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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of)	FPPC No. 13/1132
)	
)	
VALLEJO CITIZENS DESERVE BETTER	)	DEFAULT DECISION AND ORDER
AND RICHARD GRANT,)	
	)	(Gov. Code Sections 11506 and 11520)
Respondents.)	
)	
)	

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

Pursuant to the California Administrative Procedure Act,¹ Respondents Richard Grant and Vallejo Citizens Deserve Better (Committee), have been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

1. An Order Finding Probable Cause;
2. An Accusation;

¹The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code.

3. A Notice of Defense (Two Copies);
4. A Statement to Respondent; and
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 Grant and Committee, explicitly stated that a Notice of Defense must be filed in order to request a hearing. Grant and Committee failed to file a Notice of Defense within fifteen days of being served with the 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 respondents' express admissions or upon other evidence, and that affidavits may be used as evidence without any notice to the respondent.

Grant and Committee violated the Political Reform Act as described in Exhibit 1, which are 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 Feb 14


Galea West, Chief of Enforcement
Fair Political Practices Commission

[illegible]

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

Joann Remke, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondents Richard Grant ("Grant") and his primarily formed committee, Vallejo Citizens Deserve Better (the "Committee"), opposed three Vallejo City Council candidates running in the November 5, 2013 election. Grant was the Committee treasurer during the time of the violations.

The Political Reform Act (the "Act")¹ requires treasurers and their primarily formed committees to file late independent expenditure reports and semi-annual campaign statements, disclosing the contributions received by the Committee, and the expenditures it made, prior to and after the election.² Grant and the Committee violated the Act by failing to file a late independent expenditure report by October 17, 2013. Additionally, Grant and the Committee failed to timely file a semi-annual campaign statement due January 30, 2014 for the reporting period of October 20, 2013 through December 31, 2013. Lastly, Grant and the Committee failed to file a semi-annual campaign statement due July 31, 2014 for the reporting period of January 1, 2014 through June 30, 2014.

All relevant evidence in possession of the Enforcement Division is included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-19, and incorporated herein by reference.

This matter was opened following receipt of a sworn complaint on October 21, 2013.

In this case, Grant and the Committee violated the Act as follows:

- Count 1: Respondents Committee and Grant failed to file a Late Independent Expenditure Report by the October 17, 2013 due date for an independent expenditure made of \$3,000 on October 16, 2013, in violation of Government Code Section 84204.
- Count 2: Respondents Committee and Grant failed to timely file the Semi-Annual campaign statement for the reporting period October 20, 2013 through December 31, 2013 by the January 31, 2014 due date, in violation of Government Code Section 84200.
- Count 3: Respondents Committee and Grant failed to timely file the Semi-Annual campaign statement for the reporting period January 1, 2014 through June 30, 2014 by the July 31, 2014 due date, in violation of Government Code Section 84200.

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

² Gov. Code Sections 84200 and 84204.

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.³ Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the "APA").⁴ A hearing to determine 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.⁵

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.⁶

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.⁷ 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.⁸

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."⁹

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

³ Gov. Code Section 83116.

⁴ The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code; Gov. Code Section 83116.

⁵ Gov. Code Section 11503.

⁶ Gov. Code Section 11506, subd. (a)(1)-(6).

⁷ Gov. Code Section 11506, subd. (c).

⁸ Gov. Code Section 11520, subd. (a).

⁹ Gov. Code Section 91000.5, subd. (a).

the Commission held for the purpose of considering whether probable cause exists for believing the person violated the Act.¹⁰ 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.¹¹

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.¹²

All relevant evidence in possession of the Enforcement Division is included in the following attachments and incorporated herein by reference: Exhibit A – Certification of Records (Certification), with attached Exhibits A-1 through A-19.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Grant and his Committee in this matter by personally serving the Report in Support of a Finding of Probable Cause (the “Report”) ¹³ on Grant at his home on May 16, 2015. The administrative action commenced on May 16, 2015, the date the process server delivered the Report to Grant, and the five year statute of limitations was effectively tolled on this date.¹⁴

As required by Section 83115.5, the packet served on Grant and the Committee contained a cover letter and a memorandum describing Probable Cause Proceedings, advising that Grant and the Committee had 21 days in which to request a probable cause conference and/or to file a written response to the Report.¹⁵ Grant and the Committee 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 Grant and the Committee 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 Hearing Officer Heather M. Rowan on July 22, 2015.¹⁶

On July 23, 2015, Hearing Officer Heather M. Rowan issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Grant and the Committee.¹⁷

¹⁰ Gov. Code Section 83115.5.

¹¹ Gov. Code Section 83115.5.

¹² Gov. Code Section 91000.5.

¹³ Certification, Exhibit A-1.

¹⁴ Certification, Exhibit A-2.

¹⁵ Certification, Exhibit A-3.

¹⁶ Certification, Exhibit A-4.

¹⁷ Certification, Exhibit A-5.

C. The Issuance and Service of the Accusation

Under the Political Reform 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.¹⁸

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 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 11507.7.¹⁹

Section 11505, subdivision (b) sets 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 11505.²⁰

When service cannot be effected by personal service or registered mail, substituted service may be used to give notice by leaving a copy of the Accusation with a person apparently

¹⁸ Regulation 18361.4, subd. (e).

¹⁹ Gov. Code Section 11505, subd. (a).

²⁰ Gov. Code Section 11505, subd. (c).

in charge of a respondent's usual mailing address, and by subsequently mailing a copy by first class mail to the same address.²¹ Service is deemed complete on the 10th day after mailing.

On September 17, 2015, the Commission's Chief of Enforcement Galena West, issued an Accusation against Grant and the Committee in this matter.²² Enforcement Division made several unsuccessful attempts to personally serve Grant with the Accusation.²³ In accordance with Section 11505, Civil Code of Procedure 415.20, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form, and copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7 were personally served by substitute service upon his roommate on November 18, 2015.²⁴

In accordance with California Code Civ. Proc. Section 415.20 (b), the Enforcement Division mailed a copy of the Accusation and accompanying information to Grant's residence in Vallejo, California on November 19, 2015, using first class mail.²⁵ Therefore, service was deemed complete on November 29, 2015.

Prior to effecting substituted service, Enforcement Division verified that Grant claimed his residence in Vallejo, California for tax exemption purposes, and was listed as the homeowner at the residence he had listed on the Committee's statements.²⁶

On November 24, 2015, the Enforcement Division received a letter from David West claiming Grant has been in North Carolina for at least one year. However, Grant was personally served at the residence in May 2015, six month prior. Mr. West provided no forwarding address for Grant. As of February 24, 2016, property searches performed by Enforcement Division show that Grant is the current owner of the property from which he was served on November 28, 2015.²⁷ Additionally, the searches show that Grant continues to claim the residence for tax exemption purposes.

Along with the Accusation served on November 29, 2015, the Enforcement Division served Grant and the Committee 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.²⁸ Grant did not file a Notice of Defense within the statutory time period, which ended on December 15, 2015.

As a result, on February 29, 2016, Commission Counsel Tanya Smith sent a letter to Grant advising that this matter would be submitted for a Default Decision and Order at the

²¹ Civil Code of Procedure Section 415.20 subd. (b).

²² Certification, Exhibit A-6.

²³ Certification, Exhibits A-7, A-8, and A-9.

²⁴ Certification, Exhibit A-10.

²⁵ Certification, Exhibit A-11.

²⁶ Certification, Exhibit A-12.

²⁷ *Id.*

²⁸ Certification, Exhibit A-6.

Commission's public meeting scheduled for March 17, 2016.²⁹ 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 Political Reform 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.³⁰ 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, committees are required to file periodic campaign statements disclosing their financial activities.³¹ A primarily formed committee that supports or opposes a group of specific candidates being voted upon in the same city election must file specified campaign statements disclosing contributions received and expenditures made by certain deadlines.³² The first semi-annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and must be file by January 31 of the following year.³³

Campaign Reporting and the Duty to File Late Independent Expenditure Reports

Under the Act's campaign reporting system, when a committee makes an independent expenditure of \$1,000 or more in the 90 days before an election, it must report the independent expenditure within 24 hours.³⁴

Treasurer Liability

Under the Act, it is the duty of the committee's treasurer to ensure that the committee complies with all of the requirements of the Act concerning the receipt, expenditure, and reporting of funds.³⁵ The treasurer may be held jointly and severally liable, along with the committee, for the committee's violations.³⁶

SUMMARY OF THE EVIDENCE

The Committee and Grant filed its Statement of Organization on September 27, 2013, indicating that it was a general purpose committee that had not yet qualified as a recipient

²⁹ Certification, Exhibit A-13.

³⁰ Gov. Code Section 81002, subd. (a).

³¹ Gov. Code Section 82013, subd. (a).

³² Gov. Code Sections 82047.5 subd. (c), 84200.

³³ Gov. Code Section 84200, subd. (a).

³⁴ Gov. Code Section 84204.

³⁵ Gov. Code Sections 81004, subd. (b), 84100, and Regulation 18427, subd. (a).

³⁶ Gov. Code Sections 83116.5, 91006, and Regulation 18316.6.

committee.³⁷ Grant signed as treasurer and principal officer, listing his residence in Vallejo, California as his address.

On October 18, 2013, Grant and the Committee amended its Statement of Organization, indicating that it was a primarily-formed committee opposing candidates Pippin Dew, Anthony Summers, Jess Malgapo, and Rozzana Verder-Aliga for Vallejo City Council.³⁸ The amended statement indicated that the committee qualified on October 15, 2013.

Count 1: Failure to File a Late Independent Expenditure Report

On October 25, 2013, Grant and the Committee filed a pre-election campaign statement disclosing approximately \$2,562 in contributions and approximately \$3,653 in expenditures.³⁹ The statement showed that the committee made an independent expenditure by purchasing \$3,000 of television or cable airtime/production from IPI Media on October 16, 2013.⁴⁰ The independent expenditure was related to the November 5, 2013 election. Grant and the Committee failed to file a Late Independent Expenditure Report within 24 hours of the expenditure.

Count 2: Failure to Timely File a Semi-Annual Campaign Statement

Additionally, the Committee and Grant failed to timely file a semi-annual campaign statement by the January 31, 2014 deadline. This statement would have covered the period from October 20, 2013 through December 31, 2013.

On March 18, 2014, Grant and the Committee filed with the Vallejo City Clerk a semi-annual campaign statement covering the period of October 20, 2013 through December 31, 2013.⁴¹ This statement was due January 31, 2014.

Count 3: Failure to File a Semi-Annual Campaign Statement

Lastly, the Committee and Grant failed to file a semi-annual campaign statement by the July 31, 2014 deadline. This statement would have covered the period from January 1, 2014 through June 30, 2014.

The Vallejo City Clerk sent emails and certified letters, return receipt requested, to Grant and the Committee reminding them of the unfiled semi-annual campaign statements on December 16, 2014, on January 6 and 7, 2015, and on April 1, 2015.⁴²

As of February 3, 2016, Grant and the Committee has not filed their outstanding statement for the reporting period January 1, 2014 through June 30, 2014.⁴³

³⁷ Certification, Exhibit A-14.

³⁸ Certification, Exhibit A-15.

³⁹ Certification, Exhibit A-16.

⁴⁰ *Id.* at 5-7.

⁴¹ Certification, Exhibit A-17.

⁴² Exhibit A-18.

⁴³ Exhibit A-19.

