

1 GALENA WEST  
Chief of Enforcement  
2 AMANDA KELLY  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7  
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9  
10 STATE OF CALIFORNIA

11 In the Matter of

) FPPC No.: 16/140

12 )  
13 COMMITTEE TO ELECT MARINA FRASER,  
14 MARINA FRASER, AND JACKIE M.  
15 BUCKLEY,

) DEFAULT DECISION AND  
ORDER

) (Government Code Sections 11506  
and 11520)

16 )  
17 Respondents.

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

21 Pursuant to the California Administrative Procedure Act,<sup>1</sup> Committee to Elect Marina Fraser (the  
22 "Committee"), Marina Fraser ("Fraser"), and Jackie M. Buckley ("Buckley") have been served with all  
23 of the documents necessary to conduct an administrative hearing regarding the above-captioned matter,  
including the following:

- 24 1. An Order Finding Probable Cause;  
25 2. An Accusation;  
26 3. A Notice of Defense (Two Copies per Respondent);  
27

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

1 4. A Statement to Respondent; and,

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

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

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

16  
17 Dated: 29 Mar 17



18 Galena West, Chief of Enforcement  
19 Fair Political Practices Commission

**ORDER**

The Commission issues this Default Decision and Order and imposes a total administrative penalty of \$41,000 upon Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley, payable to the “General Fund of the State of California.”

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

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

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

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Committee to Elect Marina Fraser (the “Committee”) is the candidate-controlled committee for respondent Marina Fraser (“Fraser”), who served on the Half Moon Bay City Council from 2001 through 2016. Jackie M. Buckley (“Buckley”) is the Committee’s treasurer.

The Political Reform Act (the “Act”)<sup>1</sup> requires committees to file two semi-annual statements each year by July 31 for the period ending June 30 and by January 31 for the period ending December 31. Each committee must also pay the Secretary of State (“SOS”) an annual \$50 fee by February 15, 2013, and then by January 15 each year thereafter until the termination of the committee.

This matter arose out of a referral sent to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division by SOS for the Committee’s non-payment of annual fees.

As a controlled committee, its candidate, and its treasurer, the Committee, Fraser, and Buckley had a duty to file semi-annual statements and pay the annual fee each year. The Committee, Fraser, and Buckley failed to timely file eight semi-annual statements and failed to pay the annual fees for four years.

### **DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT**

When the Commission determines that there is probable cause for believing that the Act has been violated, it may hold a hearing to determine if a violation has occurred.<sup>2</sup> Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the “APA”).<sup>3</sup> A hearing to determine whether the Act has been violated is initiated by the filing of an accusation, which shall be a concise written statement of the charges, specifying the statutes and rules which the respondent is alleged to have violated.<sup>4</sup>

Included among the rights afforded a respondent under the APA, is the right to file the Notice of Defense with the Commission within 15 days after service of the accusation, by which the respondent may (1) request a hearing; (2) object to the accusation on the ground it does not state acts or omissions upon which the agency may proceed; (3) object to the form of the accusation

---

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

<sup>2</sup> Section 83116.

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

<sup>4</sup> Section 11503.



on the ground that it is so indefinite or certain that the respondent cannot identify the transaction or prepare a defense; (4) admit the accusation in whole or in part; (5) present new matter by way of a defense; or (6) object to the accusation on the ground that, under the circumstances, compliance with a Commission regulation would result in a material violation of another department's regulation affecting substantive rights.<sup>5</sup>

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

## PROCEDURAL REQUIREMENTS AND HISTORY

### A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-13, and incorporated herein by reference.

---

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

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

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

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

<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 83115.5.

<sup>11</sup> Section 91000.5.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the Committee, Fraser, and Buckley in this matter by serving them with a Report in Support of a Finding of Probable Cause (the “Report”) (Certification, Exhibit A–1) by certified mail, return receipt requested,<sup>12</sup> on September 29, 2016. (Certification, Exhibit A–2.) The Committee and Fraser were served with the Report via certified mail on October 14, 2016, and Buckley was served with the Report via certified mail on October 4, 2016. The administrative action commenced on October 14, 2016, the date Fraser signed the certified mail receipt (Certification, Exhibit A–2), and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on the Committee, Fraser, and Buckley contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee, Fraser, and Buckley had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification, Exhibit A–3.) The Committee, Fraser, and Buckley did not request a probable cause conference or submit a written response to the Report.

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

Because the Committee, Fraser, and Buckley 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 the Hearing Officer of the Commission on November 28, 2016. (Certification, Exhibit A–4.)

On December 7, 2016, Hearing Officer Brian Lau, Senior Commission Counsel, Legal Division, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on the Committee, Fraser, and Buckley. (Certification, Exhibit A–5.)

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

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

Section 11503 states:

A hearing to determine whether a right, authority, license, or privilege should be revoked, suspended, limited, or conditioned shall be initiated by filing an accusation or District Statement of Reduction in Force. The accusation or District Statement of Reduction in Force shall be a written statement of charges that shall set forth in ordinary and concise language the acts or omissions with which the

---

<sup>12</sup> Section 83115.5.

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

respondent is charged, to the end that the respondent will be able to prepare his or her defense. It shall specify the statutes and rules that the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of those statutes and rules. The accusation or District Statement of Reduction in Force shall be verified unless made by a public officer acting in his or her 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 must 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 that, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.<sup>14</sup> The APA also sets forth the language required in the accompanying statement to the respondent.<sup>15</sup>

The Accusation and accompanying information may be sent to the respondent by any means selected by the agency, but no order adversely affecting the rights of the respondent may be made by the agency in any case unless the respondent has been served personally or by registered mail as set forth in the APA.<sup>16</sup>

On December 22, 2016, the Commission's Chief of Enforcement, Galena West, issued an Accusation against the Committee, Fraser, and Buckley in this matter. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7, were served upon the Committee and Fraser on February 16, 2017, and upon Buckley on February 9, 2017. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served the Committee, Fraser, and Buckley with a "Statement to Respondent," which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. (Certification, Exhibit A-8.) The Committee, Fraser, and Buckley did not file a Notice of Defense within the statutory time period, which ended on March 4, 2017.

As a result, on April 3, 2017, the Enforcement Division sent a letter to the Committee, Fraser, and Buckley advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for April 20, 2017. (Certification, Exhibit A-13.)

---

<sup>14</sup> Section 11505, subd. (a).

<sup>15</sup> Section 11505, subd. (b).

<sup>16</sup> Section 11505, subd. (c).

