submit a written response, nor did she  
13 request a probable cause conference.

14 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by  
15 the General Counsel that probable cause exists to believe that Respondent Albright committed two  
16 violations of the Act. Additionally, after finding probable cause exists, the Enforcement Division  
17 requests an Order by the General Counsel that an Accusation be prepared against Respondent, pursuant  
18 to Section 11503, and served upon her forthwith.

19  
20 Dated: August 20, 2014

Respectfully Submitted,

**FAIR POLITICAL PRACTICES COMMISSION**

By: Gary S. Winuk  
Chief of Enforcement



**Exhibit A-5**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

WENDY ALBRIGHT, WENDY  
ALBRIGHT 38<sup>TH</sup> COUNTY CENTRAL  
COMMITTEE 2012,

Respondent.

) FPPC No. 13/1234

)  
)  
) FINDING OF PROBABLE CAUSE AND  
) ORDER TO PREPARE AND SERVE AN  
) ACCUSATION

) Gov. Code § 83115.5

By means of an Ex Parte Request for an Order Finding Probable Cause, dated August 20, 2014 the Enforcement Division submitted the above-entitled matter to the General Counsel for a determination of Probable Cause. As set forth in the Ex Parte Request, the Enforcement Division sent a Report in Support of a Finding of Probable Cause (the "Report") to Respondent Albright concerning this matter on July 28, 2014. Service was made by Certified Mail, Return Receipt Requested. Accompanying the Report was a packet of materials that informed Respondent of her right to file a written response to the Report within 21 days following service of the Report, and to request a probable cause conference. During the 21 days that followed service of the Report, Respondent did not file a response to the Report or request a probable cause conference. Pursuant to California Code of Regulations Title 2, Section 18361.4,<sup>1</sup> a determination of probable cause may be made solely on papers submitted when the respondent does not request that a probable cause conference be held.

In making a probable cause determination, it is the duty of the General Counsel of the Fair Political Practices Commission to determine whether probable cause exists for believing that a respondent has violated the Political Reform Act as alleged by the Enforcement Division in the probable cause report served on the respondent.

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

1 Probable cause to believe a violation has occurred can be found to exist when "the evidence is  
2 sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion  
3 that the proposed respondent(s) committed or caused a violation." (Regulation 18361.4,  
4 subd. (e).)

5 The Probable Cause Report served on Respondent and the subsequent Ex Parte Request for an  
6 Order Finding Probable Cause in this matter allege two violations of the Political Reform Act were  
7 committed, as follows:

8 COUNT 1: Respondents Wendy Albright and Wendy Albright 38<sup>th</sup> County Central Committee 2012,  
9 failed to file a semi-annual campaign statement for the reporting period of January 1,  
10 2013, through June 30, 2013, which was due by July 31, 2013, in violation of  
11 Government Code Section 84200, subdivision (a).

12 COUNT 2: Respondents Wendy Albright and Wendy Albright 38<sup>th</sup> County Central Committee 2012,  
13 failed to file a semi-annual campaign statement for the reporting period of July 1, 2013,  
14 through December 31, 2013, which was due by January 31, 2014, in violation of  
15 Government Code Section 84200, subdivision (a).

16 Based on the Ex Parte Request for a Finding of Probable Cause given to me, I find that notice  
17 has been given to Respondent Albright, as provided by Government Code Section 83115.5 and  
18 Regulation 18361.4, subdivision (b). I further find, based on the Report in Support of a Finding of  
19 Probable Cause and the Ex Parte Request for a Finding of Probable Cause, that there is probable cause  
20 to believe Respondent Albright violated the Political Reform Act as alleged in Counts one and two, as  
21 identified above.

22 I therefore direct that the Enforcement Division issue an Accusation against Respondent in  
23 accordance with this Finding.

24 IT IS SO ORDERED.

25 Dated: 9/25/14

26   
27 Zackery P. Morazzini  
28 General Counsel

**FPPC No. 13/1234, In the matter of Wendy Albright, Wendy Albright 38<sup>th</sup> County Central  
Committee 2012**

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814. On the date below, I served the following document:

**FINDING OF PROBABLE CAUSE AND ORDER TO PREPARE AND SERVE AN ACCUSATION**

**MANNER OF SERVICE**

**(U.S. Mail)** By causing a true copy thereof to be served on the parties in this action through the U.S. Mail and addressed as listed below. I am familiar with the procedure of the Fair Political Practices Commission for collection and processing of correspondence for mailing with the United States Postal Service, and the fact that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

**SERVICE LIST**

Mr. Wendy Albright  
West Coast Mastiff & Large Breed Rescue



**(By Personal Service)** On Tuesday, September 30, 2014, at approximately 1:45 p.m., I personally served:

Gary Winuk, Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on September 30, 2014.



John Kim

**Exhibit A-6**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

1 GARY S. WINUK  
Chief of Enforcement  
2 FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620  
3 Sacramento, CA 95814  
Telephone: (916) 322-5660  
4 Facsimile: (916) 322-1932

5 Attorney for Complainant

6 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

7 STATE OF CALIFORNIA

8 In the Matter of

9  
10  
11 Wendy Albright, Wendy Albright 38<sup>th</sup>  
County Central Committee 2012,

12 Respondent.  
13

)  
) FPPC No. 13/1234  
)  
) ACCUSATION  
) (Gov. Code § 11503)  
)  
)  
)

14 Complainant, the Fair Political Practices Commission, after a finding of probable cause made  
15 pursuant to Government Code section 83115.5,<sup>1</sup> hereby alleges the following:

16 **JURISDICTION**

17 1. Complainant is the Fair Political Practices Commission (the "Commission") and makes  
18 this Accusation in its official capacity and in the public interest.