CONCLUSION

This matter consists of three counts of violating the Act, which carries a maximum administrative penalty of fifteen thousand dollars (\$15,000).⁴⁴

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 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 (5) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

In this matter, Grant and the Committee failed to file their 24-hour independent expenditure hour report within 24 hours of purchasing \$3,000 of advertisement for the November 5, 2013 election. Additionally, Grant and the Committee failed to timely file a semi-annual campaign statement due January 31, 2014 for the reporting period of October 20, 2013 through December 31, 2013. Lastly, Grant and the Committee failed to file a semi-annual campaign statement due July 31, 2014 for the reporting period of January 1, 2014 through June 30, 2014.

Grant and the Committee have not cooperated with Enforcement Division during this investigation. The city clerk and the Enforcement Division made numerous unsuccessful requests that Grant and the Committee file their outstanding statements. Grant and the Committee filed one statement, due January 31, 2014, one and a half months late. Since then, they have not complied with semi-annual filing requirements. The Committee has not been terminated.

In mitigation, Grant and the Committee have no prior enforcement history with the Enforcement Division. The unfiled late independent expenditure report reflects expenditures that were reported on a pre-election campaign statement.

Count 1: Failure to File a Late Independent Expenditure Report

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

- *In the Matter of Voters for Good Government and Billie Martinez, Principal Officer*, FPPC No. 14/348, the Commission approved a penalty of \$2,000 at its January 15, 2015

⁴⁴ Gov. Code Section 83116, subd. (c).

meeting for Martinez's failure to make an independent expenditure report within 24 hours of spending more than \$1,000 on a mailer opposing a city candidate.

- *In the Matter of Northern California Taxpayer Protection Committee and Thomas Hudson*, FPPC No. 12/1006. At its August 22, 2013 meeting, the Commission approved a penalty of \$3,000 for Hudson's failures to file late twelve late independent expenditures reports within 24 hours of an election.

The *Grant* matter is comparable to *Martinez* and *Hudson* in that both committees failed to make 24-hour reports after they made independent expenditures of \$1,000 or more. Unlike Martinez and Hudson, Grant has not worked with Enforcement Division to resolve the matter, and is now facing default. After consideration of the factors of Regulation 18361.5, it is respectfully requested that the Commission impose a penalty of \$4,000 for the unfiled 24-hour late independent expenditure report in Count 1.

Counts 2 and 3: Failure to Timely File a Semi-Annual Campaign Statement and Failure to File a Semi-Annual Campaign Statement

The Enforcement Division is proposing penalties in line with previous cases involving treasurers and committees which failed to file their campaign statements and which later faced default proceedings before the Commission. In this matter, the following cases were used as guidelines:

- *In the Matter of Michael Rogers and Mike Rogers for Supervisor*, FPPC No. 13/280, the Commission approved a default order and judgement of \$5,000 at its January 21, 2016 meeting after Rogers and his committee failed to file two campaign statements. Rogers was aware of his obligation to file, but disregarded multiple requests for compliance.
- *In the Matter of Wendy Albright and Wendy Albright for 38th County Central Committee 2012*, FPPC No. 13/1234, the Commission approved a default order and judgement of \$5,000 per violation at its February 18, 2016 meeting after Albright's committee failed to file two semi-annual statements. Albright was elected into office, had a previous history of failing to file a semi-annual campaign statement, and was aware of her obligation to file.

The failure of Grant and the Committee to file one semi-annual campaign statement and to untimely file a second semi-annual campaign statement is comparable to *Rogers* and *Albright*. Like Grant, both *Rogers* and *Albright* involved treasurers who ignored multiple letters regarding their campaign filing obligations. Like *Albright*, Grant was aware of his obligation to file. Given Grant's continued failure to file semi-annual statements despite multiple warnings and his lack of cooperation, it is respectfully requested that the Commission impose a penalty of \$2,500 for the late-filed semi-annual campaign statement in Count 2 and a penalty of \$5,000 for the unfiled semi-annual statement in Count 3.

PROPOSED PENALTY

After consideration of the factors of Regulation 18361.5, it is respectfully requested that a penalty of \$11,500 is imposed against Grant and the Committee consisting of \$4,000 for Count 1, \$2,500 for Count 2, and \$5,000 for Count 3.



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as a Staff Services Analyst by the California Fair Political Practices Commission (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 maintained documents in *FPPC Case No. 13/1132, Vallejo Citizens Deserve Better and Richard Grant*, 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 Report in Support of a Finding of Probable Cause and accompanying documents, dated April 10, 2015.
- EXHIBIT A-2: Copy of Proof of Service for the Report in Support of a Finding of Probable Cause, dated May 16, 2015.
- EXHIBIT A-3: Copy of cover letter to Respondents regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated April 10, 2015.
- EXHIBIT A-4: Copy of Proof of Service and Ex Parte Request for a Finding of Probable Cause dated July 22, 2015.
- EXHIBIT A-5: Copy of the Proof of Service and Finding of Probable Cause and Order to Prepare and Serve an Accusation, sent to Respondents dated July 23, 2015.

- EXHIBIT A-6: Copy of Statement to Respondent, Accusation, and accompanying documents, dated September 17, 2015.
- EXHIBIT A-7: Copy of Declaration of Due Diligence signed by Sandra Buckner, dated November 23, 2015.
- EXHIBIT A-8: Copy of Declaration of Due Diligence signed by Kelli Gould, dated November 23, 2015.
- EXHIBIT A-9: Copy of Declaration of Due Diligence signed by Paul Rasey, dated November 23, 2015
- EXHIBIT A-10: Copy of Proof of Substituted Service for Finding of Probable Cause and Order to Prepare and Serve an Accusation, Statement to Respondent, Accusation, and accompanying documents dated November 23, 2015.
- EXHIBIT A-11: Copy of Proof of Service for Finding of Probable Cause and Order to Prepare and Serve an Accusation, Statement to Respondent, Accusation, and accompanying documents dated November 19, 2015.
- EXHIBIT A-12: Copy of Declaration of Due Diligence signed by Jeffrey Kamigaki, dated February 25, 2015.
- EXHIBIT A-13: Copy of a Notice of Intent to Enter Default Decision and Order sent to Respondents dated February 29, 2016.
- EXHIBIT A-14: Copy of initial Form 410 filed by Respondents with Secretary of State on September 27, 2013.
- EXHIBIT A-15: Copy of amended Form 410 filed by Respondents with Secretary of State on October 18, 2013.
- EXHIBIT A-16: Copy of Form 460 filed with Vallejo City Clerk on October 25, 2013.
- EXHIBIT A-17: Copy of Form 460 filed with Vallejo City Clerk on March 18, 2014.
- EXHIBIT A-18: Copy of email to Respondents from Vallejo City Clerk reminding them of past due semi-annual statement, dated December 16, 2014.

Copy of email and letter sent to Respondents from Vallejo City Clerk reminding them of two past due semi-annual statements, dated January 6, 2015 and January 7, 2015.

Copy of emails and letters sent to Respondents from Vallejo City Clerk reminding them of two past due semi-annual statements, dated April 1, 2015.

EXHIBIT A-19: Copy of Declaration of Tanya Smith in Support of Default Decision and Order.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on FEB 29, 2016, at Sacramento, California.



Kathryn Trumbly
Staff Services Analyst, Enforcement Division
Fair Political Practices Commission

Exhibit A-1

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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of) FPPC No. 13/1132
)
)
)
Vallejo Citizens Deserve Better and	) REPORT IN SUPPORT OF A FINDING OF
Richard Grant,	) PROBABLE CAUSE
)
	) Conference Date: TBA
	) Conference Time: TBA
Respondents.	) Conference Location: Commission Offices
	) 428 J Street, Suite 800
	) Sacramento, CA 95814

INTRODUCTION

Respondent Vallejo Citizens Deserve Better ("Committee") is a primarily formed committee to oppose Pippin Dew, Anthony Summers, Jess Malgapo and Rozzana Verder-Aliga for Vallejo City Council, in connection with the November 5, 2013 election. Respondent Richard Grant is the Committee treasurer.

As a primarily formed committee under the Political Reform Act (the "Act"),¹ the Committee and Grant had a duty to timely file campaign statements and reports and disclose particular information. Further, a committee that makes a late independent expenditure of \$1,000 or more within

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

1 90 days before an election is required to file a late independent expenditure report within 24 hours. In
2 this matter, the Committee and Grant failed to file a Late Independent Expenditure Report by the
3 October 17, 2013 deadline and failed to timely file two semi-annual campaign statements, in violation
4 of the Act.

5 This Report in Support of a Finding of Probable Cause therefore alleges that the Committee and
6 Grant violated the Act as follows:

7 **COUNT 1:** Respondents Committee and Grant failed to file a Late Independent
8 Expenditure Report by the October 17, 2013 due date, for an
9 independent expenditure made of \$3,000 on October 16, 2013, in violation
of Government Code section 84204.

10 **COUNT 2:** Respondents Committee and Grant failed to timely file the Semi-Annual
11 campaign statement for the reporting period October 20, 2013, through
12 December 31, 2013, by the January 31, 2014 due date, in violation of
Government Code section 84200.

13 **COUNT 3:** Respondents Committee and Grant failed to timely file the Semi-Annual
14 campaign statement for the reporting period January 1, 2014, through
15 June 30, 2014, by the July 31, 2014 due date, in violation of
Government Code section 84200.

16 SUMMARY OF THE LAW

17 Jurisdiction

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

20 Probable Cause Proceedings

21 Prior to bringing an enforcement action, the General Counsel of the Commission or his designee
22 (the "hearing officer"), must make a finding that there is probable cause to believe the Respondent has
23 violated the Act.² After a finding of probable cause, the Commission may hold a hearing to determine
24 whether violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.³

25
26 ² Section 83115.5, and Regulations 18361 and 18361.4, subd. (e).

27 ³ Section 83116.

Standard for Finding Probable Cause

For the hearing officer to make a finding of probable cause, it is only necessary that he be presented with sufficient evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion, that a respondent committed or caused a violation.⁴

Duty to File Semi-Annual Campaign Statements

An express purpose of the Act is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed, so that voters may be fully informed and improper practices may be inhibited.⁵ The Act therefore establishes a campaign reporting system designed to accomplish this purpose of disclosure.

The Act defines a "committee" as any person or combination of persons who directly or indirectly receives contributions totaling \$1,000 or more in a calendar year.⁶ This type of committee is commonly referred to as a "recipient" committee. A "primarily formed committee" includes "a committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or oppose... [a] group of specific candidates being voted upon in the same city, county or multicounty election..."⁷

A primarily formed committee is required to file specified campaign statements and reports disclosing contributions received and expenditures made by certain deadlines. The first semi-annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and must be filed by January 31 of the following year.⁸

Duty to File Late Independent Expenditure Reports

A committee that makes a late independent expenditure of \$1,000 or more within the 90 days before an election is required to file a late independent expenditure report within 24 hours.⁹

⁴ See Sections 83115.5 and 83116, and Regulation 18361.4.

⁵ Section 81002, subdivision (a).

⁶ Section 82013, subdivision (a).

⁷ Section 82047.5.

⁸ Section 84200, subdivision (a).

⁹ Section 84204.

1 **Treasurer Liability**

2 Every committee must have a treasurer.¹⁰ A committee's treasurer has the duty to ensure
3 compliance with all requirements of the Act concerning the receipt and expenditure of funds, and the
4 reporting of such funds.¹¹ The treasurer of a committee may be held jointly and severally liable, along
5 with the committee, for the committee's violations.¹²

6 **SUMMARY OF THE EVIDENCE**

7 The Committee filed a pre-election campaign statement in connection with the November 5,
8 2013 election for the period September 22, 2013, through October 19, 2013, on October 25, 2013. This
9 pre-election campaign statement disclosed that the Committee received approximately \$2,562 in
10 contributions and made approximately \$3,653 in expenditures.