A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

### SUMMARY OF THE LAW

An express purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring all candidates, as well as the committees that support or oppose them, to disclose all contributions and expenditures made throughout a campaign.<sup>17</sup> In furtherance of this purpose, the Act requires a controlled committee to file a statement of organization with the Secretary of State (“SOS”) and pay an annual fee, as well as to file semi-annual statements twice per year to disclose its campaign contributions and expenditures.<sup>18</sup>

Controlled committees must file semi-annual campaign statements each year no later than July 31 for the reporting period ending on June 30, and no later than January 31 of the following year for the semi-annual reporting period ending December 31.<sup>19</sup> When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.<sup>20</sup>

Each committee required to file a statement of organization must pay SOS an annual fee of \$50 by February 15, 2013, and then by January 15 each year thereafter until the termination of the committee.<sup>21</sup> A committee that fails to timely pay the annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required to enforce this provision of the Act.<sup>22</sup>

### SUMMARY OF THE EVIDENCE

The Committee qualified as a committee on or about September 21, 2001, when it filed a Statement of Organization with SOS. Fraser was first elected to the Half Moon Bay City Council on November 4, 2003. She was re-elected in 2008 and 2012. Fraser did not seek re-election in 2016, and her term ended in December 2016.

The Committee, Fraser, and Buckley timely filed campaign statements through October 20, 2012. On the pre-election statement for October 1, 2012 through October 20, 2012, the Committee reported an ending cash balance of \$8,769.40. (Certification, Exhibit A-9.) The Committee, Fraser, and Buckley did not file any subsequent campaign statements. Thus, The Committee, Fraser, and Buckley failed to timely file semi-annual campaign statements for the periods of October 21, 2012 through December 31, 2012; January 1, 2013 through June 30, 2013; July 1, 2013 through December 31, 2013; January 1, 2014 through June 30, 2014; July 1, 2014

---

<sup>17</sup> Section 81002, subd. (a).

<sup>18</sup> Sections 84200.5, subd. (b), and 84101.5, subd. (b).

<sup>19</sup> Section 84200, subd. (a)

<sup>20</sup> Regulation 18116.

<sup>21</sup> Section 84101.5, subd. (c).

<sup>22</sup> Section 84101.5, subd. (d).

through December 31, 2014; January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015; and January 1, 2016 through June 30, 2016.

SOS sent letters to the Committee's address of record on file with SOS on November 6, 2012, December 2, 2013, December 4, 2013, November 20, 2014, October 1, 2015, November 20, 2015, June 10, 2016, and November 18, 2016, which reminded the Committee of its duty to pay the annual fee. (Certification, Exhibit A-10.) The Committee, Fraser, and Buckley did not respond, and the matter was referred to the Enforcement Division.

The Enforcement Division sent the Committee letters on February 18, 2016, March 16, 2016, and April 15, 2016 requesting that the Committee file the delinquent campaign statements within 15 days. (Certification, Exhibit A-11.) Enforcement Division staff also sent Fraser five emails regarding the Committee's campaign statements and annual fees between August 1, 2016 and September 19, 2016, and sent three emails to Fraser and Buckley between December 14, 2016 and March 14, 2017. (Certification, Exhibit A-12.) Fraser responded four times, but failed to file any of the delinquent campaign statements or pay the annual fees and penalties to SOS.

On March 23, 2017, the Committee, Fraser, and Buckley paid the annual fee for 2015, along with the penalty for failing to timely pay the 2015 annual fee. However, as of March 30, 2017, the Committee, Fraser, and Buckley have not filed the eight delinquent campaign statements, paid the annual fees for 2013, 2014, or 2016, or paid the penalties for failing to timely pay the annual fees. The Committee remains active.

#### Summary of Contact

Overall, the Committee, Fraser, and Buckley were contacted 25 times regarding their duties to pay annual fees and file campaign statements, as follows:

- November 6, 2012: letter from SOS to the Committee regarding annual fees
- December 2, 2013: letter from SOS to the Committee regarding annual fees
- December 4, 2013: letter from SOS to the Committee regarding annual fees
- November 20, 2014: letter from SOS to the Committee regarding annual fees
- October 1, 2015: letter from SOS to the Committee regarding annual fees
- November 20, 2015: letter from SOS to the Committee regarding annual fees
- February 18, 2016: letter from the Enforcement Division to the Committee regarding campaign statements and annual fees
- March 16, 2016: letter from the Enforcement Division to the Committee regarding campaign statements and annual fees
- April 15, 2016: letter from the Enforcement Division to the Committee regarding campaign statements and annual fees
- June 10, 2016: letter from SOS to the Committee regarding annual fees
- August 1, 2016: email to Fraser regarding campaign statements and annual fees



- August 10, 2016: email to Fraser regarding campaign statements and annual fees (response received August 10, 2016)
- August 10, 2016: second email to Fraser regarding campaign statements and annual fees (second response received August 10, 2016)
- August 23, 2016: email to Fraser regarding campaign statements and annual fees
- August 30, 2016: email to Fraser regarding campaign statements and annual fees (response received September 6, 2016)
- September 19, 2016: email to Fraser regarding campaign statements and annual fees
- October 4, 2016 and October 14, 2016: Report in Support of a Finding of Probable Cause served on the Committee, Fraser, and Buckley
- November 18, 2016: letter from SOS to the Committee regarding annual fees
- November 28, 2016: copies of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to the Committee, Fraser, and Buckley
- December 7, 2016: copies of Finding of Probable Cause and Order to Prepare and Serve an Accusation mailed to the Committee, Fraser, and Buckley
- December 14, 2016: email to Fraser and Buckley regarding campaign statements and annual fees (response received December 19, 2016)
- January 26, 2017: email to Fraser regarding campaign statements and annual fees
- February 9, 2017 and February 16, 2017: Accusation served upon the Committee, Fraser, and Buckley
- March 14, 2017: email to Fraser and Buckley regarding settlement prior to default
- April 3, 2017: Notice of Intent to Enter into Default Decision and Order mailed to the Committee, Fraser, and Buckley

## **VIOLATIONS**

The Committee, Fraser, and Buckley committed 11 violations of the Act, as follows:

### COUNT 1

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

The Committee, Fraser, and Buckley had a duty to file a semi-annual campaign statement for the period of October 20, 2012 through December 31, 2012 by January 31, 2013. By failing to timely file this statement, the Committee, Fraser, and Buckley violated Government Code Section 84200.

### COUNT 2

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

The Committee, Fraser, and Buckley had a duty to file a semi-annual campaign statement

for the period of January 1, 2013 through June 30, 2013 by July 31, 2013. By failing to timely file this statement, the Committee, Fraser, and Buckley violated Government Code Section 84200.

COUNT 3

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

The Committee, Fraser, and Buckley had a duty to file a semi-annual campaign statement for the period of July 1, 2013 through December 31, 2013 by January 31, 2014. By failing to timely file this statement, the Committee, Fraser, and Buckley violated Government Code Section 84200.

COUNT 4

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

The Committee, Fraser, and Buckley had a duty to file a semi-annual campaign statement for the period of January 1, 2014 through June 30, 2014 by July 31, 2014. By failing to timely file this statement, the Committee, Fraser, and Buckley violated Government Code Section 84200.