19 2. The authority to bring this action is derived from Title 2, California Code of Regulations,  
20 sections 18361 and 18361.4, subdivision (e), and the statutory law of the State of California, specifically  
21 including, but not limited to, Government Code sections 83111, 83116, and 91000.5, which assign to the  
22 Commission the duty to administer, implement, and enforce the provisions of the Political Reform Act,  
23 found at Government Code sections 81000 through 91014.

24  
25  
26 <sup>1</sup>The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to  
27 the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained  
28 in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2,  
Division 6 of the California Code of Regulations, unless otherwise indicated.



1 12. "Candidate" is defined in section 82007 to include "an individual who is listed on the  
2 ballot [...] for nomination for or election to any elective office."

3 13. "Recipient Committee" is defined in section 82013, subdivision (a), as any person who,  
4 directly or indirectly, receives contributions totaling one thousand dollars (\$1,000) or more in a calendar  
5 year.

6 **B. Duty to File Campaign Statements**

7 14. Section 84200, subdivision (a), requires all recipient committees to file semiannual  
8 campaign statements each year no later than July 31 for the period ending June 30, and no later than  
9 January 31 of the next year for the period ending December 31.<sup>3</sup> A committee continues to have filing  
10 obligations until it files a Statement of Organization (Form 410) declaring the committee's termination  
11 with the Secretary of State, and any local filing officers with whom the committee is required to file  
12 originals of its campaign reports pursuant to section 84215. (Section 84214, Regulation 18404.)

13 **C. Factors to be Considered by the Commission**

14 15. In framing a proposed order following a finding of a violation pursuant to section 83116,  
15 the Commission shall consider all the surrounding circumstances including but not limited to: (1) The  
16 seriousness of the violation; (2) The presence or absence of any intention to conceal, deceive or  
17 mislead; (3) Whether the violation was deliberate, negligent or inadvertent; (4) Whether the violator  
18 demonstrated good faith by consulting the Commission staff or any other government agency in a  
19 manner not constituting a complete defense under section 83114(b); (5) Whether the violation was  
20 isolated or part of a pattern and whether the violator has a prior record of violations of the Political  
21 Reform Act or similar laws; and (6) Whether the violator, upon learning of a reporting violation,  
22 voluntarily filed amendments to provide full disclosure. (Regulation 18361.5, subd. (d).)

23 **GENERAL FACTS**

24 16. Complainant incorporates paragraphs 1 – 15 of this Accusation, as though completely set  
25 forth herein.

26 <sup>3</sup>Under regulation 18116, if the last day of the month falls on a Saturday, Sunday or official holiday, the filing deadline is  
27 extended to the next regular business day.

1           17.     According to the records maintained by the Los Angeles County Clerk, Respondent  
2 Albright was a successful candidate for the Republican Party County Central Committee for the County  
3 of Los Angeles in Assembly District 38 in the June 5, 2012 election. Respondent Albright is still serving  
4 in that capacity.

5           18.     According to the statement of organization maintained by the Los Angeles County Clerk,  
6 Respondent Committee filed its statement of organization on or about February 27, 2012. Respondent  
7 Committee's last filing of campaign statements was for the period of July 1, 2012 through December 31,  
8 2012.

9           19.     On or about August 2, 2013, and September 13, 2013, the Los Angeles County Clerk and  
10 Registrar-Recorder's Office left voicemails informing Respondent Albright that her semiannual  
11 campaign statement covering January 1, 2013 through June 30, 2013, was due on July 31, 2013.

12           20.     On or about August 15, 2013, and August 30, 2013, the Los Angeles County Clerk and  
13 Registrar-Recorder's Office sent reminder letters informing Respondent Albright that her semiannual  
14 campaign statement covering January 1, 2013 through June 30, 2013, was due on July 31, 2013.

15           21.     On or about February 10, 2014, and February 27, 2014, the Los Angeles County Clerk  
16 and Registrar-Recorder's Office left voicemails informing Respondent Albright that her semiannual  
17 campaign statement covering July 1, 2013 through December 31, 2013, was due on January 31, 2014.

18           22.     On or about February 14, 2014, and March 3, 2014, the Los Angeles County Clerk and  
19 Registrar-Recorder's Office sent reminder letters informing Respondent Albright that her semiannual  
20 campaign statement covering July 1, 2013 through December 31, 2013, was due on January 31, 2014.

21           23.     On or about February 7, 2014, the Enforcement Division sent a letter to Respondent  
22 Albright advising that her semiannual campaign statements were past due. Additionally, the letter  
23 offered Respondent a stipulated settlement of \$200 per violation provided she file her missing campaign  
24 statements and return the signed stipulation by February 28, 2014.

25           24.     On or about March 6, 2014, the Enforcement Division sent a second letter to Respondent  
26 Albright advising that her semiannual campaign statements remained past due. The stipulated offer in  
27  
28

1 this letter was increased to \$400 per violation and Respondents had until March 21, 2014, to return the  
2 stipulated agreement.

3 25. On or about April 10, 2014, the Enforcement Division sent out a Report in Support of a  
4 Finding of Probable Cause. The report, cover letter and a memorandum describing Probable Cause  
5 Proceedings were sent to Respondents' address, as listed on Respondent Committee's campaign  
6 statements, by certified mail on April 14, 2014, but were returned undeliverable as addressed. The  
7 documents were re-mailed to West Coast Mastiff and Large Breed Rescue, where Respondent Albright  
8 serves as the Vice President and member of the Board of Directors. Service was executed on July 28,  
9 2014 and the package was signed for by "Jackie Ficara." Respondent Albright did not respond to the  
10 Probable Cause report.

11 26. On August 20, 2014, the Enforcement Division made an ex parte request for a finding by  
12 the Commission's General Counsel that probable cause exists to believe that Respondents violated the  
13 Act.