11 **COUNT 1**

12 In connection with the November 5, 2013 election, the Committee and Grant made an
13 independent expenditure totaling approximately \$3,000 in opposition to Pippin Dew, Anthony Summers,
14 Jess Malgapo and Rozzana Verder-Aliga for Vallejo City Council. According to Committee records, the
15 independent expenditure was for a media buy to IPI Media on October 16, 2013. The Committee and
16 Grant were required to file a Late Independent Expenditure Report within 24 hours, by October 17,
17 2013. According to the Vallejo City Clerk, they failed to do so.

18 By failing to file the required Late Independent Expenditure Report by October 17, 2013, the
19 Committee and Grant violated Section 84204.

20 **COUNT 2**

21 The Committee and Grant were required to file the post-election semi-annual campaign
22 statement for the period October 20, 2013, through December 31, 2013, by the January 31, 2014 due
23 date. The Vallejo City Clerk confirmed that the Committee and Grant filed this campaign statement 45
24 days late on March 18, 2014.

25

¹⁰ Section 84100.

26 ¹¹ Sections 81004, subdivision (b), 84100 and Regulation 18427, subdivision (a).

27 ¹² Sections 83116.5, 91006 and Regulation 18316.6.

1 By failing to timely file the semi-annual campaign statement for the reporting period October 20,
2 2013, through December 31, 2013, by the January 31, 2014 due date, the Committee and Grant violated
3 Section 84200.

4 **COUNT 3**

5 The Committee and Grant were required to file the semi-annual campaign statement for the
6 period January 1, 2014, through June 30, 2014, by the July 31, 2014 due date. The Vallejo City Clerk
7 confirmed that the Committee and Grant failed to file this campaign statement.

8 By failing to timely file the semi-annual campaign statement for the reporting period January 1,
9 2014, through June 30, 2014, by the July 31, 2014 due date, the Committee and Grant violated Section
10 84200.

11 **EXCULPATORY AND MITIGATING INFORMATION**

12 The Committee and Grant have no prior enforcement history with the Commission.

13 **CONCLUSION**

14 Probable cause exists to believe that Respondents Vallejo Citizens Deserve Better and Richard
15 Grant committed three violations of the Act, as set forth above. An Accusation should therefore be
16 issued in accordance with the procedures described in Sections 83115.5 and 83116, and in Regulation
17 18361.4, charging Respondents Vallejo Citizens Deserve Better and Richard Grant with violating the
18 Act.

19 Dated: April 10, 2015

Respectfully Submitted,

20 **FAIR POLITICAL PRACTICES COMMISSION**

21
22 By: Galena West
Acting Enforcement Chief


23 
24 Bridgette Castillo
25 Senior Commission Counsel
26
27
28

Exhibit A-2

SERVICE OF PROCESS RE: RICHARD GRANT, AN INDIVIDUAL

Case: Preliminary	Court: Preliminary	County: SACRAMENTO	Job: 563360 (VALLEJO FAIR POLITICAL PRACTICES COMMISSION)
Plaintiff / Petitioner: FPPC No. 13/1132; IN THE MATTER OF VALLEJO CITIZENS DESERVE BETTER AND RICHARD GRANT		Defendant / Respondent:	
Received by: EXCALIBUR ATTORNEY SERVICE		For: CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION	
To be served upon: RICHARD GRANT, AN INDIVIDUAL			

I, JULIE ANNE SORENSEN, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: RICHARD GRANT, AN INDIVIDUAL - HOME: [REDACTED]

Manner of Service: PERSONAL SERVICE

Documents: COVER LETTER DATED APRIL 10, 2015; PROBABLE CAUSE FACT SHEET; REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION, TITLE 2, DIVISION 6 OF THE CALIFORNIA CODE OF REGULATIONS; CALIFORNIA GOVERNMENT CODE; REPORT IN SUPPORT OF A FINDING OF PROBABLE CAUSE

Additional Comments:

DATE OF SERVICE: MAY 16, 2015

TIME OF SERVICE: 10:36 A.M.

MANNER OF SERVICE: PERSONAL SERVICE.

FEE FOR SERVICE: \$ 85.00

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

May 16, 2015

Date

JULIE ANNE SORENSEN
CALIFORNIA PROCESS SERVER
REGISTRATION NUMBER: P-000533
COUNTY OF: SONOMA

EXCALIBUR ATTORNEY SERVICE
1007 B. WEST COLLEGE AVENUE, SUITE # 486
SANTA ROSA, CA 95401
OFFICE: (877) 378-3843

Exhibit A-3



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

April 10, 2015

Richard Grant, Treasurer
Vallejo Citizens Deserve Better



Re: FPPC No. 13/1132; In the Matter of Vallejo Citizens Deserve Better and Richard Grant

Dear Mr. Grant:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") is proceeding with an enforcement action against you and Vallejo Citizens Deserve Better ("Committee") for one count of failing to file a late independent expenditure report, in violation of Government Code Section 84204 of the Political Reform Act (the "Act")¹ and two counts of failing to timely file semi-annual campaign statements, in violation of Government Code Section 84200.

Probable Cause Proceeding

Having determined that these violations of the Act were committed, the Enforcement Division is authorized to bring this enforcement action against you and the Committee, and may obtain an order that you and the Committee pay a monetary penalty to the State of California of up to \$5,000 per violation. At this time, we are instituting an enforcement action against you and the Committee by serving the Probable Cause Report, a copy of which is enclosed. This report details the violations and asks the hearing officer of this agency to find that probable cause exists to file an accusation against you and the Committee with the Office of Administrative Hearings.

You and the Committee have the right to submit a written response to the probable cause report prior to the time the hearing officer determines whether probable cause exists. That response may contain a summary of evidence, legal arguments, and any mitigating or exculpatory information you or the Committee may wish to bring to the attention of the hearing officer. *If you or the Committee wish to submit a written response, it must be filed with the*

¹ 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.

Commission Assistant no later than 21 days following the date you were served with the report.

You and the Committee also have the right to request that a probable cause conference be held before an hearing officer makes any determination as to probable cause. At the conference, you and the Committee are entitled to be present and to be represented by counsel. If you or the Committee decide to proceed with a probable cause conference, one will be reserved for you at the Commission's offices upon your request. *In order to obtain a probable cause conference, you or the Committee must make a written request for one, no later than 21 days following the date of service of the report.*

I have enclosed copies of the most pertinent regulations and statutes.

Please feel free to contact me at (916) 324-8787.

Sincerely,



Bridgette Castillo
Senior Commission Counsel
Enforcement Division

Enclosures

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 evidence¹.

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

¹ 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

GALENA WEST
Enforcement Chief
BRIDGETTE CASTILLO
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of

Vallejo Citizens Deserve Better and
Richard Grant

Respondents.

) FPPC No. 13/1132
)
)

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

) Gov. Code § 83115.5
)
)

TO HEATHER M. ROWAN, HEARING OFFICER OF THE FAIR POLITICAL
PRACTICES COMMISSION:

Pursuant to the Political Reform Act (the "Act")¹, Respondents Vallejo Citizens Deserve Better ("Committee") and Richard Grant were served with a copy of a Report in Support of a Finding of Probable Cause (the "Report") in the above-entitled matter.² The Report (attached as "Exhibit A"), was part of a packet of materials, including a cover letter and a memorandum describing Probable Cause Proceedings, which was personally served on the Committee and Grant by a process server on May 16, 2015. (The proof of service for the Report is attached as "Exhibit B".)

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

² Section 83115.5 and Regulation 18361.4.

1 In the cover letter dated April 10, 2015, and the attached materials, the Committee and Grant
2 were advised that they could respond in writing to the Report, and orally present the case to the General
3 Counsel at a probable cause conference to be held in Sacramento. The Committee and Grant were
4 further advised that in order to have a probable cause conference, they needed to make a written request
5 for one, on or before 21 days of the date they received the Report. Additionally, the Committee and
6 Grant were advised that if they did not request a probable cause conference, such a conference would
7 not be held, and probable cause would be determined based solely on the Report and any written
8 response that the Committee and Grant submitted within 21 days of the date the Committee and Grant
9 were served with the Report. The Committee and Grant did not submit a written response, nor did they
10 request a probable cause conference.

11 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by
12 the Hearing Officer that probable cause exists to believe that the Committee and Grant committed three
13 violations of the Act, stated as follows:

14 COUNT 1: Respondents Committee and Grant failed to file a Late Independent
15 Expenditure Report by the October 17, 2013 due date, for an
16 independent expenditure made of \$3,000 on October 16, 2013, in violation
of Government Code section 84204.

17 COUNT 2: Respondents Committee and Grant failed to timely file the Semi-Annual
18 campaign statement for the reporting period October 20, 2013, through
December 31, 2013, by the January 31, 2014 due date, in violation of
Government Code section 84200.

19 COUNT 3: Respondents Committee and Grant failed to timely file the Semi-Annual
20 campaign statement for the reporting period January 1, 2014, through
21 June 30, 2014, by the July 31, 2014 due date, in violation of
Government Code section 84200.

22 Additionally, after finding probable cause exists, the Enforcement Division requests an Order by
23 the Hearing Officer that an Accusation be prepared against the Committee and Grant, and served upon
24 him forthwith.³

25
26
27 ³ Section 11503.

1 A copy of this Request was mailed via U.S. Mail to the Committee and Grant on July 22, 2015,
2 at the last known address, as follows:

3 Richard Grant
4 Vallejo Citizens Deserve Better
5 [REDACTED]

6 Dated: July 22, 2015

7 Respectfully Submitted,

8 **FAIR POLITICAL PRACTICES COMMISSION**

9 By: Galena West
10 Enforcement Chief
11 [REDACTED]

12 Bridgette Castillo
13 Senior Commission Counsel
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Exhibit A-5

FPPC No. 13/1132, In the matter of Vallejo Citizens Deserve Better and Richard Grant

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. Richard Grant


(By Personal Service) On Thursday, July 23, 2015, at approximately 3:30 p.m., I personally served:

Galena West, Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.
Bridgette Castillo, Senior Commission Counsel, 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 July 23, 2015.


John Kim

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

) FPPC No. 13/1132

)

)

VALLEJO CITIZENS DESERVE BETTER
AND RICHARD GRANT,

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

)

Respondents.

) Gov. Code § 83115.5

)

)

By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an Accusation be Prepared and Served, dated July 22, 2015, the Enforcement Division submitted the above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request, the Enforcement Division served a Report in Support of a Finding of Probable Cause (the "Report") to Respondents Vallejo Citizens Deserve Better ("Committee") and Richard Grant concerning this matter on May 16, 2015. Service was made by personal service. Accompanying the Report was a packet of materials that informed the Committee and Grant of their 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, the Committee and Grant 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, determination of probable cause may be made solely on papers submitted when the respondent does not request that a probable cause conference be held.¹

In making a probable cause determination, it is the duty of the Hearing Officer 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.

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

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."²

4 The Probable Cause Report served on the Committee and Grant and the subsequent Ex Parte
5 Request for an Order Finding Probable Cause and an Order that an Accusation be Prepared and Served
6 in this matter allege three violations of the Political Reform Act were committed, as follows:

7
8 COUNT 1: Respondents Committee and Grant failed to file a Late Independent
9 Expenditure Report by the October 17, 2013 due date, for an
10 independent expenditure made of \$3,000 on October 16, 2013, in violation
of Government Code section 84204.