COUNT 5

**Failure to Timely File a Semi-Annual Campaign Statement by February 2, 2015**

The Committee, Fraser, and Buckley had a duty to file a semi-annual campaign statement for the period of July 1, 2014 through December 31, 2014 by February 2, 2015. By failing to timely file this statement, the Committee, Fraser, and Buckley violated Government Code Section 84200.

COUNT 6

**Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2015**

The Committee, Fraser, and Buckley had a duty to file a semi-annual campaign statement for the period of January 1, 2015 through June 30, 2015 by July 31, 2015. By failing to timely file this statement, the Committee, Fraser, and Buckley violated Government Code Section 84200.

COUNT 7

**Failure to Timely File a Semi-Annual Campaign Statement by February 1, 2016**

The Committee, Fraser, and Buckley had a duty to file a semi-annual campaign statement for the period of July 1, 2015 through December 31, 2015 by February 1, 2016. By failing to timely file this statement, the Committee, Fraser, and Buckley violated Government Code Section 84200.

COUNT 8

**Failure to Timely File a Semi-Annual Campaign Statement by August 1, 2016**

The Committee, Fraser, and Buckley had a duty to file a semi-annual campaign statement for the period of January 1, 2016 through June 30, 2016 by August 1, 2016. By failing to timely file this statement, the Committee, Fraser, and Buckley violated Government Code Section 84200.

COUNT 9

**Failure to Timely Pay the 2013 Annual Fee and Penalty**

The Committee, Fraser, and Buckley had a duty to pay the 2013 annual fee to SOS by February 15, 2013. By failing to timely pay the \$50 annual fee, and failing to pay the \$150 penalty for failing to timely pay the annual fee, the Committee, Fraser, and Buckley violated Government Code Section 84101.5, subdivisions (c) and (d).

COUNT 10

**Failure to Timely Pay the 2014 Annual Fee and Penalty**

The Committee, Fraser, and Buckley had a duty to pay the 2014 annual fee to SOS by January 15, 2014. By failing to timely pay the \$50 annual fee, and failing to pay the \$150 penalty for failing to timely pay the annual fee, the Committee, Fraser, and Buckley violated Government Code Section 84101.5, subdivisions (c) and (d).

COUNT 11

**Failure to Timely Pay the 2016 Annual Fee and Penalty**

The Committee, Fraser, and Buckley had a duty to pay the 2016 annual fee to SOS by January 15, 2016. By failing to timely pay the \$50 annual fee, and failing to pay the \$150 penalty for failing to timely pay the annual fee, the Committee, Fraser, and Buckley violated Government Code Section 84101.5, subdivisions (c) and (d).

**CONCLUSION**

This matter consists of 11 counts of violating the Act, which carry a maximum total administrative penalty of \$55,000.<sup>23</sup>

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act,

---

<sup>23</sup> Section 83116, subd. (c).



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

In this matter, the Committee, Fraser, and Buckley failed to timely pay annual fees and file semi-annual campaign statements. The failure to comply with these obligations denied the public information about the Committee's activity and the disposition of the Committee's \$8,769.40 cash balance as of October 20, 2012. The Committee, Fraser, and Buckley are well aware of their obligations to pay annual fees and file campaign statements, as they have been contacted more than 25 times regarding these obligations, and Fraser has previously responded to the Enforcement Division.

In mitigation, Fraser is no longer in office as a member of the Half Moon Bay City Council.

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

#### Counts 1–8

- *In the Matter of I-Chinese American Political Action Committee and Victor Gau*, FPPC Nos. 15/661 and 16/379. (The Commission approved a default decision on March 16, 2017.) The respondents failed to file three semi-annual campaign statements, despite being contacted 23 times regarding their violations. Because the committee was not controlled by a current officeholder and its activity was not linked to a specific election, the Commission imposed a penalty of \$4,000 per violation, for a total penalty of \$12,000 for the unfiled semi-annual campaign statements.

#### Counts 9–11

- *In the Matter of Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez*, FPPC No. 15/218. (The Commission approved a default decision on February 16, 2017.) The respondents failed to timely pay the annual fees for 2014 and 2015, and failed to pay the \$150 penalty for failing to timely pay the annual fees. The Commission imposed a penalty of \$3,000 per violation, for a total penalty of \$6,000 for the unpaid annual fees.

## **PROPOSED PENALTY**

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, penalties of \$4,000 each for Counts 1–8 and \$3,000 each for Counts 9–11 are recommended, for a total penalty of \$41,000.



**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 reviewed documents maintained in *FPPC Case No. 16/140; Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley*, 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: Report in Support of a Finding of Probable Cause, dated September 27, 2016
- EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated September 29, 2016; Return Receipt received by Marina Fraser on October 14, 2016; and Return Receipt received by Jackie M. Buckley on October 4, 2016
- EXHIBIT A-3: Cover letter to the respondents regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated September 29, 2016
- EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated November 28, 2016
- EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated December 7, 2016, and Proof of Service, dated December 7, 2016

- EXHIBIT A-6: Accusation, dated December 22, 2016
- EXHIBIT A-7: Proof of Service of Marina Fraser on February 16, 2017, dated February 17, 2017, and Proof of Service of Jackie M. Buckley on February 9, 2017, dated February 10, 2017
- EXHIBIT A-8: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated January 26, 2017 and February 8, 2017
- EXHIBIT A-9: Semi-annual campaign statement for Committee to Elect Marina Fraser for September 30, 2012 through October 20, 2012, filed October 25, 2012
- EXHIBIT A-10: Letters from Secretary of State to the Committee to Elect Marina Fraser regarding annual fees, dated November 6, 2012, December 2, 2013, December 4, 2013, November 20, 2014, October 1, 2015, November 20, 2015, June 10, 2016, and November 18, 2016
- EXHIBIT A-11: Letters from the Enforcement Division to the Committee to Elect Marina Fraser, dated February 18, 2016, March 16, 2016, and April 15, 2016
- EXHIBIT A-12: Emails between Enforcement Division staff, Marina Fraser, and Jackie M. Buckley, dated between August 1, 2016 and March 14, 2017
- EXHIBIT A-13: Notice of Intent to Enter into Default Decision and Order, dated April 3, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 3, 2017, at Sacramento, California.

  
Dominika Wojenska  
Staff Services Analyst, Enforcement Division  
Fair Political Practices Commission

**Exhibit A-1**

1 GALENA WEST  
Chief of Enforcement  
2 DAVE BAINBRIDGE  
Assistant Chief of Enforcement  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant  
Enforcement Division of the Fair Political Practices Commission  
7

8  
9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
10 STATE OF CALIFORNIA

11 In the Matter of ) FPPC No. 16/140  
12 )  
13 ) **REPORT IN SUPPORT OF A FINDING OF**  
14 ) **PROBABLE CAUSE**  
15 )  
16 ) Conference Date: TBA  
17 ) Conference Time: TBA  
18 ) Conference Location: Commission Offices  
428 J Street, Suite 620  
Sacramento, CA 95814  
19 )  
20 ) Respondent. )

21  
22 **INTRODUCTION**

23 Respondent Committee to Elect Marina Fraser (the "Committee") is the candidate-controlled  
24 committee for respondent Marina Fraser ("Fraser"), who serves on the Half Moon Bay City Council.  
25 Jackie M. Buckley ("Buckley") is the committee's treasurer.