14 27. On September 25, 2014, General Counsel issued a Finding of Probable Cause and Order  
15 to Prepare and Serve an Accusation. The Finding was sent to Respondent Albright on September 30,  
16 2014.

17 28. As of October 14, 2014, Respondents have neither filed the outstanding statements nor  
18 accepted any of the proposed settlement offers.

19 29. By failing to timely file semiannual campaign statements for the periods January 1, 2013,  
20 through December 31, 2013, Respondents committed two violations of section 84200.

21 **COUNTS 1-2**

22 **Failure to timely file Semi-Annual Campaign Statements**

23 30. Complainant incorporates paragraphs 1 – 29 of this Accusation, as though completely set  
24 forth herein.

25 31. Respondents had a duty to timely file semiannual campaign statements for the periods  
26 January 1, 2013 through June 30, 2013 (due July 31, 2013) and July 1, 2013 through December 31,  
27

1 2013 (due January 31, 2014). The evidence shows that Respondents have not, to date, filed these  
2 statements.

3 32. By failing to file semiannual campaign statements, Respondents violated section 84200,  
4 subdivision (a). Each failure to file constitutes one count.

5 **MITIGATING OR EXCULPATORY FACTORS**

6 33. Complainant incorporates paragraphs 1 – 32 of this Accusation, as though completely set  
7 forth herein.

8 34. There are no mitigating or exculpatory factors.

9 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

10 35. Complainant incorporates paragraphs 1 – 34 of this Accusation, as though completely set  
11 forth herein.

12 36. Respondent Albright has a history of violating the Act. On May 8, 2013, Respondent  
13 Albright was issued a warning letter for failing to file a semiannual campaign statement for the period  
14 covering May 20, 2012 through June 30, 2012, in violation of section 84200. (FPPC Case Number  
15 12/0789.)

16 37. Failure to timely file semiannual campaign statements deprives the public of important  
17 information regarding campaign contributions and expenditures.

18 38. The Enforcement Division offered the Respondents multiple opportunities to settle,  
19 which they ultimately ignored. Since February 28, 2014, numerous phone calls were made by the  
20 Enforcement Division attempting to facilitate settlement. Respondents never answered any of the phone  
21 calls nor returned any of the voicemail messages.

22 39. On or about September 29, 2014, the Enforcement Division received an additional  
23 referral from the Los Angeles County Clerk and Registrar-Recorder's Office stating Respondents failed  
24 to timely file a semiannual campaign statement for the period of January 1, 2014, through June 30, 2014,  
25 which was due on July 31, 2014.

PRAYER

WHEREFORE, Complainant prays as follows:

40. That the Fair Political Practices Commission hold a hearing pursuant to section 83116 and regulation 18361.5, and at such hearing find that Respondents Wendy Albright and Wendy Albright 38<sup>th</sup> County Central Committee 2012 violated the Political Reform Act as alleged herein;

41. That the Commission, pursuant to section 83116, subdivision (c), order Respondent to pay a monetary penalty of at least Two Thousand Dollars (\$2,000) and not more than Ten Thousand Dollars (\$10,000) for the violation of the Political Reform Act alleged herein in **Counts 1-2**;

42. That the Commission, pursuant to regulation, 18361.5, subdivision (d), consider the following factors in framing a proposed order following a finding of a violation pursuant to section 83116: (1) the seriousness of the violation; (2) the presence or absence of any intention to conceal, deceive or mislead; (3) whether the violation was deliberate, negligent or inadvertent; (4) whether the violator demonstrated good faith by consulting the Commission staff or any other government agency in a manner not constituting a complete defense under section 83114(b); (5) whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and (6) whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

43. That the Commission grant such other and further relief as it deems just and proper.

Dated:

10/15/14

  
Gary S. Winuk  
Chief of Enforcement  
Fair Political Practices Commission

**Exhibit A-7**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234



**FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

**STATEMENT TO RESPONDENT**

[Government Code Section 11505, subdivision (b)]

*Wendy Albright, Wendy Albright 38<sup>th</sup> County Central Committee 2012*  
*FPPC Case No. 13/1234*

Enclosed is an Accusation, which was filed with the Fair Political Practices Commission (the "FPPC") and which is hereby served upon you, along with two copies of a Notice of Defense and Government Code Sections 11506 through 11508.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the FPPC within 15 days after the Accusation was served on you, the FPPC may proceed upon the Accusation without a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a notice of defense as provided by Section 11506 of the Government Code to the Commission Assistant at the FPPC.

You may, but need not, be represented by counsel at any or all stages of these proceedings.

If you desire a list of the names and addresses of witnesses against you, or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code that are in the possession, custody, or control of this agency, or if you wish to discuss the possibility of resolving this matter without a formal hearing, you may contact Gary S. Winuk, Chief of the Enforcement Division at the FPPC.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify the FPPC or, if an administrative law judge has been assigned to the hearing, the Office of Administrative Hearings, within 10 working days after you discover the good cause. Failure to give notice within 10 days will deprive you of a postponement.

After a hearing, the FPPC will consider the following factors in determining whether to assess a penalty (Title 2, California Code of Regulations, Section 18361.5, subdivision (d).):

1. The seriousness of the violation;
2. The presence or absence of any intention to conceal, deceive, or mislead;
3. Whether the violation was deliberate, negligent, or inadvertent;
4. Whether the violator demonstrated good faith by consulting Commission staff or any other government agency in a manner not constituting a complete defense under Government Code Section 83114, subdivision (b);
5. Whether the violation was isolated or part of a pattern;
6. Whether the violator has a prior record of violations of the Political Reform Act or similar laws; and
7. Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.