11 COUNT 2: Respondents Committee and Grant failed to timely file the Semi-Annual
12 campaign statement for the reporting period October 20, 2013, through
December 31, 2013, by the January 31, 2014 due date, in violation of
Government Code section 84200.

13 COUNT 3: Respondents Committee and Grant failed to timely file the Semi-Annual
14 campaign statement for the reporting period January 1, 2014, through
15 June 30, 2014, by the July 31, 2014 due date, in violation of
Government Code section 84200.

16 Based on the Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation
17 be Prepared and Served given to me, I find that notice has been given to the Committee and Grant.³ I
18 further find, based on the Report in Support of a Finding of Probable Cause and the Ex Parte Request for
19 a Finding of Probable Cause and an Order that an Accusation be Prepared and Served, that there is
20 probable cause to believe the Committee and Grant violated the Political Reform Act as alleged in
21 Counts 1 through 3, as identified above.

22 //

23 //

24 //

25 //

26
27 ² Regulation 18361.4, subd. (e).

³ Section 83115.5 and Regulation 18361.4, subdivision (b).

1 I therefore direct that the Enforcement Division issue an Accusation against Respondents in
2 accordance with this Finding.

3 IT IS SO ORDERED.

4 Dated: 7/23/15



Heather M. Rowan
Hearing Officer
Fair Political Practices Commission

Exhibit A-6



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)]

Vallejo Citizens Deserve Better and Richard Grant
FPPC Case No. 13/1132

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 Bridgette Castillo, Senior Commission Counsel, FPPC Enforcement Division.

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.

GALENA WEST
Enforcement Chief
BRIDGETTE CASTILLO
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of	) FPPC No. 13/1132
)
)
)
Vallejo Citizens Deserve Better and	) ACCUSATION
Richard Grant,)
)
	) (Gov. Code §11503)
Respondents.)
)

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

JURISDICTION

1. Complainant is the Enforcement Division of the Fair Political Practices Commission and makes this Accusation pursuant to the Political Reform Act (the "Act"),¹ in its official capacity and in the public interest.²

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

² Sections 83111, 83116, and 91000.5; Reg. 18361 and 18361.4, subd. (e).

1 2. In 1974, California voters found and declared that previous laws regulating political
2 practices had suffered from inadequate enforcement, and they intended that the Act be vigorously
3 enforced.³ To that end, the Act must be liberally construed to achieve its purposes.⁴

4 3. One of the stated purposes of the Act is to ensure that receipts and expenditures in
5 election campaigns should be fully and truthfully disclosed in order that the voters may be fully
6 informed and improper practices may be inhibited.⁵ In furtherance of this purpose, the Act establishes a
7 comprehensive campaign reporting system.

8 RESPONDENTS

9 4. Respondent Vallejo Citizens Deserve Better ("Committee") is a primarily formed
10 committee to oppose Pippin Dew, Anthony Summers, Jess Malgapo and Rozzana Verder-Aliga for
11 Vallejo City Council, in connection with the November 5, 2013 election.

12 5. At all relevant times, Respondent Richard Grant has been the Committee treasurer.

13 APPLICABLE LAW

14 A. Committees and Disclosure

15 6. All applicable law referenced herein is the law as it existed during the relevant time for
16 the violations alleged in this Accusation.

17 7. "Receipts and expenditures in election campaigns shall be fully and truthfully disclosed
18 in order that the voters may be fully informed and improper practices may be inhibited."⁶ Timely and
19 truthful disclosure of the source of campaign contributions is an essential part of the Act's mandate. The
20 full disclosure of receipts and expenditures in election campaigns is provided through the regular filing
21 of campaign statements.⁷

24

³ Sections 81001, subd. (h), and 81002, subd. (f).

25 ⁴ Section 81003.

26 ⁵ Section 81002.

27 ⁶ Section 81002, subdivision (a).

28 ⁷ Sections 84100 through 84211.

1 **B. Duty to File Semi-Annual Campaign Statements**

2 8. The Act defines a "committee" as any person or combination of persons who directly or
3 indirectly receives contributions totaling \$1,000 or more in a calendar year.⁸ This type of committee is
4 commonly referred to as a "recipient" committee. A "primarily formed committee" includes "a
5 committee pursuant to subdivision (a) of Section 82013 which is formed or exists primarily to support or
6 oppose... [a] group of specific candidates being voted upon in the same city, county or multicounty
7 election..."⁹

8 9. A primarily formed committee is required to file specified campaign statements and
9 reports disclosing contributions received and expenditures made by certain deadlines. The first semi-
10 annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July
11 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and
12 must be filed by January 31 of the following year.¹⁰

13 **C. Duty to File Late Independent Expenditure Reports**

14 10. A committee that makes a late independent expenditure of \$1,000 or more within the 90
15 days before an election is required to file a late independent expenditure report within 24 hours.¹¹

16 **D. Treasurer Liability**

17 11. Every committee must have a treasurer.¹² A committee's treasurer has the duty to ensure
18 compliance with all requirements of the Act concerning the receipt and expenditure of funds, and the
19 reporting of such funds.¹³

20 12. The treasurer of a committee may be held jointly and severally liable, along with the
21 committee, for the committee's violations.¹⁴

22
23
24 ⁸ Section 82013, subdivision (a).

25 ⁹ Section 82047.5.

26 ¹⁰ Section 84200, subdivision (a).

27 ¹¹ Section 84204.

28 ¹² Section 84100.

¹³ Sections 81004, subdivision (b), 84100 and Regulation 18427, subdivision (a).

¹⁴ Sections 83116.5, 91006 and Regulation 18316.6.

1 13. "Service of the probable cause hearing notice, as required by Section 83115.5, upon the
2 person alleged to have violated this title shall constitute the commencement of the administrative
3 action."¹⁵

4 14. A finding of probable cause is prohibited unless the person alleged to have violated the
5 Act is 1) notified of the violation by service of process or registered mail with return receipt requested;
6 2) provided with a summary of the evidence; and 3) informed of his right to be present in person and
7 represented by counsel at any proceeding of the Fair Political Practices Commission held for the purpose
8 of considering whether probable cause exists for believing the person violated the Act.¹⁶ The required
9 notice to the alleged violator shall be deemed made on the date of service, the date the registered mail
10 receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office.¹⁷

11 15. Administrative action alleging a violation of the Act must be commenced within five years
12 after the date on which the violation occurred.¹⁸

13 **D. Factors to be Considered by the Fair Political Practices Commission**

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

24 ¹⁵ Section 91000.5, subd. (a).

25 ¹⁶ Section 83115.5.

26 ¹⁷ Section 83115.5.

27 ¹⁸ Section 91000.5.

28 ¹⁹ Regulation 18361.5, subd. (d).

1 **GENERAL FACTS**

2 17. The Committee and Grant filed a pre-election campaign statement in connection with the
3 November 5, 2013 election for the period September 22, 2013, through October 19, 2013, on October
4 25, 2013. This pre-election campaign statement disclosed that the Committee received approximately
5 \$2,562 in contributions and made approximately \$3,653 in expenditures.

6 18. A committee that makes a late independent expenditure of \$1,000 or more within 90
7 days before an election is required to file a late independent expenditure report within 24 hours. The
8 Committee and Grant made an independent expenditure of \$3,000 on October 16, 2013 in connection
9 with the November 5, 2013 election. The Committee and Grant failed to file a Late Independent
10 Expenditure Report by the October 17, 2013 deadline.

11 19. The Committee and Grant failed to timely file a semi-annual campaign statement for
12 the period October 20, 2013, through December 31, 2013, by the January 31, 2014 due date.

13 20. Further, the Committee and Grant failed to timely file a semi-annual campaign
14 statement for the period January 1, 2014, through June 30, 2014, by the July 31, 2014 due date.

15 **PROCEDURAL HISTORY**

16 21. The Enforcement Division initiated the administrative action against the Committee and
17 Grant in this matter by serving the Committee and Grant with a packet containing a cover letter, a
18 Report in Support of a Finding of Probable Cause (the "Report"), a fact sheet regarding probable cause
19 proceedings, selected sections of the California Government Code regarding probable cause proceedings
20 for the Fair Political Practices Commission, and selected regulations of the Fair Political Practices
21 Commission regarding probable cause proceedings.²⁰

22 22. The Committee and Grant were served by personal service on May 16, 2015.²¹
23 Therefore, the administrative action commenced on May 16, 2015 and the five year statute of limitations
24 was effectively tolled on this date.

25
26 ²⁰ Sections 83115.5 and 91000.5. See attached Exhibit A.

27 ²¹ See attached Exhibit B.

23. The information contained in the packet advised the Committee and Grant that they had 21 days in which to request a probable cause conference and/or to file a written response to the Report.

24. The Committee and Grant failed to request a Probable Cause conference within 21 days.

25. The Enforcement Division requested an Ex-Parte Finding of Probable Cause and Order to Prepare and Serve an Accusation on July 22, 2015.

26. The Hearing Officer issued a Finding Probable Cause and Order to Prepare and Serve an Accusation, finding that probable cause exists to believe the Committee and Grant violated the Act.²²

VIOLATIONS

27. The Committee and Grant committed three violations of the Act, as follows:

COUNT 1

Violation Alleged: The Committee and Grant failed to file a Late Independent Expenditure Report by the October 17, 2013 due date.

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

29. A committee that makes a late independent expenditure of \$1,000 or more within 90 days before an election is required to file a late independent expenditure report within 24 hours.

30. In connection with the November 5, 2013 election, the Committee and Grant made an independent expenditure totaling approximately \$3,000 in opposition to Pippin Dew, Anthony Summers, Jess Malgapo and Rozzana Verder-Aliga for Vallejo City Council.

31. According to Committee records, the independent expenditure was for a media buy to IPI Media on October 16, 2013.

32. The Committee and Grant were required to file a Late Independent Expenditure Report within 24 hours, by October 17, 2013. According to the Vallejo City Clerk, they failed to do so.

²² See attached Exhibit C.

33. By failing to file the required Late Independent Expenditure Report by October 17, 2013, the Committee and Grant violated Section 84204.

COUNT 2

Violation Alleged: The Committee and Grant failed to timely file the semi-annual campaign statement for the reporting period October 20, 2013, through December 31, 2013, by the January 31, 2014 due date.

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

35. The Committee and Grant were required to file the post-election semi-annual campaign statement for the period October 20, 2013, through December 31, 2013, by the January 31, 2014 due date. The Vallejo City Clerk confirmed that the Committee and Grant filed this campaign statement 45 days late on March 18, 2014.

36. By failing to timely file the semi-annual campaign statement for the reporting period October 20, 2013, through December 31, 2013, by the January 31, 2014 due date, the Committee and Grant violated Section 84200.

COUNT 3

Violation Alleged: The Committee and Grant failed to timely file the semi-annual campaign statement for the reporting period January 1, 2014, through June 30, 2014, by the July 31, 2014 due date.

37. Complainant incorporates paragraphs 1 – 36 of this Accusation, as though completely set forth herein.

38. The Committee and Grant were required to file the semi-annual campaign statement for the period January 1, 2014, through June 30, 2014, by the July 31, 2014 due date. The Vallejo City Clerk confirmed that the Committee and Grant failed to file this campaign statement.

39. By failing to timely file the semi-annual campaign statement for the reporting period January 1, 2014, through June 30, 2014, by the July 31, 2014 due date, the Committee and Grant violated Section 84200.