26 The Political Reform Act (the "Act")<sup>1</sup> requires controlled committees to file two semi-annual  
27 statements each year by July 31 for the period ending June 30 and by January 31 for the period ending

28  

---

<sup>1</sup> The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

1 December 31.<sup>2</sup> The Committee failed to timely file eight semi-annual statements. Each committee  
2 required to file a statement of organization must pay the Secretary of State (“SOS”) an annual \$50 fee by  
3 January 15 every year until the termination of the committee.<sup>3</sup> The Committee failed to timely pay the  
4 annual fee for 2013, 2014, 2015, and 2016.

## 5 SUMMARY OF THE LAW

6 All legal references and discussions of law pertain to the Act’s provisions as they existed in 2012–  
7 2016.

### 8 Jurisdiction

9 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to  
10 enforce the provisions of the Act.<sup>4</sup>

### 11 Probable Cause Proceedings

12 Prior to the Enforcement Division commencing an administrative action, the General Counsel of  
13 the Commission or her designee (the “hearing officer”), must make a finding that there is probable cause  
14 to believe the respondent has violated the Act.<sup>5</sup> After a finding of probable cause, the Commission may  
15 hold a noticed hearing in accordance with the Administrative Procedure Act<sup>6</sup> to determine whether  
16 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.<sup>7</sup>

### 17 Standard for Finding Probable Cause

18 To make a finding of probable cause, the hearing officer must be presented with sufficient  
19 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,  
20 that a respondent committed or caused a violation.<sup>8</sup>

21 ///

22 ///

---

23 <sup>2</sup> Section 84200.

24 <sup>3</sup> Section 84101.5, subd. (c).

25 <sup>4</sup> Section 83116.

26 <sup>5</sup> Section 83115.5, and Regulations 18361 and 18361.4.

27 <sup>6</sup> Section 11500, et seq.

28 <sup>7</sup> Section 83116, and Regulation 18361.4, subd. (e).

<sup>8</sup> Section 18361.4, subd. (e).

1 Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act

2 When enacting the Political Reform Act, the people of the state of California found and declared  
3 that previous laws regulating political practices suffered from inadequate enforcement by state and local  
4 authorities.<sup>9</sup> To that end, the Act must be liberally construed to achieve its purposes.<sup>10</sup>

5 There are many purposes of the Act. Among these purposes are to ensure voters are fully informed  
6 and improper practices are inhibited by requiring all political candidates, as well as the committees that  
7 support or oppose them, to disclose all contributions and expenditures made throughout a campaign.<sup>11</sup>  
8 Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>12</sup>

9 Semi-Annual Statements

10 The Act requires a controlled committee to file semi-annual statements twice per year to disclose  
11 its campaign contributions and expenditures.<sup>13</sup> A committee must file a semi-annual statement by January  
12 31 for the period ending December 31 and by July 31 for the period ending June 30, or the next business  
13 day if the deadline falls on a weekend or holiday.<sup>14</sup>

14 Annual Fee

15 Each committee required to file a statement of organization must pay the SOS an annual \$50 fee  
16 by January 15 each year until the termination of the committee.<sup>15</sup> A committee that fails to timely pay the  
17 annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required  
18 to enforce this provision of the Act.<sup>16</sup>

19 Treasurer Liability

20 Every committee must have a treasurer.<sup>17</sup> It is the duty of the treasurer to ensure that the  
21 committee complies with all of the requirements of the Act concerning the receipt and expenditure of

22  
23 <sup>9</sup> Section 81001, subd. (h).  
<sup>10</sup> Section 81003.  
<sup>11</sup> Section 81002, subd. (a)  
<sup>12</sup> Section 81002, subd. (f).  
<sup>13</sup> Section 84200.5 subd. (b).  
<sup>14</sup> Section 84200 subd. (a) and Regulation 18116 subd. (a).  
<sup>15</sup> Section 84101.5, subd. (c).  
<sup>16</sup> Section 84101.5, subd. (d).  
<sup>17</sup> Section 84100.



1 funds and the reporting of such funds.<sup>18</sup> A committee's treasurer may be held jointly and severally liable  
2 with the committee and candidate for any reporting violations.<sup>19</sup>

3 Liability for Violations

4 Any person who violates any provision of the Act, who purposely or negligently causes any other  
5 person to violate any provision of the Act, or who aids and abets any other person in the violation  
6 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>20</sup> This only  
7 applies to persons who have filing or reporting obligations under the Act, or who are compensated for  
8 services involving the planning, organizing or directing of any activity regulated or required by the Act.<sup>21</sup>

9 **SUMMARY OF THE EVIDENCE**

10 The Committee qualified as a recipient committee on or about September 21, 2001. Fraser was  
11 first elected to the Half Moon Bay City Council on November 4, 2003. She was re-elected in 2008 and  
12 2012. Fraser is not seeking re-election in 2016.

13 The Committee, Fraser, and Buckley filed campaign statements through October 20, 2012. On  
14 the pre-election statement for the period of October 1, 2012 through October 20, 2012, the Committee  
15 reported an ending cash balance of \$8,769.40.

16 The Committee, Fraser, and Buckley failed to timely file semi-annual campaign statements for  
17 the periods of October 21, 2012 through December 31, 2012; January 1, 2013 through June 30, 2013;  
18 July 1, 2013 through December 31, 2013; January 1, 2014 through June 30, 2014; July 1, 2014 through  
19 December 31, 2014; January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015;  
20 and January 1, 2016 through June 30, 2016.

21 The Committee, Fraser, and Buckley failed to pay a \$50 annual fee to SOS for 2013, 2014,  
22 2015 and 2016 by the deadline each year. Additionally, the Committee, Fraser, and Buckley did not pay  
23 the subsequent penalties for failing to pay the \$50 annual fees. SOS sent the Committee multiple  
24

25 <sup>18</sup> Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

26 <sup>19</sup> Sections 83116.5 and 91006.

27 <sup>20</sup> Sections 83116 and 83116.5.

28 <sup>21</sup> Section 83116.5.

1 notices of its failure to pay the delinquent annual fees and penalties. The Committee did not pay the  
2 fees or penalties, so SOS referred the matter to the Enforcement Division.