*Before the Fair Political Practices Commission*

**State of California**

In the Matter of

Wendy Albright, Wendy Albright 38<sup>th</sup>  
County Central Committee 2012

) NOTICE OF DEFENSE  
) (Pursuant to Gov. Code § 11506)  
)  
) FPPC Case No. 13/1234  
)  
)  
)  
)

Respondents.

WENDY ALBRIGHT, a Respondent named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

Pursuant to Government Code Section 11506, subdivision (a), you may file this *NOTICE OF DEFENSE* requesting a hearing on the grounds listed below. Failure to file this *NOTICE OF DEFENSE* shall constitute a waiver of your right to a hearing. If you waive your right to a hearing, you may file a statement of mitigation by separate letter that will be considered by the Commission in assessing any penalties for the violations alleged in the Accusation.

If you wish to file a *NOTICE OF DEFENSE*, please check all applicable grounds for the *NOTICE OF DEFENSE*, complete the remainder of the form, and mail to the Commission within fifteen (15) days of receipt of the Accusation.

**GROUND FOR NOTICE OF DEFENSE**

- 1) I request a hearing;
- 2) I object to the Accusation upon the ground that it does not state acts or omissions upon which the agency may proceed;
- 3) I object to the form of the Accusation on the ground that it is so indefinite or uncertain that I cannot identify the transaction that is the subject of the Accusation or prepare my defense;
- 4) I admit the Accusation in whole or in part (check box "a" or "b");
  - a) I admit the Accusation in whole.
  - b) I admit the Accusation in part as indicated below:

---

---

---

---

---

---

- 5) I wish to present new matter by way of defense;
- 6) I object to the accusation upon the ground that, under the circumstances, compliance with the requirements of a regulation of the Fair Political Practices Commission would result in a material violation of another regulation enacted by another department affecting substantive rights.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Wendy Albright

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip

## California Government Code sections 11506 through 11508

### **§ 11506. Filing of notice of defense or notice of participation; Contents; Right to hearing on the merits**

(a) Within 15 days after service of the accusation or District Statement of Reduction in Force the respondent may file with the agency a notice of defense, or, as applicable, notice of participation, in which the respondent may:

(1) Request a hearing.

(2) Object to the accusation or District Statement of Reduction in Force upon the ground that it does not state acts or omissions upon which the agency may proceed.

(3) Object to the form of the accusation or District Statement of Reduction in Force on the ground that it is so indefinite or uncertain that the respondent cannot identify the transaction or prepare a defense.

(4) Admit the accusation or District Statement of Reduction in Force in whole or in part.

(5) Present new matter by way of defense.

(6) Object to the accusation or District Statement of Reduction in Force upon the ground that, under the circumstances, compliance with the requirements of a regulation would result in a material violation of another regulation enacted by another department affecting substantive rights.

(b) Within the time specified the respondent may file one or more notices of defense, or, as applicable, notices of participation, upon any or all of these grounds but all of these notices shall be filed within that period unless the agency in its discretion authorizes the filing of a later notice.

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense or notice of participation, and the notice shall be deemed a specific denial of all parts of the accusation or District Statement of Reduction in Force not expressly admitted. Failure to file a notice of defense or notice of participation shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in paragraph (3) of subdivision (a), all objections to the form of the accusation or District Statement of Reduction in Force shall be deemed waived.

(d) The notice of defense or notice of participation shall be in writing signed by or on behalf of the respondent and shall state the respondent's mailing address. It need not be verified or follow any particular form.

(e) As used in this section, "file," "files," "filed," or "filing" means "delivered or mailed" to the agency as provided in Section 11505.

**HISTORY:** Added Stats 1945 ch 867 § 1. Amended Stats 1963 ch 931 § 1; Stats 1982 ch 606 § 1; Stats 1986 ch 951 § 20; Stats 1995 ch 938 § 29 (SB 523), operative July 1, 1997; Stats 2013 ch 90 § 5 (SB 546), effective January 1, 2014.

### **§ 11507. Amended or supplemental accusation or District Statement of Reduction in Force; Objections**

At any time before the matter is submitted for decision, the agency may file or permit the filing of, an amended or supplemental accusation or District Statement of Reduction in Force. All parties shall be notified of the filing. If the amended or supplemental accusation or District Statement of Reduction in Force presents new charges the agency shall afford the respondent a reasonable opportunity to prepare his or her defense thereto, but he or she shall not be entitled to file a further pleading unless the agency in its discretion so orders. Any new charges shall be deemed controverted, and any objections to the amended or supplemental accusation or District Statement of Reduction in Force may be made orally and shall be noted in the record.

**HISTORY:** Added Stats 1945 ch 867 § 1. Amended Stats 2013 ch 90 § 6 (SB 546), effective January 1, 2014.

### **§ 11507.3. Consolidated proceedings; Separate hearings**

(a) When proceedings that involve a common question of law or fact are pending, the administrative law judge on the judge's own motion or on motion of a party may order a joint hearing of any or all the matters at issue in the proceedings. The administrative law judge may order all the proceedings consolidated and may make orders concerning the procedure that may tend to avoid unnecessary costs or delay.

(b) The administrative law judge on the judge's own motion or on motion of a party, in furtherance of convenience or to avoid prejudice or when separate hearings will be conducive to expedition and economy, may order a separate hearing of any issue, including an issue raised in the notice of defense or notice of participation, or of any number of issues.

**HISTORY:** Added Stats 1995 ch 938 § 30 (SB 523), operative July 1, 1997. Amended Stats 2013 ch 90 § 7 (SB 546), effective January 1, 2014.

### **§ 11507.5. Exclusivity of discovery provisions**

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

**HISTORY:** Added Stats 1968 ch 808 § 3.

**§ 11507.6. Request for discovery**

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

**HISTORY:** Added Stats 1968 ch 808 § 4. Amended Stats 1985 ch 1328 § 5; Stats 1995 ch 938 § 31 (SB 523), operative July 1, 1997.