EXCULPATORY AND MITIGATING INFORMATION

40. The Committee and Grant have no prior enforcement history with the Commission.

AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS

41. Failing to report campaign activity denies the public of information about where a committee receives his or her financial support and how money is being spent.

PRA YER

WHEREFORE, Complainant prays as follows:

42. That the Fair Political Practices Commission hold a hearing pursuant to Government Code Section 83116 and Title 2, California Code of Regulations, Section 18361.5, and at such hearing find that the Committee and Grant violated the Act as alleged herein;

43. That the Fair Political Practices Commission, pursuant to Government Code Section 83116, subdivision (c), order the Committee and Grant to pay a monetary penalty of at least Three Thousand Dollars (\$3,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Act alleged herein in **Count 1**;

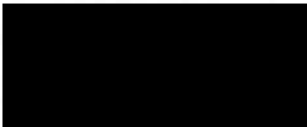
44. That the Fair Political Practices Commission, pursuant to Government Code Section 83116, subdivision (c), order the Committee and Grant to pay a monetary penalty of at least Three Thousand Five Hundred Dollars (\$3,500) and not more than Five Thousand Dollars (\$5,000) for each of the violations of the Act alleged herein in **Counts 2-3**;

45. That the Fair Political Practices Commission, pursuant to Title 2, California Code of Regulations, Section 18361.5, subdivision (d), consider the following factors in framing a proposed order following a finding of a violation pursuant to Government Code 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

1 by consulting the Commission staff or any other government agency in a manner not constituting a
2 complete defense under Government Code Section 83114(b); (5) whether the violation was isolated or
3 part of a pattern and whether the violator has a prior record of violations of the Act or similar laws; and
4 (6) whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide
5 full disclosure.

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

8
9 Dated: 17 Sept 15


10 Galena West
11 Enforcement Chief
12 Fair Political Practices Commission
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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 to the new charges, 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; Stats 2014 ch 71 § 69 (SB 1304), effective January 1, 2015.

§ 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.



Before the Fair Political Practices Commission

State of California

In the Matter of

Vallejo Citizens Deserve Better and
Richard Grant

) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
) FPPC Case No. 13/1132
)
)
)
)

Respondents.

Vallejo Citizens Deserve Better and Richard Grant, Respondents 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: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of

Vallejo Citizens Deserve Better and
Richard Grant

) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
) FPPC Case No. 13/1132
)
)
)
)

Respondents.

Vallejo Citizens Deserve Better and Richard Grant, Respondents 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: _____

Respondent

Print Name

Mailing Address

City, State, Zip

Exhibit A-7

Attorneys for Complainant

In the Matter of

) FPPC No. 13/1132

) DECLARATION OF DUE DILIGENCE RE:
) SERVICE OF PROCESS OF THE FINDING
) OF PROBABLE CAUSE AND
) ACCUSATION

Respondents.

) (Gov. Code §§ 11506 and 11520)

3. On Saturday, November 14, 2015, at 10:43 am, I attempted to personally serve Richard Grant, individually and on behalf of Vallejo Citizens Deserve Better, at his residence located at [REDACTED], with the Finding of Probable Cause and the Accusation documents. I knocked on the door and there was no answer.

1 I declare under penalty of perjury under the laws of the State of California, that the foregoing
2 true and correct.

3
4 Dated: 11-23-15



Sandra Buckner
Chief Investigator, Enforcement Division
Fair Political Practices Commission

Exhibit A-8

GALENA WEST
Chief of Enforcement
BRIDGETTE CASTILLO
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of

) FPPC No. 13/1132

)

)

)

VALLEJO CITIZENS DESERVE BETTER AND
RICHARD GRANT,

) DECLARATION OF DUE DILIGENCE RE:
) SERVICE OF PROCESS OF THE FINDING
) OF PROBABLE CAUSE AND
) ACCUSATION

Respondents.

)

)

) (Gov. Code §§ 11506 and 11520)

I, Kelli Gould, declare as follows:

1. I am over the age of 18 years and not a party to the within action. My business address is 428 J Street, Suite 620, Sacramento, California.
2. I am a Special Investigator for the Enforcement Division of the Fair Political Practices Commission (the "Commission"), and have worked for the Commission since August 19, 2013.
3. On Wednesday, November 18, 2015, at 9:25 am, I attempted to personally serve Richard Grant, individually and on behalf of Vallejo Citizens Deserve Better, at his residence located at [REDACTED] [REDACTED] with the Finding of Probable Cause and the Accusation documents. I knocked on the door and there was no answer.

1 I declare under penalty of perjury under the laws of the State of California, that the foregoing
2 true and correct.

3
4 Dated:

November 23, 2015



Kelli Gould
Special Investigator, Enforcement Division
Fair Political Practices Commission

Exhibit A-9

Attorneys for Complainant

In the Matter of

) DECLARATION OF DUE DILIGENCE RE:
) SERVICE OF PROCESS OF THE FINDING
) OF PROBABLE CAUSE AND
) ACCUSATION

) (Gov. Code §§ 11506 and 11520)

1 4. On Wednesday, November 18, 2015, at 6:35 pm, I attempted to personally serve Richard Grant
2 individually and on behalf of Vallejo Citizens Deserve Better, at his residence located at [REDACTED]
3 [REDACTED] with the Finding of Probable Cause and the Accusation documents. I noted a Scion
4 xB now in the driveway. I contacted an approximately 60 year old, Caucasian, male, 5'10" in height,
5 weighing 190 pounds, wearing a black leather hat and vest, with a full white/grey beard and mustache.
6 He was in the front yard of the residence at [REDACTED], adjusting the holiday
7 lights on the house. I approached and stated I was looking for Richard Grant. The man indicated that he
8 and Richard Grant lived there. He stated that Richard was not available. I attempted to hand him the
9 packet of documents. He refused to take it and put his hands down to the side and back of his body. He
10 also refused to give me his name. I dropped the packet on the ground at the male's feet. I advised him
11 that he was served and to give the packet to Richard. He then became upset, picked up the envelope,
12 and threw it towards me. The envelope travelled about 25 feet and landed in the street. The male
13 ran/stumbled away as he yelled, "Get off my property." He then entered the residence. I removed the
14 envelope from the street and put it on the driveway.

15 I declare under penalty of perjury under the laws of the State of California, that the foregoing is
16 true and correct.

17 Dated: 11/23/2015

18 [REDACTED]
19 Paul Rasey
20 Special Investigator, Enforcement Division
21 Fair Political Practices Commission
22
23
24
25
26
27

Exhibit A-10

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 November 18, 2015, I served the following document(s):

1. Finding of Probable Cause and Order to Prepare and Serve an Accusation;
2. Statement to Respondent;
3. FPPC Case No. 13/1132: Accusation;
4. Notice of Defense (Two Copies);
5. Selected Sections of the California Government Code, Administrative Procedure Act.

☒ By Personal Delivery. I personally delivered the document(s) listed above to the person(s) at the address(es) as shown on the service list below.

☒ By personal service. At 6:35 p.m.:

☒ I personally delivered the document(s) listed above to the person(s) at the address(es) as shown on the service list below.

☐ By providing the document(s) listed above with instructions for registered process server to personally deliver the envelope(s) to the person(s) at the address(es) set forth on the service list below. **The signed proof of service by the registered process server will be attached as soon as it is available.**

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

Personal Service

A Caucasian, male, 5'10" in height, weighing 190 pounds, approximately 60 year old, wearing a black leather hat and vest, with a full white/gray beard and mustache, who admitted he lived at the residence along with Richard Grant.

o/b/o Richard Grant

Vallejo Citizens Deserve Better

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 11/23/2015

Paul Rasey

Exhibit A-11

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 November 19, 2015, I served the following document(s):

1. Finding of Probable Cause and Order to Prepare and Serve an Accusation;
2. Statement to Respondent;
3. FPPC Case No. 13/1132: Accusation;
4. Notice of Defense (Two Copies);
5. Selected Sections of the California Government Code, Administrative Procedure Act.

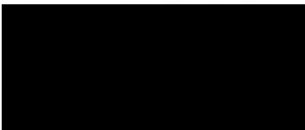
☒ By United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and:

- ☐ Deposited the sealed envelope or package with the United States Postal Service, with the postage fully prepaid for certified mail, return receipt requested.
- ☒ Placed the envelope or package for collection and mailing by first class mail, 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

Richard Grant
Vallejo Citizens Deserve Better



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 11/19/2015.


Paul Rasey

Exhibit A-12

GALENA WEST
Chief of Enforcement
BRIDGETTE CASTILLO
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of	) FPPC No. 13/1132
)
)
)
VALLEJO CITIZENS DESERVE BETTER AND	) DECLARATION OF DUE DILIGENCE RE:
RICHARD GRANT,	) SERVICE OF PROCESS OF THE FINDING
	) OF PROBABLE CAUSE AND
	) ACCUSATION
)
Respondents.)
	) (Gov. Code §§ 11506 and 11520)

I, Jeffrey Kamigaki, declare as follows:

1. I am over the age of 18 years and not a party to the within action. My business address is 428 J Street, Suite 620, Sacramento, California.
2. I am a Special Investigator for the Enforcement Division of the Fair Political Practices Commission (the "Commission"), and have worked for the Commission since June 2013.
3. I was assigned to investigate Richard Grant and Vallejo Citizens Deserve Better after Enforcement Division received a sworn complaint on October 21, 2013 regarding an ad buy the Committee made in October 2013, on which it spent \$1,000 or more.
4. On January 17, 2014, I requested that Grant and the Committee voluntarily provide its campaign records to Enforcement Division by February 3, 2014.

1 5. Grant and the Committee did not respond to my letter. I called Grant to again request the
2 Committee's records on February 12, 2014. He did not respond to my call.

3 6. On February 19, 2015, I emailed Grant to request that he voluntarily produce the requested
4 records. He did not respond.

5 7. On March 9, 2014, a subpoena was served on Grant for the records I requested from the
6 Committee.

7 8. On March 19, 2014, Grant and the Committee provided me with some of the requested records.
8 Because Grant and the Committee did not maintain any other requested records, Grant was personally
9 served with a notice to customer and a subpoena for the Committee's bank records on April 2, 2014. The
10 Committee's bank was subpoenaed for the requested records on April 10, 2014.

11 9. On March 20, 2014, I called Grant to ask about the incomplete records. He was not home, but I
12 left a message with the man who answered the phone. Grant did not respond to my message.

13 10. On June 4, 2014, I emailed Grant to request an interview. He did not respond.

14 11. On June 19, 2014, I called Grant to again request an interview. Because his answering machine
15 was full, I could not leave a message.

16 12. On November 6, 2015, I performed Accurant searches for Richard Grant. His most current
17 address was: [REDACTED]

18 13. On November 6, 2015, I also performed a Core Logic RealQuest property search for a detailed
19 property report on Richard Grant's residence at [REDACTED] Richard Grant is
20 both the homeowner and resides at [REDACTED] Richard Grant claims the
21 residence for tax exemption purposes.

22 14. On February 24, 2016, I did a follow-up Accurant search for Richard Grant. His most current
23 address remains [REDACTED]

24 15. Also on February 24, 2016, I performed a follow-up Core Logic RealQuest property search for a
25 detailed property report on Richard Grant's residence at [REDACTED]. Richard
26
27

1 Grant continues to be both the homeowner and resident at [REDACTED] Richard

2 Grant continues to claim the residence for tax exemption purposes.

3 16. I found no indication in any of my searches that Richard Grant had a residence outside the state
4 of California, or that his residence was not at [REDACTED].

5 I declare under penalty of perjury under the laws of the State of California, that the foregoing is
6 true and correct.