3 On March 16, 2016 and April 15, 2016, the Enforcement Division sent letters to the Committee,  
4 Fraser, and the Committee's former treasurer regarding their failure to pay the annual fees and  
5 penalties, as well as their failure to file campaign statements since October 25, 2012. The Enforcement  
6 Division also sent four notifications to the Committee and Fraser via email. As of September 26, 2016,  
7 the Committee, Fraser, and Buckley have failed to file the outstanding semi-annual campaign  
8 statements or pay their delinquent annual fees and penalties, and have not terminated the Committee.

### 9 VIOLATIONS

#### 10 Count 1: Failure to Timely File a Semi-Annual Statement

11 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due January  
12 31, 2013, in violation of Section 84200.

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

14 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due July 31,  
15 2013, in violation of Section 84200.

#### 16 Count 3: Failure to Timely File a Semi-Annual Statement

17 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due January  
18 31, 2014, in violation of Section 84200.

#### 19 Count 4: Failure to Timely File a Semi-Annual Statement

20 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due July 31,  
21 2014, in violation of Section 84200.

#### 22 Count 5: Failure to Timely File a Semi-Annual Statement

23 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due February  
24 2, 2015, in violation of Section 84200.

25 ///

26 ///

1 Count 6: Failure to Timely File a Semi-Annual Statement

2 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due July 31,  
3 2015, in violation of Section 84200.

4 Count 7: Failure to Timely File a Semi-Annual Statement

5 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due February  
6 1, 2016, in violation of Section 84200.

7 Count 8: Failure to Timely File a Semi-Annual Statement

8 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due August  
9 1, 2016, in violation of Section 84200.

10 Count 9: Failure to Timely Pay the 2013 Annual Fee and Penalty

11 The Committee failed to pay the 2013 annual fee by the February 15, 2013 due date and failed to  
12 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,  
13 subdivisions (c) and (d).

14 Count 10: Failure to Timely Pay the 2014 Annual Fee and Penalty

15 The Committee failed to pay the 2014 annual fee by the January 15, 2014 due date and failed to  
16 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,  
17 subdivisions (c) and (d).

18 Count 11: Failure to Timely Pay the 2015 Annual Fee and Penalty

19 The Committee failed to pay the 2015 annual fee by the January 15, 2015 due date and failed to  
20 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,  
21 subdivisions (c) and (d).

22 Count 12: Failure to Timely Pay the 2015 Annual Fee and Penalty

23 The Committee failed to pay the 2016 annual fee by the January 15, 2016 due date and failed to  
24 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,  
25 subdivisions (c) and (d).

26 ///

1 **OTHER RELEVANT MATERIAL**

2 The Enforcement Division is not aware of any other relevant information.

3 **EXCULPATORY AND MITIGATING INFORMATION**

4 The Enforcement Division is not aware of any exculpatory or mitigating information.

5 **CONCLUSION**

6 Probable cause exists to believe that the Committee, Fraser, and Buckley violated the Act by  
7 failing to timely file semi-annual statements for the periods of October 21, 2012 through December 31,  
8 2012; January 1, 2013 through June 30, 2013; July 1, 2013 through December 31, 2013; January 1, 2014  
9 through June 30, 2014; July 1, 2014 through December 31, 2014; January 1, 2015 through June 30, 2015;  
10 July 1, 2015 through December 31, 2015; and January 1, 2016 through June 30, 2016. Probable cause  
11 also exists to believe that the Committee, Fraser, and Buckley violated the Act by failing to pay the 2013,  
12 2014, 2015, and 2016 annual fees and penalties. The Enforcement Division respectfully requests an order  
13 finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

14  
15 Dated: 9/27/16

16  
17 Respectfully Submitted,

18 **FAIR POLITICAL PRACTICES COMMISSION**  
19 Galena West  
20 Enforcement Chief

21   
22 By: Dave Bainbridge  
23 Assistant Chief  
24 Enforcement Division  
25  
26  
27

**Exhibit A-2**

**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 September 29, 2016, I served the following document(s):

- 1. Letter dated September 29, 2016 from Dave Bainbridge;
- 2. FPPC No. 16/140 Report in Support of a Finding of Probable Cause;
- 3. Probable Cause Fact Sheet
- 4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
- 5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

By 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.

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

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

**SERVICE LIST**

Certified Mail, Return Receipt Requested

Marina Fraser  
Committee to Elect Marina Fraser

[Redacted]

Jackie M. Buckley  
Committee to Elect Marina Fraser

[Redacted]

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 9-29-16.

[Redacted Signature]

Amanda C. Kelly

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Marina Fraser  
Committee to Elect Marina Fraser



9590 9402 2077 6132 0044 77

2. Article Number (Transfer from service label)

7016 0340 0000 7163 8183

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Redacted Signature]

Agent  
 Addressee

B. Received by (Printed Name)

M.H. FRASEK

C. Date of Delivery

10/14/16

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

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery



9590 9402 2077 6132 0044 77



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

\* Sender: Please print your name, address, and ZIP+4® in this box\*

Amanda Kelly  
Fair Political Practices Commission  
Government Division  
1000 Broadway, Suite 620  
San Francisco, CA 95814

RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION

16 OCT 17 AM 11:54





**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jackie M. Buckley  
Committee to Elect Marina Fraser



9590 9402 2077 6132 0044 60

2. Article Number (Transfer from service label)

7016 0340 0000 7163 8190

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X [Redacted Signature]  Agent  
 Addressee

B. Received by (Printed Name) / C. Date of Delivery

Tim Buckley

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

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

Signature Confirmation Restricted Delivery

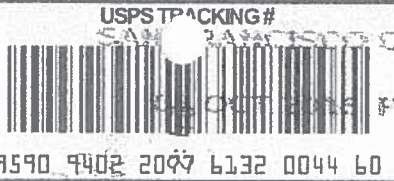
Signature Confirmation Restricted Delivery

United States  
Postal Service

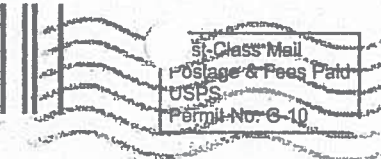
• Sender: Please print your name, address, and ZIP+4® in this box®

Amanda Kelly  
Fair Political Practices Commission  
Enforcement Division  
428 J Street, Suite 620  
Sacramento, CA 95814

329



9590 9402 2077 6132 0044 60



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. 6-10



7016 0340 0000 7163 8183

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Marina Fraser  
Committee to Elect Marina Fraser

7016 0340 0000 7163 8190

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Jackie M. Buckley  
Committee to Elect Marina Fraser

**Exhibit A-3**



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

September 29, 2016

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Marina Fraser  
Committee to Elect Marina Fraser



Jackie M. Buckley  
Committee to Elect Marina Fraser



**In the Matter of COMMITTEE TO ELECT MARINA FRASER, MARINA FRASER,  
AND JACKIE M. BUCKLEY; FPPC No. 16/140**

Dear Ms. Fraser and Ms. Buckley:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") is proceeding with an administrative action against you for your failure to comply with the filing and disclosure provisions of the Political Reform Act (the "Act"), as described in our previous correspondence dated March 16, 2016 and April 15, 2016. The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence.