**§ 11507.7. Motion to compel discovery; Order**

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of *Section 915 of the Evidence Code* and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

**HISTORY:** Added Stats 1968 ch 808 § 5. Amended Stats 1971 ch 1303 § 8; Stats 1980 ch 548 § 2; Stats 1995 ch 938 § 32 (SB 523), operative July 1, 1997.

**§ 11508. Time and place of hearing**

(a) The agency shall consult the office, and subject to the availability of its staff, shall determine the time and place of the hearing. The hearing shall be held at a hearing facility maintained by the office in Sacramento, Oakland, Los Angeles, or San Diego and shall be held at the facility that is closest to the location where the transaction occurred or the respondent resides.

(b) Notwithstanding subdivision (a), the hearing may be held at either of the following places:

(1) A place selected by the agency that is closer to the location where the transaction occurred or the respondent resides.

(2) A place within the state selected by agreement of the parties.

(c) The respondent may move for, and the administrative law judge has discretion to grant or deny, a change in the place of the hearing. A motion for a change in the place of the hearing shall be made within 10 days after service of the notice of hearing on the respondent.

Unless good cause is identified in writing by the administrative law judge, hearings shall be held in a facility maintained by the office.

**HISTORY:** Added Stats 1945 ch 867 § 1. Amended Stats 1963 ch 710 § 1; Stats 1967 ch 17 § 39; Stats 1987 ch 50 § 1; Stats 1995 ch 938 § 33 (SB 523), operative July 1, 1997; Stats 2005 ch 674 § 22 (SB 231), effective January 1, 2006.

**Exhibit A-8**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814  TELEPHONE NO.: (916) 322-7643  ATTORNEY FOR:	<b>FOR COURT USE ONLY</b>
<b>FAIR POLITICAL PRACTICES COMMISSION COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</b>	
<b>COMPLAINANT:</b> Before The Fair Political Practices Commission State of California  <b>RESPONDENT:</b> Wendy Albright, Wendy Albright 38th County Central Committee 2012	<b>CASE NUMBER:</b> FPFC NO. 13/1234
<b>PROOF OF SERVICE</b>	<b>Ref. No. or File No.:</b> FPFC NO. 13/1234

1. I am over 18 years of age and not a party to this action.
2. Received by GSI to be served on Wendy Albright [REDACTED]
3. At the time of service I was at least 18 years of age and not a party to this action. I served copies of the Statement to Respondent, Accusation, Notice of Defense and California Government Codes
  - a. Party Served: Wendy Albright
  - b. Person Served: John Doe, Co-Occupant [REDACTED]
  - c. Address: [REDACTED]  
(Abode)
4. Date and Time of service: 11/10/2014 at 7:45 pm
5. I am a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:
 

Name: George Sano  
 Firm: GSI  
 Address: [REDACTED]  
 Telephone number: [REDACTED]  
 Registration Number: [REDACTED]  
 County: Orange  
 The fee for the service was: \$110.00
7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 11-11-14

George Sano  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

[REDACTED SIGNATURE]  
 \_\_\_\_\_  
 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

**Exhibit A-9**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234



## CAMPAIGN FINANCE DISCLOSURE SECTION CALL REPORT FOR ROSALBA

DATE OF CALL: 8/2/2013  Outgoing Call

CALLER NAME: VOICEMAIL

CAND/COMM/MD NAME WENDY M. ALBRIGHT

ELECTION ID: S713

CONTROL NUMBER: 018551

CFD STAFF NAME: Rosalba

TYPE OF CALL:

SUB-TYPE:

CALL DURATION: 5 MINUTE(S)

CALL SUMMARY: Voicemail was left for Ms. Wendy M. Albright regarding her past due campaign statement. Informed Ms. Albright her Campaign statement was due on July 31, 2013. Provided office phone number and instructed Ms. Albright to contact us as soon as possible.

ACTION/RESOLUTION:

**Exhibit A-10**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

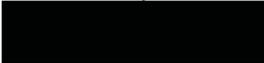
MAILING DATE: 08/15/13  
(FILE COPY)

Past Due Notice

FILING PERIOD: 1 DUE DATE: 07/31/13 COVERING DATES: 01/01/13 TO 06/30/13  
ELECTION ID: S713 HELD: 06/30/13  
ELECTION NAME: SEMI ANNUAL FILING 2013 FIRST HALF  
R-R CONTROL NO.: C09459 STATE ID NO.: 0001345277

This is a reminder that your campaign statement is PAST DUE.  
Your statement was due on July 31, 2013, and you may be  
subject to a \$10.00 per day fine (Government Code § 91013). If you  
need additional assistance, please call the Campaign Finance  
Section at (562) 462-2339.

WENDY ALBRIGHT  
WENDY ALBRIGHT, 38TH COUNTY CENTRAL  
COMMITTEE, 2012



CS01

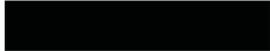
RS

Past Due Notice

FILING PERIOD: 1 DUE DATE: 07/31/13 COVERING DATES: 01/01/13 TO 06/30/13  
ELECTION ID: S713 HELD: 06/30/13  
ELECTION NAME: SEMI ANNUAL FILING 2013 FIRST HALF  
OFFICE: MEMBER COUNTY CENTRAL COMMITTEE PARTY:  
R-R CONTROL NO.: 018551

This is a reminder that your campaign statement is PAST DUE.  
Your statement was due on July 31, 2013, and you may be  
subject to a \$10.00 per day fine (Government Code § 91013). If you  
need additional assistance, please call the Campaign Finance  
Section at (562) 462-2339.