7
8 Dated: 2-25-16

[REDACTED]
Jeffrey Kamigaki
Special Investigator, Enforcement Division
Fair Political Practices Commission

Exhibit A-13



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

February 29, 2016

FIRST CLASS U.S. MAIL

Richard Grant
Vallejo Citizens Deserve Better
[REDACTED]

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: **In the Matter of Vallejo Citizens Deserve Better and Richard Grant**
FPPC No. 13/1132

Dear Mr. Grant and Vallejo Citizens Deserve Better:

Enclosed please find a courtesy copy of the Default Decision and Order, and accompanying Exhibit and attachments, in the above matter. The Fair Political Practices Commission ("Commission") will consider these papers at its public meeting on **March 17, 2016**, and decide whether to impose an administrative penalty in the amount of **\$11,500** or more 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 several violations of the Political Reform Act's campaign reporting provisions. Thereafter, the Hearing Officer issued an Accusation against you on the same violations. The Accusation was served by substitution by being left at your residence with a man who stated that he lived there with you on November 18, 2015. A duplicate copy was mailed to the same residence. 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 **March 17, 2016**, the Commission may impose an administrative penalty against you in the amount of **\$11,500**. However, the Commission may impose up to a maximum penalty of **\$5,000** against you for each violation, for a total administrative penalty of **\$15,000**.

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 **March 17, 2016** meeting. Please contact me immediately if you wish to enter into a negotiated settlement.

You may contact me directly at (916) 322-5771.

Sincerely,



Tanya Smith
Commission Counsel
Enforcement Division

Enclosures

Exhibit A-14

**Statement of Organization
Recipient Committee**

Statement Type ☒ Initial

Not yet qualified ☒ or

☐ Amendment
List I.D. number:

☐ Termination - See Part 5
List I.D. number:

Date qualified as committee _____
Date qualified as committee (if applicable) _____
Date of Termination _____

1. Committee Information

NAME OF COMMITTEE

Vallejo Citizens Deserve Better

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

MAILING ADDRESS (IF DIFFERENT)

FAX / E-MAIL ADDRESS

COUNTY OF DOMICILE

Solano

JURISDICTION WHERE COMMITTEE IS ACTIVE

Vallejo

2. Treasurer and Other Principal Officers

NAME OF TREASURER

Richard Grant

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)

Richard Grant

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on

9/25/13

DATE

Executed on

9/25/13

DATE

Executed on

DATE

Executed on

DATE

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Date Stamp

RECEIVED AND FILED

in the office of the Secretary of State
of the State of California

SEP 27 2013

Hand Delivered, Sacramento

CALIFORNIA 410
FORM

For Official Use Only

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
FORM

410

Page 2

I.D. NUMBER

COMMITTEE NAME

Vallejo Citizens Deserve Better

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION

AREA CODE/PHONE

BANK ACCOUNT NUMBER

ADDRESS

CITY

STATE

ZIP CODE

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT

ELECTIVE OFFICE SOUGHT OR HELD
(INCLUDE DISTRICT NUMBER IF APPLICABLE)

YEAR OF ELECTION

PARTY

☐ Nonpartisan

☐ Nonpartisan

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)

CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION
(INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)

CHECK ONE

SUPPORT

OPPOSE

SUPPORT

OPPOSE

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
FORM 410

COMMITTEE NAME

Vallejo Citizens Deserve Better

Page 3

I.D. NUMBER

4. Type of Committee

(Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

☒ CITY Committee ☐ COUNTY Committee ☐ STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Inform Vallejo Voters

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

Small Contributor Committee

☐

Date qualified

5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
- This committee does not anticipate receiving contributions or making expenditures in the future;
- This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
- This committee has no surplus funds; and
- This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.

-- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.

-- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

Exhibit A-15

Statement of Organization
Recipient Committee

Statement Type ☐ Initial

Not yet qualified ☐ or

☒ Amendment

List I.D. number:

1360970

#

10 15 2013

Date qualified as committee

(if applicable)

☐ Termination - See Part 5

List I.D. number:

#

Date of Termination

1. Committee Information

NAME OF COMMITTEE

Vallejo Citizens Deserve Better

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

MAILING ADDRESS (IF DIFFERENT)

FAX / E-MAIL ADDRESS

COUNTY OF DOMICILE

Solano

JURISDICTION WHERE COMMITTEE IS ACTIVE

Vallejo

2. Treasurer and Other Principal Officers

NAME OF TREASURER

Richard Grant

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)

Richard Grant

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

3. Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10-15-13 By

DATE

By

SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on 10-15-13 By

DATE

By

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on By

DATE

By

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on By

DATE

By

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Date Stamp

RECEIVED
in the Office of the Secretary of State
of the State of California

OCT 18 2013

DEBRA BOWEN
Secretary of State

CALIFORNIA 410
FORM

For Official Use Only

1360970

R248

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
FORM

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Page 2

I.D. NUMBER
1360970

COMMITTEE NAME
Vallejo Citizens Deserve Better

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION US Bank	AREA CODE/PHONE 707-557-8188	BANK ACCOUNT NUMBER [REDACTED]
ADDRESS 1200 Tennessee St.	CITY Vallejo	STATE CA
	ZIP CODE 94590	

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
			<input type="checkbox"/> Nonpartisan
			<input type="checkbox"/> Nonpartisan

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE SUPPORT	OPPOSE
Pippin Dew, Anthony Summers, Jess Malgapo	Vallejo City Council - 4 year term	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rozzana Verder-Aliga	Vallejo City Council - 2 year term	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Statement of Organization
Recipient Committee
INSTRUCTIONS ON REVERSE

CALIFORNIA
FORM

410

Page 3

I.D. NUMBER

1360970

COMMITTEE NAME

Vallejo Citizens Deserve Better

4. Type of Committee

(Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

☒ CITY Committee ☐ COUNTY Committee ☐ STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Inform Vallejo Voters

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

Small Contributor Committee

☐

Date qualified

5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
- This committee does not anticipate receiving contributions or making expenditures in the future;
- This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
- This committee has no surplus funds; and
- This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.

-- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.

-- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

Exhibit A-16

Recipient Committee
Campaign Statement
Cover Page

(Government Code Sections 84200-84216.5)

Type or print in Ink.

COVER PAGE

CALIFORNIA
FORM

460

Date Stamp

RECEIVED

Page 1 of 7

2013 OCT 25 PM 4:05

For Official Use Only

OFFICE OF THE
CITY CLERK
CITY OF VALLEJO

Date of election if applicable:
(Month, Day, Year)

11/5/13

Statement covers period
from 9/27/13

through 10/19/13

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4.

- ☐ Officeholder, Candidate Controlled Committee
☐ State Candidate Election Committee
☐ Recall
(Also Complete Part 5)
☐ General Purpose Committee
☐ Sponsored
☐ Small Contributor Committee
☐ Political Party/Central Committee
- ☒ Primarily Formed Ballot Measure Committee
☐ Controlled
☐ Sponsored
(Also Complete Part 6)
☒ Primarily Formed Candidate/Officeholder Committee
(Also Complete Part 7)

2. Type of Statement:

- ☒ Preelection Statement
☐ Semi-annual Statement
☐ Termination Statement
(Also file a Form 410 Termination)
☐ Amendment (Explain below)
- ☐ Quarterly Statement
☐ Special Odd-Year Report
☐ Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER
1360970

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Vallejo Citizens Deserve Better

Treasurer(s)

NAME OF TREASURER
Richard Grant

MAILING ADDRESS

STREET ADDRESS (NO P.O. BOX)

CITY

STATE ZIP CODE

AREA CODE/PHONE

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY

STATE ZIP CODE

AREA CODE/PHONE

CITY

STATE

ZIP CODE

AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10-25-13

Date

Executed on 10-25-13

Date

Executed on

Date

Executed on

Date

By

Signature of Treasurer or Assistant Treasurer

By

Signature of Controlling Officer/holder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

By

Signature of Controlling Officer/holder, Candidate, State Measure Proponent

By

Signature of Controlling Officer/holder, Candidate, State Measure Proponent

Signature of Controlling Officer/holder, Candidate, State Measure Proponent

Recipient Committee Campaign Statement Cover Page — Part 2

Type or print in ink.

COVER PAGE - PART 2

CALIFORNIA
FORM **460**

Page 2 of 7

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP

Related Committees Not Included in this Statement: *List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.*

COMMITTEE NAME

I.D. NUMBER

NAME OF TREASURER

CONTROLLED COMMITTEE?
☐ YES ☐ NO

COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME

I.D. NUMBER

NAME OF TREASURER

CONTROLLED COMMITTEE?
☐ YES ☐ NO

COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER

JURISDICTION

☐ SUPPORT
☐ OPPOSE

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD

DISTRICT NO. IF ANY

7. Primarily Formed Candidate/Officeholder Committee *List names of officeholder(s) or candidate(s) for which this committee is primarily formed.*

NAME OF OFFICEHOLDER OR CANDIDATE Jess Malgapo	OFFICE SOUGHT OR HELD Vallejo City Council	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE Pippin Dew	OFFICE SOUGHT OR HELD Vallejo City Council	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE Rozanna Verder-Aliga	OFFICE SOUGHT OR HELD Vallejo City Council	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE Anthony Summers	OFFICE SOUGHT OR HELD Vallejo City Council	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

Campaign Disclosure Statement Summary Page

Type or print in ink.
Amounts may be rounded
to whole dollars.

SUMMARY PAGE

Statement covers period from <u>9/27/13</u> through <u>10/19/13</u>		CALIFORNIA FORM 460
		Page <u>3</u> of <u>7</u>
NAME OF FILER <u>Vallejo Citizens Deserve Better</u>		I.D. NUMBER <u>1360970</u>

SEE INSTRUCTIONS ON REVERSE

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	\$2562.00	\$2562.00
2. Loans Received Schedule B, Line 3		
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	2562.00	2562.00
4. Nonmonetary Contributions Schedule C, Line 3		
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	2562.00	2562.00

Expenditures Made

6. Payments Made Schedule E, Line 4	2153.00	2153.00
7. Loans Made Schedule H, Line 3		
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	2153.00	2153.00
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	1500.00	1500.00
10. Nonmonetary Adjustment Schedule G, Line 3		
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	3653.00	3653.00

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	0	
13. Cash Receipts Column A, Line 3 above	2562.00	
14. Miscellaneous Increases to Cash Schedule I, Line 4	2153.00	
15. Cash Payments Column A, Line 8 above	409.00	
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15		

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED

..... Schedule B, Part 2	\$
--------------------------	----

Cash Equivalents and Outstanding Debts

18. Cash Equivalents See Instructions on reverse	\$
19. Outstanding Debts Add Line 2 + Line 9 in Column B above	\$

Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

	1/1 through 8/30	7/1 to Date
20. Contributions Received	\$	\$
21. Expenditures Made	\$	\$

Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made* (If Subject to Voluntary Expenditure Limit)		
Date of Election (mm/dd/yy)	/ /	Total to Date
	/ /	\$
	/ /	\$

*Amounts in this section may be different from amounts reported in Column B.

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

Schedule A Monetary Contributions Received

Type or print in ink.
Amounts may be rounded
to whole dollars.