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

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

was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. *If you are interested in reaching a settlement in this matter, please contact Amanda Kelly at (916) 322-7771 or akelly@fppc.ca.gov.*

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

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

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

Sincerely,



Dave Bainbridge  
Assistant Chief  
Enforcement Division

Enclosures

DB: ack

## PROBABLE CAUSE FACT SHEET

---

### INTRODUCTION

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

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

### THE LAW

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

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

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

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

### THE PROCEDURE

#### Probable Cause Report

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

## **Discovery**

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

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

## **Response to Probable Cause Report**

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

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

## **Staff Reply**

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

## **Probable Cause Conference**

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

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

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

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

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

---

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



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

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

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

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

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

### **Continuances**

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

### **Settlements**

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

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

### **CONCLUSION**

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

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

## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

---

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

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

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

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

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



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

**Probable Cause Regulations**

---

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

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

**§ 18361.4. Probable Cause Proceedings**

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Exhibit A-4**

GALENA WEST  
Chief of Enforcement  
DAVE BAINBRIDGE  
Assistant Chief of Enforcement  
**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. 16/140
	)	
COMMITTEE TO ELECT MARINA FRASER, MARINA FRASER, AND JACKIE M. BUCKLEY,	)	EX PARTE REQUEST FOR A FINDING OF PROBABLE CAUSE AND AN ORDER THAT
	)	AN ACCUSATION BE PREPARED AND
	)	SERVED
	)	
Respondents.	)	Gov. Code § 83115.5
	)	

**TO THE HEARING OFFICER OF THE FAIR POLITICAL PRACTICES COMMISSION:**

Pursuant to Section 83115.5 of the Political Reform Act (the "Act")<sup>1</sup> and Regulation 18361.4, Respondents Committee to Elect Marina Fraser (the "Committee"), Marina Fraser ("Fraser"), and Jackie M. Buckley ("Buckley") were served with a copy of a report in support of a finding of probable cause ("Report") in the above-entitled matter.<sup>2</sup> 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 sent to the Committee, Fraser, and Buckley on September 29, 2016, by certified mail, with a return receipt requested. The Report was received by the Committee and Fraser on October 14, 2016 and received by Buckley on October 4, 2016. Copies of the return receipts are attached as "Exhibit B."

<sup>1</sup> The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

<sup>2</sup> Gov. Code § 83115.5; Cal. Code Reg., tit. 2, § 18361.4.



1 In the cover letter dated September 29, 2016, and the attached materials, the Committee, Fraser,  
2 and Buckley were advised that they could respond in writing to the Report and orally present the case to  
3 the Hearing Officer at a probable cause conference to be held in Sacramento. The Committee, Fraser, and  
4 Buckley were further advised that in order to have a probable cause conference, they needed to make a  
5 written request for one on or before 21 days of the date they received the Report. Additionally, the  
6 Committee, Fraser, and Buckley were advised that if they did not request a probable cause conference,  
7 such a conference would not be held and probable cause would be determined based solely on the Report  
8 and any written response that they submitted within 21 days of the date they were served with the Report.  
9 To date, the Committee, Fraser, and Buckley have not submitted a written response or requested a probable  
10 cause conference.

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

- 14
- 15 Count 1: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
16 January 31, 2013, in violation of Section 84200.
- 17 Count 2: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
18 July 31, 2013, in violation of Section 84200.
- 19 Count 3: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
20 January 31, 2014, in violation of Section 84200.
- 21 Count 4: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
22 July 31, 2014, in violation of Section 84200.
- 23 Count 5: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
24 February 2, 2015, in violation of Section 84200.
- 25 Count 6: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
26 July 31, 2015, in violation of Section 84200.
- 27 Count 7: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
28 February 1, 2016, in violation of Section 84200.



1 Count 8: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
2 August 1, 2016, in violation of Section 84200.

3 Count 9: The Committee, Fraser, and Buckley failed to pay the 2013 annual fee by the February  
4 15, 2013 due date and failed to pay a penalty of \$150 for failing to timely pay the annual  
5 fee, in violation of Section 84101.5, subdivisions (c) and (d).

6 Count 10: The Committee, Fraser, and Buckley failed to pay the 2014 annual fee by the January 15,  
7 2014 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
8 in violation of Section 84101.5, subdivisions (c) and (d).

9 Count 11: The Committee, Fraser, and Buckley failed to pay the 2015 annual fee by the January 15,  
10 2015 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
11 in violation of Section 84101.5, subdivisions (c) and (d).

12 Count 12: The Committee, Fraser, and Buckley failed to pay the 2016 annual fee by the January 15,  
13 2016 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
14 in violation of Section 84101.5, subdivisions (c) and (d).

15 Additionally, after finding probable cause exists, the Enforcement Division requests an order by  
16 the Hearing Officer that an accusation be prepared against the Committee, Fraser, and Buckley and served  
17 upon them.<sup>3</sup>

18 A copy of this Request was mailed via U.S. Mail to the Committee, Fraser, and Buckley on  
19 November 28, 2016, at their last known addresses, as follows:

20 Marina Fraser  
21 Committee to Elect Marina Fraser

22 [REDACTED]  
23 [REDACTED]

24 ///

25 ///

26 ///

27 ///

28 <sup>3</sup> Gov. Code § 11503.

1 Jackie M. Buckley  
2 Committee to Elect Marina Fraser  
3 [REDACTED]

4  
5 Dated: 11/29/16

Respectfully Submitted,

**FAIR POLITICAL PRACTICES COMMISSION**

Galena West  
Chief of Enforcement  
6  
7  
8  
9  
10 [REDACTED]

11 By: Dave Bainbridge  
12 Assistant Chief  
13 Enforcement Division  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**EXHIBIT A**

---

1 GALENA WEST  
Chief of Enforcement  
2 DAVE BAINBRIDGE  
Assistant Chief of Enforcement  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant  
Enforcement Division of the Fair Political Practices Commission  
7

8  
9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
10 STATE OF CALIFORNIA

11 In the Matter of

12  
13 COMMITTEE TO ELECT MARINA  
FRASER, MARINA FRASER, AND  
14 JACKIE M. BUCKLEY

15  
16 Respondent.  
17

) FPPC No. 16/140

) **REPORT IN SUPPORT OF A FINDING OF  
PROBABLE CAUSE**

) Conference Date: TBA

) Conference Time: TBA

) Conference Location: Commission Offices  
428 J Street, Suite 620  
Sacramento, CA 95814

18 **INTRODUCTION**

19 Respondent Committee to Elect Marina Fraser (the "Committee") is the candidate-controlled  
20 committee for respondent Marina Fraser ("Fraser"), who serves on the Half Moon Bay City Council.  
21 Jackie M. Buckley ("Buckley") is the committee's treasurer.