WENDY M. ALBRIGHT



CS01

33

RS

**Exhibit A-11**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

## Notice Of Past Due Filing

FILING PERIOD: 1 DUE DATE: 07/31/13 COVERING DATES: 01/01/13 TO 06/30/13  
ELECTION ID: S713 HELD: 06/30/13  
ELECTION NAME: SEMI ANNUAL FILING 2013 FIRST HALF  
OFFICE: MEMBER COUNTY CENTRAL COMMITTEE PARTY:  
R-R CONTROL NO.: 018551  
DATE TO BE REFERRED TO FPPC: 09/13/13

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Div. for appropriate action (GC S 81010(d)). Send your statement immediately to the Campaign Finance and Proposition B Section or call (562) 462-2339.

WENDY M. ALBRIGHT  


CS02

3

RS

Notice Of Past Due Filing

FILING PERIOD: 1 DUE DATE: 07/31/13 COVERING DATES: 01/01/13 TO 06/30/13  
ELECTION ID: S713 HELD: 06/30/13  
ELECTION NAME: SEMI ANNUAL FILING 2013 FIRST HALF  
R-R CONTROL NO.: C09459 STATE ID NO.: 0001345277  
DATE TO BE REFERRED TO FPPC: 09/13/13

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Div. for appropriate action (GC § 81010(d)). Send your statement immediately to the Campaign Finance and Proposition B Section or call (562) 462-2339.

WENDY ALBRIGHT  
WENDY ALBRIGHT, 38TH COUNTY CENTRAL  
COMMITTEE, 2012



33

RS

**Exhibit A-12**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234



## CAMPAIGN FINANCE DISCLOSURE SECTION CALL REPORT FOR ROSALBA

DATE OF CALL: 9/13/2013  Outgoing Call  
CALLER NAME: Voicemail  
CAND/COMM/MD NAME: Wendy M. Albright  
ELECTION ID: S713  
CONTROL NUMBER: 018551  
CFD STAFF NAME: Rosalba  
TYPE OF CALL:  
SUB-TYPE:  
CALL DURATION: 5 MINUTE(S)  
CALL SUMMARY: Message was left to Ms. Wendy M. Albright regarding her past due campaign statement that was due on July 31, 2013. Ms. Albright was instructed to submit her campaign statement as soon as possible or to contact our office for any questions she might have. CF phone number was provided.

ACTION/RESOLUTION:

**Exhibit A-13**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK

MAILING DATE: 09/16/13

FAIR POLITICAL PRACTICES COMMISSION REFERRAL REFERRAL NO. : D13054  
FILING PERIOD: 1 DUE DATE: 07/31/13 COVERING DATES: 01/01/13 TO 06/30/13  
ELECTION ID: S713 HELD: 06/30/13  
ELECTION NAME: SEMI ANNUAL FILING 2013 FIRST HALF  
R-R CONTROL NO. : 018551 PARTY:

The attached case file is being referred to your office for appropriate action pursuant to Government Code Section 81010 (d). After two requests for compliance, the required campaign statement has not yet been filed.

If you have any questions, please contact the Campaign Finance and Proposition B Section at (562) 462-2339.

WENDY M. ALBRIGHT  
MEMBER COUNTY CENTRAL COMMITTEE

CF02

LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK

MAILING DATE: 09/16/13

FAIR POLITICAL PRACTICES COMMISSION REFERRAL REFERRAL NO. :  
FILING PERIOD: 1 DUE DATE: 07/31/13 COVERING DATES: 01/01/13 TO 06/30/13  
ELECTION ID: 5713 HELD: 06/30/13  
ELECTION NAME: SEMI ANNUAL FILING 2013 FIRST HALF  
R-R CONTROL NO. : C09459 STATE ID NO. : 0001345277

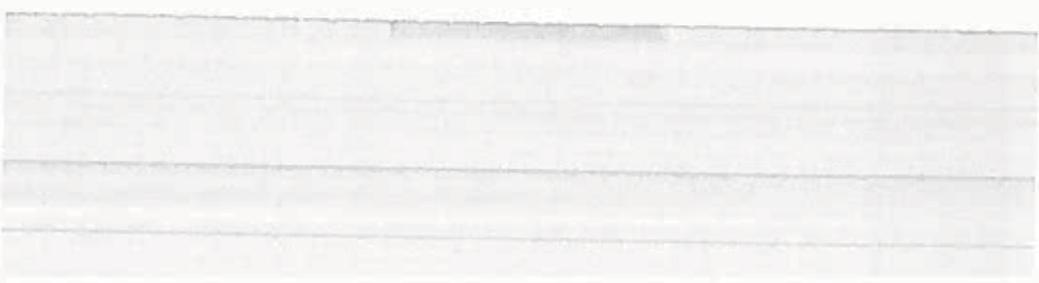
The attached case file is being referred to your office for appropriate action pursuant to Government Code Section 81010 (d). After two requests for compliance, the required campaign statement has not yet been filed.

If you have any questions, please contact the Campaign Finance and Proposition B Section at (562) 462-2339.

WENDY ALBRIGHT  
WENDY ALBRIGHT, 38TH COUNTY CENTRAL  
COMMITTEE, 2012



CF02



**A-14**

---

**DEFAULT DECISION AND ORDER FPPC NO. 13/1234**



## CAMPAIGN FINANCE DISCLOSURE SECTION CALL REPORT FOR ROSALBA

DATE OF CALL: 2/10/2014

Outgoing Call

CALLER NAME: Voicemail

CAND/COMM/MD NAME Wendy M. Albright

ELECTION ID: S114

CONTROL NUMBER: 018551

CFD STAFF NAME: Rosalba

TYPE OF CALL:

SUB-TYPE:

CALL DURATION: 5 MINUTE(S)

CALL SUMMARY: Voicemail message was left for Ms. Albright regarding her past due campaign statement that was due on January 31, 2014. Notified Ms. Albright about the \$10 per day penalty fee. Campaign Finance phone and fax number were provided.