SCHEDULE A
CALIFORNIA
FORM 460

Statement covers period
from 9/27/13
through 10/19/13

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Vallejo Citizens Deserve Better

Page 4 of 7

I.D. NUMBER
1360970

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				

SUBTOTAL \$

Schedule A Summary

1. Amount received this period - itemized monetary contributions.
(Include all Schedule A subtotals.) \$ 0

2. Amount received this period - unitemized monetary contributions of less than \$100 \$ 2153.00

3. Total monetary contributions received this period.

(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) TOTAL \$ 2153.00

*Contributor Codes
IND - Individual
COM - Recipient Committee
OTH - Other (e.g., business entity)
PTY - Political Party
SCC - Small Contributor Committee

Schedule D

Summary of Expenditures

Supporting/Opposing Other

Candidates, Measures and Committees

Type or print in ink.
Amounts may be rounded
to whole dollars.

SCHEDULED
CALIFORNIA
FORM 460

Statement covers period
from 9/27/13
through 10/19/13

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

Vallejo Citizens Deserve Better

Page 5 of 7
I.D. NUMBER
1360970

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10/16/13	Jess Malgapo, Rozanna Verder-Aliga, Anthony Summers, Pippin Dew <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure		\$1500.00	\$2153.00	
10/20/13	Jess Malgapo, Rozanna Verder-Aliga, Anthony Summers, Pippin Dew <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input checked="" type="checkbox"/> Independent Expenditure		\$600.00	\$2153.00	
	 <input type="checkbox"/> Support <input type="checkbox"/> Oppose	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
SUBTOTAL \$				2100.00		

Schedule D Summary

- Itemized contributions and independent expenditures made this period. (Include all Schedule D subtotals.) \$ 2100.00
- Unitemized contributions and independent expenditures made this period of under \$100 \$ 53.00
- Total contributions and independent expenditures made this period. (Add Lines 1 and 2. Do not enter on the Summary Page.) TOTAL \$ 2153.00

Schedule E Payments Made

Type or print in ink.
Amounts may be rounded
to whole dollars.

Statement covers period
from 9/27/13
through 10/19/13

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Vallejo Citizens Deserve Better

Page 6 of 7

I.D. NUMBER
1360970

SCHEDULE
CALIFORNIA
FORM
460

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

OMP campaign paraphernalia/misc.	MBR member communications	RAD radio airtime and production costs
CNS campaign consultants	MTG meetings and appearances	RFD returned contributions
CTB contribution (explain nonmonetary)*	OFC office expenses	SAL campaign workers' salaries
CVC civic donations	PET petition circulating	TEL t.v. or cable airtime and production costs
FIL candidate filing/ballot fees	POL polling and survey research	TRC candidate travel, lodging, and meals
FND fundraising events	POS postage, delivery and messenger services	TRS staff/spouse travel, lodging, and meals
ND independent expenditure supporting/opposing others (explain)*	PRO professional services (legal, accounting)	TSF transfer between committees of the same candidate/sponsor
LEG legal defense	FRT print ads	VOT voter registration
LIT campaign literature and mailings		WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE ALSO ENTER I.D. NUMBER)	CODE OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
IPI Media, 471 Lovell Cir. Sacramento, CA	tel		\$1500.00
Ideawerks Studios, 2574 Kingston Rd., Kingston, RI 02881	tel		\$600.00
* Payments that are contributions or independent expenditures must also be summarized on Schedule D.			
SUBTOTAL \$			\$2100.00

Schedule E Summary

- Itemized payments made this period. (Include all Schedule E subtotals.) \$ 2100.00
- Unitemized payments made this period of under \$100 \$ 53.00
- Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) \$
- Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) TOTAL \$ 2153.00

Schedule F
Accrued Expenses (Unpaid Bills)

Type or print in Ink.
Amounts may be rounded
to whole dollars.

SCHEDULE F

CALIFORNIA
FORM

Statement covers period
from 9/27/13
through 10/19/13

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Vallejo Citizens Deserve Better

Page 7 of 7

I.D. NUMBER
1360970

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

CMP campaign paraphernalia/misc.	MBR member communications	RAD radio airtime and production costs
ONS campaign consultants	MTG meetings and appearances	RFD returned contributions
CTB contribution (explain nonmonetary)*	OFC office expenses	SAL campaign workers' salaries
CVC civic donations	PET petition circulating	TEL t.v. or cable airtime and production costs
FL candidate filing/ballot fees	PHO phone banks	TRC candidate travel, lodging, and meals
RND fundraising events	POL polling and survey research	TRS staff/spouse travel, lodging, and meals
ND independent expenditure supporting/opposing others (explain)*	POS postage, delivery and messenger services	TSF transfer between committees of the same candidate/sponsor
LEG legal defense	PRO professional services (legal, accounting)	VOT voter registration
LIT campaign literature and mailings	PRT print ads	WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR DESCRIPTION OF PAYMENT	(a) OUTSTANDING BALANCE BEGINNING OF THIS PERIOD	(b) AMOUNT INCURRED THIS PERIOD	(c) AMOUNT PAID THIS PERIOD (ALSO REPORT ON E)	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD
TPT Media, 471 Lovell Cir. Sacramento, CA	tel	0	\$3000.00	\$1500.00	\$1500.00
SUBTOTALS \$		\$	3000.00	\$	1500.00

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

Schedule F Summary

1. Total accrued expenses incurred this period. (Include all Schedule F, Column (b) subtotals for accrued expenses of \$100 or more, plus total unitemized accrued expenses under \$100.) INCURRED TOTALS \$ 3000.00

2. Total accrued expenses paid this period. (Include all Schedule F, Column (c) subtotals for payments on accrued expenses of \$100 or more, plus total unitemized payments on accrued expenses under \$100.) PAID TOTALS \$ 1500.00

3. Net change this period. (Subtract Line 2 from Line 1. Enter the difference here and on the Summary Page, Column A, Line 9.) NET \$ 1500.00

May be a negative number

Exhibit A-17

Recipient Committee
Campaign Statement
Cover Page

(Government Code Sections 84200-84216.5)

Type or print in Ink.

COVER PAGE

Date Stamp RECEIVED 2014 MAR 18 PM 3:59 OFFICE OF THE CITY CLERK CITY OF VALLEJO	CALIFORNIA FORM 460
--	----------------------------------

Statement covers period from 10/20/13 through 12/31/13	Date of election if applicable: (Month, Day, Year) 11/5/13
--	--

SEE INSTRUCTIONS ON REVERSE

1. Type of Recipient Committee: All Committees - Complete Parts 1, 2, 3, and 4.

- ☐ Officeholder, Candidate Controlled Committee
☐ State Candidate Election Committee
☐ Recall
(Also Complete Part 5)
☐ General Purpose Committee
☐ Sponsored
☐ Small Contributor Committee
☐ Political Party/Central Committee
- ☐ Primarily Formed Ballot Measure Committee
☐ Controlled
☐ Sponsored
(Also Complete Part 6)
☒ Primarily Formed Candidate/Officeholder Committee
(Also Complete Part 7)

2. Type of Statement:

- ☐ Preelection Statement
☒ Semi-annual Statement
☐ Termination Statement
(Also file a Form 410 Termination)
☐ Amendment (Explain below)
- ☐ Quarterly Statement
☐ Special Odd-Year Report
☐ Supplemental Preelection Statement - Attach Form 495

3. Committee Information

I.D. NUMBER
1360970

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Vallejo Citizens Deserve Better

Treasurer(s)

NAME OF TREASURER
Richard Grant

MAILING ADDRESS
[REDACTED]

STREET ADDRESS (NO P.O. BOX)
[REDACTED]

CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED] AREA CODE/PHONE [REDACTED]

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX
[REDACTED]

CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED] AREA CODE/PHONE [REDACTED]

OPTIONAL: FAX / E-MAIL ADDRESS
[REDACTED]

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 11/5/13 Date

Signature of Treasurer or Assistant Treasurer

Executed on _____ Date

Signature of Controlling Officer/holder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

Executed on _____ Date

Signature of Controlling Officer/holder, Candidate, State Measure Proponent

Executed on _____ Date

Signature of Controlling Officer/holder, Candidate, State Measure Proponent

Recipient Committee Campaign Statement Cover Page — Part 2

Type or print in Ink.

COVER PAGE - PART 2

CALIFORNIA
FORM **460**

Page 2 of 4

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP

Related Committees Not Included in this Statement: List any committees not included in this statement that are controlled by you or are primarily formed to receive contributions or make expenditures on behalf of your candidacy.

COMMITTEE NAME

I.D. NUMBER

NAME OF TREASURER

CONTROLLED COMMITTEE?
☐ YES ☐ NO

COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME

I.D. NUMBER

NAME OF TREASURER

CONTROLLED COMMITTEE?
☐ YES ☐ NO

COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)

CITY STATE ZIP CODE AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER JURISDICTION

☐ SUPPORT
☐ OPPOSE

Identify the controlling officeholder, candidate, or state measure proponent, if any.

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD

DISTRICT NO. IF ANY

7. Primarily Formed Candidate/Officeholder Committee List names of officeholder(s) or candidate(s) for which this committee is primarily formed.

NAME OF OFFICEHOLDER OR CANDIDATE Jess Malgapo	OFFICE SOUGHT OR HELD Vallejo City Council	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE Pippin Dew	OFFICE SOUGHT OR HELD Vallejo City Council	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE Rozanna Verder-Aliga	OFFICE SOUGHT OR HELD Vallejo City Council	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE Anthony Summers	OFFICE SOUGHT OR HELD Vallejo City Council	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

Campaign Disclosure Statement Summary Page

Type or print in ink.
Amounts may be rounded
to whole dollars.

SUMMARY PAGE

Statement covers period from 10/20/13 through 12/31/13		CALIFORNIA FORM 460
Page 3 of 4		I.D. NUMBER 1360970

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Vallejo Citizens Deserve Better

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	0	\$ 2562.00
2. Loans Received Schedule B, Line 3		
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	0	\$ 2562.00
4. Nonmonetary Contributions Schedule C, Line 3		
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	0	\$ 2462.00

Expenditures Made

6. Payments Made Schedule E, Line 4	0	\$ 2153.00
7. Loans Made Schedule H, Line 3		
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	0	\$ 2152.00
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	0	\$ 1500.00
10. Nonmonetary Adjustment Schedule C, Line 3		
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	0	\$ 3653.00

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	409.00
13. Cash Receipts Column A, Line 3 above	
14. Miscellaneous Increases to Cash Schedule I, Line 4	
15. Cash Payments Column A, Line 8 above	
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15	409.00

If this is a termination statement, Line 16 must be zero.

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2

Cash Equivalents and Outstanding Debts

18. Cash Equivalents See instructions on reverse

19. Outstanding Debts Add Line 2 + Line 9 in Column B above

Calendar Year Summary for Candidates Running in Both the State Primary and General Elections

	1/1 through 6/30	7/1 to Date
20. Contributions Received	\$	\$
21. Expenditures Made	\$	\$

Expenditure Limit Summary for State Candidates

22. Cumulative Expenditures Made* (If Subject to Voluntary Expenditure Limit)

Date of Election (mm/dd/yy)	Total to Date
/ /	\$
/ /	\$

*Amounts in this section may be different from amounts reported in Column B.

To calculate Column B, add amounts in Column A to the corresponding amounts from Column B of your last report. Some amounts in Column A may be negative figures that should be subtracted from previous period amounts. If this is the first report being filed for this calendar year, only carry over the amounts from Lines 2, 7, and 9 (if any).

Schedule F **Accrued Expenses (Unpaid Bills)**

Type or print in ink.
Amounts may be rounded
to whole dollars.

Statement covers period from 10/20/13 through 12/31/13		CALIFORNIA FORM 460	
		Page 4 of 4	
NAME OF FILER Vallejo Citizens Deserve Better		I.D. NUMBER 1360970	

SEE INSTRUCTIONS ON REVERSE

CODES: If one of the following codes accurately describes the payment, you may enter the code. Otherwise, describe the payment.