22 The Political Reform Act (the "Act")<sup>1</sup> requires controlled committees to file two semi-annual  
23 statements each year by July 31 for the period ending June 30 and by January 31 for the period ending  
24

25  
26 <sup>1</sup> The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are  
to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18110 through 18997 of Title 2 of  
the California Code of Regulations, and all regulatory references are to this source.  
27

1 December 31.<sup>2</sup> The Committee failed to timely file eight semi-annual statements. Each committee  
2 required to file a statement of organization must pay the Secretary of State (“SOS”) an annual \$50 fee by  
3 January 15 every year until the termination of the committee.<sup>3</sup> The Committee failed to timely pay the  
4 annual fee for 2013, 2014, 2015, and 2016.

## 5 SUMMARY OF THE LAW

6 All legal references and discussions of law pertain to the Act’s provisions as they existed in 2012–  
7 2016.

### 8 Jurisdiction

9 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to  
10 enforce the provisions of the Act.<sup>4</sup>

### 11 Probable Cause Proceedings

12 Prior to the Enforcement Division commencing an administrative action, the General Counsel of  
13 the Commission or her designee (the “hearing officer”), must make a finding that there is probable cause  
14 to believe the respondent has violated the Act.<sup>5</sup> After a finding of probable cause, the Commission may  
15 hold a noticed hearing in accordance with the Administrative Procedure Act<sup>6</sup> to determine whether  
16 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.<sup>7</sup>

### 17 Standard for Finding Probable Cause

18 To make a finding of probable cause, the hearing officer must be presented with sufficient  
19 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,  
20 that a respondent committed or caused a violation.<sup>8</sup>

21 ///

22 ///

---

23 <sup>2</sup> Section 84200.

24 <sup>3</sup> Section 84101.5, subd. (c).

25 <sup>4</sup> Section 83116.

26 <sup>5</sup> Section 83115.5, and Regulations 18361 and 18361.4.

27 <sup>6</sup> Section 11500, et seq.

28 <sup>7</sup> Section 83116, and Regulation 18361.4, subd. (e).

<sup>8</sup> Section 18361.4, subd. (e).

1 Need for Liberal Construction and Vigorous Enforcement of the Political Reform Act

2 When enacting the Political Reform Act, the people of the state of California found and declared  
3 that previous laws regulating political practices suffered from inadequate enforcement by state and local  
4 authorities.<sup>9</sup> To that end, the Act must be liberally construed to achieve its purposes.<sup>10</sup>

5 There are many purposes of the Act. Among these purposes are to ensure voters are fully informed  
6 and improper practices are inhibited by requiring all political candidates, as well as the committees that  
7 support or oppose them, to disclose all contributions and expenditures made throughout a campaign.<sup>11</sup>  
8 Another is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>12</sup>

9 Semi-Annual Statements

10 The Act requires a controlled committee to file semi-annual statements twice per year to disclose  
11 its campaign contributions and expenditures.<sup>13</sup> A committee must file a semi-annual statement by January  
12 31 for the period ending December 31 and by July 31 for the period ending June 30, or the next business  
13 day if the deadline falls on a weekend or holiday.<sup>14</sup>

14 Annual Fee

15 Each committee required to file a statement of organization must pay the SOS an annual \$50 fee  
16 by January 15 each year until the termination of the committee.<sup>15</sup> A committee that fails to timely pay the  
17 annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required  
18 to enforce this provision of the Act.<sup>16</sup>

19 Treasurer Liability

20 Every committee must have a treasurer.<sup>17</sup> It is the duty of the treasurer to ensure that the  
21 committee complies with all of the requirements of the Act concerning the receipt and expenditure of

22 <sup>9</sup> Section 81001, subd. (h).

23 <sup>10</sup> Section 81003.

24 <sup>11</sup> Section 81002, subd. (a)

25 <sup>12</sup> Section 81002, subd. (f).

26 <sup>13</sup> Section 84200.5 subd. (b).

27 <sup>14</sup> Section 84200 subd. (a) and Regulation 18116 subd. (a).

28 <sup>15</sup> Section 84101.5, subd. (c).

<sup>16</sup> Section 84101.5, subd. (d).

<sup>17</sup> Section 84100.

1 funds and the reporting of such funds.<sup>18</sup> A committee's treasurer may be held jointly and severally liable  
2 with the committee and candidate for any reporting violations.<sup>19</sup>

3 Liability for Violations

4 Any person who violates any provision of the Act, who purposely or negligently causes any other  
5 person to violate any provision of the Act, or who aids and abets any other person in the violation  
6 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>20</sup> This only  
7 applies to persons who have filing or reporting obligations under the Act, or who are compensated for  
8 services involving the planning, organizing or directing of any activity regulated or required by the Act.<sup>21</sup>

9 **SUMMARY OF THE EVIDENCE**

10 The Committee qualified as a recipient committee on or about September 21, 2001. Fraser was  
11 first elected to the Half Moon Bay City Council on November 4, 2003. She was re-elected in 2008 and  
12 2012. Fraser is not seeking re-election in 2016.

13 The Committee, Fraser, and Buckley filed campaign statements through October 20, 2012. On  
14 the pre-election statement for the period of October 1, 2012 through October 20, 2012, the Committee  
15 reported an ending cash balance of \$8,769.40.

16 The Committee, Fraser, and Buckley failed to timely file semi-annual campaign statements for  
17 the periods of October 21, 2012 through December 31, 2012; January 1, 2013 through June 30, 2013;  
18 July 1, 2013 through December 31, 2013; January 1, 2014 through June 30, 2014; July 1, 2014 through  
19 December 31, 2014; January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015;  
20 and January 1, 2016 through June 30, 2016.

21 The Committee, Fraser, and Buckley failed to pay a \$50 annual fee to SOS for 2013, 2014,  
22 2015 and 2016 by the deadline each year. Additionally, the Committee, Fraser, and Buckley did not pay  
23 the subsequent penalties for failing to pay the \$50 annual fees. SOS sent the Committee multiple  
24

25 <sup>18</sup> Sections 81004, 84100, 84104, and 84213, and Règlement 18427.

26 <sup>19</sup> Sections 83116.5 and 91006.

27 <sup>20</sup> Sections 83116 and 83116.5.

28 <sup>21</sup> Section 83116.5.



1 notices of its failure to pay the delinquent annual fees and penalties. The Committee did not pay the  
2 fees or penalties, so SOS referred the matter to the Enforcement Division.

3 On March 16, 2016 and April 15, 2016, the Enforcement Division sent letters to the Committee,  
4 Fraser, and the Committee's former treasurer regarding their failure to pay the annual fees and  
5 penalties, as well as their failure to file campaign statements since October 25, 2012. The Enforcement  
6 Division also sent four notifications to the Committee and Fraser via email. As of September 26, 2016,  
7 the Committee, Fraser, and Buckley have failed to file the outstanding semi-annual campaign  
8 statements or pay their delinquent annual fees and penalties, and have not terminated the Committee.