ACTION/RESOLUTION:

**A-15**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

Past Due Notice

FILING PERIOD: 1 DUE DATE: 01/31/14 COVERING DATES: 07/01/13 TO 12/31/13  
ELECTION ID: S114 HELD: 12/31/13  
ELECTION NAME: SEMI ANNUAL FILING 2013 SECOND HALF  
OFFICE: MEMBER COUNTY CENTRAL COMMITTEE  
R-R CONTROL NO.: 018551 PARTY:

This is a reminder that your campaign statement is PAST DUE. Your statement was due on January 31, 2014, and you may be subject to a \$10.00 per day fine (Government Code § 91013). If you need additional assistance, please call the Campaign Finance Section at (562) 462-2339.

WENDY M. ALBRIGHT



CS01

AS  
C





## CAMPAIGN FINANCE DISCLOSURE SECTION CALL REPORT FOR ROSALBA

DATE OF CALL: 2/27/2014

Outgoing Call

CALLER NAME: Voicemail

CAND/COMM/MD NAME Wendy M. Albright

ELECTION ID: S114

CONTROL NUMBER: 018551

CFD STAFF NAME: Rosalba

TYPE OF CALL:

SUB-TYPE:

CALL DURATION: 5 MINUTE(S)

CALL SUMMARY: Voicemail message was left for Ms. Wendy M. Albright regarding her past due campaign statement that was due on January 31, 2014. Ms. Albright was also notified about the \$10 per day penalty fee. Campaign Finance phone number was provided.

ACTION/RESOLUTION:

A-17

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

Notice Of Past Due Filing

FILING PERIOD: 1 DUE DATE 01/31/14 COVERING DATES: 07/01/10 12/31/13

ELECTION ID: S114 HELD: 12/31/13

ELECTION NAME: SEMI ANNUAL FILING 2013 SECOND HALF

OFFICE: MEMBER COUNTY CENTRAL COMMITTEE

PARTY:

R-R CONTROL NO.: 018551

DATE TO BE REFERRED TO FPPC: 03/17/14

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Div. for appropriate action (GC § 81010(d)). Send your statement immediately to the Campaign Finance and Proposition B Section or call (562) 462-2339.

WENDY M. ALBRIGHT



CS02

JR

RS

**A-18**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234

LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK

MAILING DATE: 03/18/14

FAIR POLITICAL PRACTICES COMMISSION REFERRAL REFERRAL NO. :  
FILING PERIOD: 1 DUE DATE: 01/31/14 COVERING DATES: 07/01/13 TO 12/31/13  
ELECTION ID: S114 HELD: 12/31/13  
ELECTION NAME: SEMI ANNUAL FILING 2013 SECOND HALF  
R-R CONTROL NO.: C09459 STATE ID NO.: 0001345277

The attached case file is being referred to your office for appropriate action pursuant to Government Code Section B1010 (d). After two requests for compliance, the required campaign statement has not yet been filed.

If you have any questions, please contact the Campaign Finance and Proposition B Section at (562) 462-2339.

WENDY ALBRIGHT  
WENDY ALBRIGHT, 38TH COUNTY CENTRAL  
COMMITTEE, 2012

LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK

MAILING DATE: 03/18/14

FAIR POLITICAL PRACTICES COMMISSION REFERRAL  
FILING PERIOD: 1 DUE DATE: 01/31/14 COVERING DATES: 07/01/13 TO 12/31/13  
ELECTION ID: S114 HELD: 12/31/13 REFERRAL NO.: D14005  
ELECTION NAME: SEMI ANNUAL FILING 2013 SECOND HALF  
R--R CONTROL NO.: 018551 PARTY:

The attached case file is being referred to your office for appropriate action pursuant to Government Code Section 81010 (d). After two requests for compliance, the required campaign statement has not yet been filed.

If you have any questions, please contact the Campaign Finance and Proposition B Section at (562) 462-2339.

WENDY M. ALBRIGHT  
MEMBER COUNTY CENTRAL COMMITTEE



RECEIVED  
FAIR POLITICAL PRACTICES COMMISSION  
MAR 26 PM 2:18

13/1/2014  
for LM, 2nd

**A-19**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234



**FAIR POLITICAL PRACTICES COMMISSION**

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

Protected Settlement Communication  
Pursuant to Evidence Code Sections 1152 and 1154

February 7, 2014

Wendy Albright  
Wendy Albright, 38<sup>th</sup> County Central Committee, 2012

**Streamlined Settlement:** **FPPC No. 13/1234; Wendy Albright, 38<sup>th</sup> County Central Committee, 2012**

Dear Ms. Albright:

The Enforcement Division of the Fair Political Practices Commission (FPPC) received a Non-Filer Enforcement Referral from the Los Angeles County Clerk's Office for your failure to file your Semi-annual Recipient Committee Campaign Disclosure Statements (Form 460<sup>1</sup>) in connection with the "Wendy Albright, 38<sup>th</sup> County Central Committee, 2012" by the July 31, 2013 and January 31, 2014 deadlines.

By failing to timely file your statement for the January 1, 2013 through June 30, 2013, and July 1, 2013 through December 31, 2013 time periods, you have violated the Political Reform Act (Act).<sup>2</sup> The FPPC may now commence an enforcement action against you, and obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per violation.

Before the FPPC commences an enforcement action, it encourages respondents to participate in a streamlined settlement program. Under this program, we can swiftly resolve this matter with your payment of \$200 per violation. *Please note that the penalty will gradually increase for every additional attempt to resolve this matter.* To take advantage of this program you must:

1. Complete the Form 460 for each missing time period and file with the Los Angeles County, Registrar-Recorder/County Clerk;
2. Sign the enclosed Stipulation, Decision and Order (Stipulation); and
3. Return a file-stamped copy of the completed Form 460 for each missing time period, the signed Stipulation, and a **cashier's check or money order**, not a personal check, made payable to the "State of California" in the amount of \$400 postmarked no later than **February 28, 2014**.