OMP campaign paraphernalia/misc.	MBR member communications	RAD radio airtime and production costs
CNS campaign consultants	MTG meetings and appearances	RFD returned contributions
CTB contribution (explain nonmonetary)*	OFC office expenses	SAL campaign workers' salaries
CVC civic donations	PET petition circulating	TEL t.v. or cable airtime and production costs
FL candidate filing/ballot fees	PHO phone banks	TRC candidate travel, lodging, and meals
FND fundraising events	POL polling and survey research	TRS staff/spouse travel, lodging, and meals
ND independent expenditure supporting/opposing others (explain)*	POS postage, delivery and messenger services	TSF transfer between committees of the same candidate/sponsor
LEG legal defense	PRO professional services (legal, accounting)	VOT voter registration
LIT campaign literature and mailings	PRT print ads	WEB information technology costs (Internet, e-mail)

NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR DESCRIPTION OF PAYMENT	(a) OUTSTANDING BALANCE BEGINNING OF THIS PERIOD	(b) AMOUNT INCURRED THIS PERIOD	(c) AMOUNT PAID THIS PERIOD (ALSO REPORT ON E)	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD
IPI Media, 471 Lowell Cir., Sacramento, CA	tel	1500.00			1500.00
SUBTOTALS \$		1500.00 \$	\$	\$	1500.00

* Payments that are contributions or independent expenditures must also be summarized on Schedule D.

Schedule F Summary

- Total accrued expenses incurred this period. (Include all Schedule F, Column (b) subtotals for accrued expenses of \$100 or more, plus total unitemized accrued expenses under \$100.) **INCURRED TOTALS \$**
- Total accrued expenses paid this period. (Include all Schedule F, Column (c) subtotals for payments on accrued expenses of \$100 or more, plus total unitemized payments on accrued expenses under \$100.) **PAID TOTALS \$**
- Net change this period. (Subtract Line 2 from Line 1. Enter the difference here and on the Summary Page, Column A, Line 9.) **NET \$** 0
May be a negative number

Exhibit A-18

Dawn Abrahamson - Form 460-Recipient Committee/Campaign Statement for Vallejo Citizens Deserve Better

From: Dawn Abrahamson
To: [REDACTED]
Date: 12/16/2014 12:36 PM
Subject: Form 460-Recipient Committee/Campaign Statement for Vallejo Citizens Deserve Better

Good Afternoon Richard,

Per our recent telephone conversation regarding the status of the Vallejo Citizens Deserves Better semi-annual financial disclosure statement for the period of January 1 through June 30, 2014, I am attaching the link below to access the Form 460 on the FPPC's website.

<http://www.fppc.ca.gov/index.php?id=633>

A completed form covering the filing period mentioned in the first paragraph needs to be filed with me **on or before December 31, 2014** in order to avoid any late filing penalties. Failure to file the statement by the deadline may result in fines and other penalties as imposed by the Fair Political Practices Commission and under Government Code Section 91013.

Should you choose to file the form in person, please note that City Hall will be closed for the holidays at Noon on Christmas Eve through Friday, January 2, 2015. We will reopen for business on Monday, January 5.




Please feel free to contact me with any questions.

Dawn G. Abrahamson, MMC

City Clerk

City of Vallejo | City Clerk's Office

(707) 648-4528 | dabrahamson@ci.vallejo.ca.us

   [City Communications Sign-up](#)

Dawn Abrahamson

From: Dawn Abrahamson
Sent: Tuesday, January 06, 2015 3:16 PM
To: [REDACTED]
Subject: First Notice-Failure to File Semi-Annual Statement (Form 460) for Citizens Deserve Better
Attachments: First Late Filing Notice.Vallejo Citizens Deserve Better.Richard Grant 010615 Pdf.pdf

Good Afternoon Richard,

Please find the attached first notice for failure to file the semi-annual statement (Form 460) for the period of January 1 through June 30, 2014 on behalf of Vallejo Citizens Deserve Better. A hard copy of the attached letter is being placed in the mail to you tomorrow.

Please review the letter carefully and be mindful of the filing deadline date of January 13, 2015.

Please feel free to contact me with any questions.




Dawn G. Abrahamson, MMC

City Clerk

City of Vallejo | City Clerk's Office

(707) 648-4528

Dawn.Abrahamson@cityofvallejo.net

   [City Communications Sign-up](#)

Note-this is my NEW email address. Please update your address book. Thank you!



Office of the City Clerk • 555 Santa Clara Street • Vallejo • CA • 94590 • 707.648.4527

January 7, 2015

Richard Grant
Vallejo Citizens Deserve Better
[REDACTED]

Re: **First Notice – Failure to File Semi-Annual Statement (Form 460) for the Period of January 1 through June 30, 2014**

Dear Richard:

This letter serves as a follow up to officially memorialize our telephone conversation, which was followed up by an email sent to you on December 16, 2014 in which I informed you that the Semi-Annual Statement for the primarily formed committee of Vallejo Citizens Deserve Better has not been filed. The email (see attached) specifically requested that you file the Semi-Annual Statement on or before December 31, 2014. As of the date of the writing of this letter the statement is 160 days late. This statement was due in my office on Thursday, July 31, 2014.

Failure to file statements by the deadline may result in fines and other penalties as imposed by the Fair Political Practices Commission and under Government Code Section 91013. The Political Reform Act prohibits filing officers from extending a filing deadline. Please file the Committee's Semi-Annual Statement no later than **Tuesday, January 13, 2015** and include a written explanation for the Committee's late filing.

Please do not hesitate to contact me at (707) 648-4528 if you have any questions.

Sincerely,
[REDACTED]

Dawn G. Abrahamson, MMC
City Clerk

cc: Attachment (email dated December 16, 2014)

Jeffrey Kamigaki

From: Dawn Abrahamson <Dawn.Abrahamson@cityofvallejo.net>
Sent: Wednesday, April 01, 2015 12:46 PM
To: [REDACTED]
Subject: Second & Final Notice-Failure to File Semi-Annual Statement (Form 460) for Citizens Deserve Better
Attachments: Second.Final Late Filing Notice.Vallejo Citizens Deserve Better 040115.pdf
Importance: High

Good Afternoon Richard,

Please find attached a second and final notice for failure to file the semi-annual statement (Form 460) for the period of January 1 through June 30, 2014 on behalf of the Vallejo Citizens Deserve Better. A hard copy of the attached letter is being placed in the mail to you today, certified return receipt.

Please review the letter carefully and be mindful of the filing deadline of Friday, April 10, 2015.

Please feel free to contact me with any questions.

Dawn G. Abrahamson, MMC
City Clerk
City of Vallejo | City Clerk's Office
(707) 648-4528
Dawn.Abrahamson@cityofvallejo.net
   City Communications Sign-up

Note-this is my NEW email address. Please update your address book. Thank you!



Office of the City Clerk • 555 Santa Clara Street • Vallejo • CA • 94590 • 707.648.4527

April 1, 2015

Richard Grant
Vallejo Citizens Deserve Better

Sent Via Email & Certified Return Receipt Mail

Re: **Second & Final Failure to File Semi-Annual Statement (Form 460) for the Period of January 1 through June 30, 2014**

Dear Richard:

On January 7, 2015, I wrote to you stating that we had not received your campaign disclosure statement, Form 460, for the primarily formed committee of Vallejo Citizens Deserve Better for the filing period of January 1 through June 30, 2014. This statement was due in my office on Thursday, July 31, 2014. As of the writing of this letter, I have not received this statement, which is now 244 days late.

Please file your campaign statement within **10 days of the date of this later.**

Government Code Section 91013 imposes a fine of \$10 per day after the filing deadline until the statement is filed. The liability is limited to the cumulative amount of contributions received or expenditures made for the period covered by the late statement or \$100, whichever is the greater. The Political Reform Act prohibits filing officers from extending a filing deadline. Please file the Committee's Semi-Annual Statement no later than **Friday, April 10, 2015**, and include a written explanation for the Committee's late filing.

Our office may refer this matter to the Fair Political Practices Commission's Enforcement Division if the statement is not filed.

Please do not hesitate to contact me at (707) 648-4528 if you have any questions.

Sincerely,

Dawn G. Abrahamson, MMC
City Clerk

cc: Attachment (First Notice Failure to File Letter dated January 7, 2015)

Jeffrey Kamigaki




From: Dawn Abrahamson <Dawn.Abrahamson@cityofvallejo.net>
Sent: Wednesday, April 01, 2015 1:26 PM
To: [REDACTED]
Subject: First Late Failure to File Semi-Annual Statement (Form 460) for Citizens Deserve Better
Attachments: 2015_04_01_13_16_27.pdf
Importance: High

Good Afternoon Richard,

Please find attached a first late notice for failure to file the semi-annual statement (Form 460) for the period of **July 1 through December 31, 2014** on behalf of the Vallejo Citizens Deserve Better. A hard copy of the attached letter is being placed in the mail to you today, certified return receipt.

Please review the letter carefully and be mindful of the filing deadline of **April 10, 2015**.

Please feel free to contact me with any questions.

Dawn G. Abrahamson, MMC
City Clerk
City of Vallejo | City Clerk's Office
(707) 648-4528
Dawn.Abrahamson@cityofvallejo.net
   City Communications Sign-up

Note-this is my NEW email address. Please update your address book. Thank you!



Office of the City Clerk · 555 Santa Clara Street · Vallejo · CA · 94590 · 707.648.4527

April 1, 2015

Richard Grant
Vallejo Citizens Deserve Better

Sent Via Email & Certified Return Receipt Mail

Re: **First Notice – Failure to File Semi-Annual Statement (Form 460) for the Period of July 1 through December 31, 2014**

Dear Richard:

My records indicate that your campaign statement, Form 460, covering the period of July 1 through December 31, 2014, for the primarily formed committee of Vallejo Citizens Deserve Better, due on January 30, 2015, has not been received. As of the date of the writing of this letter the statement is 61 days late.

Failure to file statements by the deadline may result in fines and other penalties as imposed by the Fair Political Practices Commission and under Government Code Section 91013. The Political Reform Act prohibits filing officers from extending a filing deadline. Please file the Committee's Semi-Annual Statement no later than **Friday, April 10, 2015** and include a written explanation for the Committee's late filing.

Please do not hesitate to contact me at (707) 648-4528 if you have any questions.

Sincerely,

Dawn G. Abrahamson, MMC
City Clerk

Exhibit A-19

GALENA WEST
Chief of Enforcement
TANYA SMITH
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5021
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA


In the Matter of	)	FPPC No. 13/1132
)	
)	
VALLEJO CITIZENS DESERVE BETTER	)	DECLARATION OF TANYA
AND RICHARD GRANT,	)	SMITH IN SUPPORT OF
	)	DEFAULT DECISION AND
	)	ORDER
)	
Respondents.	)	(Gov. Code §§ 11506 and 11520)

I, Tanya Smith, declare as follows:

1. I am a Commission Counsel for the Enforcement Division of the Fair Political Practices Commission (the "Commission").
2. On February 1, 2016, I contacted the Vallejo City Clerk's office.
3. The City Clerk confirmed that, as of February 1, 2016, Richard Grant and the Vallejo Citizens Deserve Better had not filed their semi-annual campaign statements due July 31, 2014.

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

Dated: February 1, 2016.


Tanya Smith
Commission Counsel, Enforcement Division
Fair Political Practices Commission