For more information on the Form 460, visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If you need any guidance regarding your specific obligations, please call Robert Nash at (916) 323-2689.

Sincerely,

  
Gary S. Winuk, Chief  
Enforcement Division

<sup>1</sup> Please find **Form 460** at: <http://www.fppc.ca.gov/forms/rev201208/460.pdf>.

<sup>2</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014.



**A-20**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

Protected Settlement Communication  
Pursuant to Evidence Code Sections 1152 and 1154

March 6, 2014

Wendy Albright  
Wendy Albright, 38<sup>th</sup> County Central Committee, 2012

**Streamlined Settlement:**            **FPPC No. 13/1234; Wendy Albright, 38<sup>th</sup> County Central Committee, 2012**

Dear Ms. Albright:

On February 7, 2014, we contacted you by letter advising that the Enforcement Division of the Fair Political Practices Commission ("FPPC") received a non-filer referral from the Los Angeles County Clerk's Office for your failure to file Semi-Annual Recipient Committee Campaign Disclosure Statements (Form 460<sup>1</sup>) in connection with the "Wendy Albright, 38<sup>th</sup> County Central Committee, 2012" by the July 31, 2013 and January 31, 2014 deadlines.

Our February 7, 2014 letter offered a stipulated settlement of \$400 provided you filed your semi-annual statements and returned the signed stipulation by February 28, 2014. The deadline to take advantage of the stipulated settlement of \$400 has passed. As of this writing, the proposed settlement has increased to \$800. Be advised that we may commence enforcement action against you to obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 for the violation.

Before commencing that enforcement action, you are again encouraged to participate in the Enforcement Division's streamline semi-annual statement enforcement program wherein we can significantly reduce that fine if you comply with filing your semi-annual statements and stipulate to a reduced fine of \$800. To take advantage of this offer you must:

1. Complete the Form 460 and any applicable schedules and file with the Los Angeles County Clerk's Office;
2. Sign the enclosed Stipulation, Decision and Order (Stipulation); and
3. Return a file-stamped copy of the completed Form 460, the signed Stipulation, and a **cashier's check or money order**, not a personal check, made payable to the "State of California" in the amount of \$800 postmarked no later than **March 21, 2014**.

For more information on the Form 460, visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If you need any guidance regarding your specific obligations, please call Robert Nash at (916) 323-2689.

Sincerely,

[Redacted Signature]  
Gary S. Winuk, Chief  
Enforcement Division

<sup>1</sup> Please find Form 460 at: <http://www.fppc.ca.gov/forms/rev201208/460.pdf>.

**Exhibit A-21**

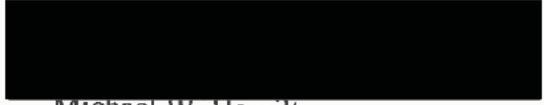
---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234



1 I declare under penalty of perjury of the laws of the State of California that the foregoing is true and  
2 correct and that this declaration was executed in Sacramento County on Feb. 2, 2016.

3  
4 Dated: 2/2/16



5 Michael W. Hamilton  
6 Commission Counsel, Enforcement Division  
7 Fair Political Practices Commission

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Exhibit A-22**

---

DEFAULT DECISION AND ORDER FPPC NO. 13/1234



**FAIR POLITICAL PRACTICES COMMISSION**

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

February 2, 2016

**FIRST CLASS MAIL**

Wendy Albright, individually and  
o/b/o Wendy Albright, 38<sup>th</sup> County Central  
Committee 2012



**NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER**

**Re: In the Matter of Wendy Albright, Wendy Albright 38<sup>th</sup> County Central  
Committee 2012**

Dear Ms. Albright:

Enclosed please find a copy of the Default Decision and Order, and accompanying Exhibit and attachments, for the above-referenced matter. The Fair Political Practices Commission ("Commission") will consider these papers at its public meeting on **February 18, 2016** and decide whether to impose the maximum administrative penalty in the amount of **Ten Thousand Five Dollars (\$10,000)** against you.

You were previously served a Report in Support of a Finding of Probable Cause, commonly known as a Probable Cause Report, advising you of your right to request a probable cause conference or submit a written response to the probable cause report. You did not request a probable cause conference, nor did you submit anything in writing for the Commission's Hearing Officer to consider in his determination of probable cause.

Following the issuance of a Report in Support of a Finding of Probable Cause, the Commission's Hearing Officer found probable cause that you committed a violation of the Political Reform Act's campaign reporting provisions. Thereafter, the Hearing Officer issued an Accusation against you on the same violation. The Accusation was personally served on you on November 10, 2014. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file a Notice of Defense within 15 days after service of the Accusation. You failed to file the Notice of Defense form within

that time. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

You may, but you are not required to, provide a response brief, along with any supporting materials, no later than five calendar days before the Commission hearing at which the default is scheduled to be heard. Your response brief must be served on the Commission Assistant, at the above address.

At its public meeting on **February 18, 2016**, the Commission may impose an administrative penalty against you in the amount of **\$10,000**, the maximum penalty for the violation.

Following the issuance of the default order and imposition of the administrative penalty, we will commence legal proceedings to collect this fine, which may include converting the Commission's order to a court judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the **February 18, 2016** meeting. Please contact me immediately if you wish to enter into a negotiated settlement.

You may contact me directly at (916) 322-5772.

Sincerely,

A solid black rectangular redaction box covering the signature of Michael W. Hamilton.

Michael W. Hamilton  
Commission Counsel  
Enforcement Division

Enclosures