### 9 VIOLATIONS

#### 10 Count 1: Failure to Timely File a Semi-Annual Statement

11 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due January  
12 31, 2013, in violation of Section 84200.

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

14 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due July 31,  
15 2013, in violation of Section 84200.

#### 16 Count 3: Failure to Timely File a Semi-Annual Statement

17 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due January  
18 31, 2014, in violation of Section 84200.

#### 19 Count 4: Failure to Timely File a Semi-Annual Statement

20 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due July 31,  
21 2014, in violation of Section 84200.

#### 22 Count 5: Failure to Timely File a Semi-Annual Statement

23 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due February  
24 2, 2015, in violation of Section 84200.

25 ///

26 ///

1 Count 6: Failure to Timely File a Semi-Annual Statement

2 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due July 31,  
3 2015, in violation of Section 84200.

4 Count 7: Failure to Timely File a Semi-Annual Statement

5 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due February  
6 1, 2016, in violation of Section 84200.

7 Count 8: Failure to Timely File a Semi-Annual Statement

8 The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due August  
9 1, 2016, in violation of Section 84200.

10 Count 9: Failure to Timely Pay the 2013 Annual Fee and Penalty

11 The Committee failed to pay the 2013 annual fee by the February 15, 2013 due date and failed to  
12 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,  
13 subdivisions (c) and (d).

14 Count 10: Failure to Timely Pay the 2014 Annual Fee and Penalty

15 The Committee failed to pay the 2014 annual fee by the January 15, 2014 due date and failed to  
16 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,  
17 subdivisions (c) and (d).

18 Count 11: Failure to Timely Pay the 2015 Annual Fee and Penalty

19 The Committee failed to pay the 2015 annual fee by the January 15, 2015 due date and failed to  
20 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,  
21 subdivisions (c) and (d).

22 Count 12: Failure to Timely Pay the 2015 Annual Fee and Penalty

23 The Committee failed to pay the 2016 annual fee by the January 15, 2016 due date and failed to  
24 pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,  
25 subdivisions (c) and (d).

26 ///

1 **OTHER RELEVANT MATERIAL**

2 The Enforcement Division is not aware of any other relevant information.

3 **EXCULPATORY AND MITIGATING INFORMATION**

4 The Enforcement Division is not aware of any exculpatory or mitigating information.

5 **CONCLUSION**

6 Probable cause exists to believe that the Committee, Fraser, and Buckley violated the Act by  
7 failing to timely file semi-annual statements for the periods of October 21, 2012 through December 31,  
8 2012; January 1, 2013 through June 30, 2013; July 1, 2013 through December 31, 2013; January 1, 2014  
9 through June 30, 2014; July 1, 2014 through December 31, 2014; January 1, 2015 through June 30, 2015;  
10 July 1, 2015 through December 31, 2015; and January 1, 2016 through June 30, 2016. Probable cause  
11 also exists to believe that the Committee, Fraser, and Buckley violated the Act by failing to pay the 2013,  
12 2014, 2015, and 2016 annual fees and penalties. The Enforcement Division respectfully requests an order  
13 finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

14  
15 Dated: 9/27/16


16  
17 Respectfully Submitted,

18 **FAIR POLITICAL PRACTICES COMMISSION**

19 Galena West  
20 Enforcement Chief

21   
22 By: Dave Bainbridge  
23 Assistant Chief  
24 Enforcement Division  
25  
26  
27

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> [Redacted] <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>												
<p>1. Article Addressed to:</p> <p>Marina Fraser          Committee to Elect Marina Fraser          [Redacted]</p>  <p>9590 9402 2077 6132 0044 77</p>	<p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span>          M.H. FRASEK <span style="float: right;">10/14/16</span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>												
<p>2. Article Number (Transfer from service label)          7016 0340 0000 7163 8183</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>													

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY												
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> [Redacted] <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>												
<p>1. Article Addressed to:</p> <p>Jackie M. Buckley          Committee to Elect Marina Fraser          [Redacted]</p>  <p>9590 9402 2077 6132 0044 60</p>	<p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span>          Tim Buckley <span style="float: right;"></span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>												
<p>2. Article Number (Transfer from service label)          7016 0340 0000 7163 8190</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>													

**EXHIBIT B**

**Exhibit A-5**

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
STATE OF CALIFORNIA

In the Matter of ) FPPC No. 16/140  
)  
)  
COMMITTEE TO ELECT MARINA ) FINDING OF PROBABLE CAUSE AND  
FRASER, MARINA FRASER, AND ) ORDER TO PREPARE AND SERVE AN  
JACKIE M. BUCKLEY, ) ACCUSATION  
)  
) Gov. Code § 83115.5  
Respondents. )

By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an Accusation Be Prepared and Served, dated November 28, 2016, 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 for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served ("Ex Parte Request"), the Enforcement Division served a Report in Support of a Finding of Probable Cause ("PC Report") on respondents Committee to Elect Marina Fraser (the "Committee") and Marina Fraser ("Fraser") concerning this matter on October 14, 2016, by certified mail, return receipt requested and on respondent Jackie M. Buckley ("Buckley") on October 4, 2016, by certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed the Committee, Fraser, and Buckley of their right to file a written response to the PC Report and to request a probable cause conference within 21 days following service of the PC Report. During the 21 days that followed service of the PC Report, the Committee, Fraser, and Buckley did not file a response to the PC 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 a probable cause conference.<sup>1</sup>

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 to believe that a respondent violated

<sup>1</sup> 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 the Political Reform Act as alleged by the Enforcement Division in the PC Report served on the  
2 respondents.

3 Probable cause to believe a violation has occurred can be found to exist when “the evidence is  
4 sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that  
5 the proposed respondent(s) committed or caused a violation.”<sup>2</sup>

6 The PC Report served on the Committee, Fraser, and Buckley and the subsequent Ex Parte Request  
7 in this matter alleges 12 violations of the Political Reform Act were committed, as follows:

8  
9 Count 1: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
10 January 31, 2013, in violation of Section 84200.

11 Count 2: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
12 July 31, 2013, in violation of Section 84200.

13 Count 3: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
14 January 31, 2014, in violation of Section 84200.

15 Count 4: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
16 July 31, 2014, in violation of Section 84200.

17 Count 5: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
18 February 2, 2015, in violation of Section 84200.

19 Count 6: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
20 July 31, 2015, in violation of Section 84200.

21 Count 7: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
22 February 1, 2016, in violation of Section 84200.

23 Count 8: The Committee, Fraser, and Buckley failed to timely file the semi-annual statement due  
24 August 1, 2016, in violation of Section 84200.

25 Count 9: The Committee, Fraser, and Buckley failed to pay the 2013 annual fee by the February  
26 15, 2013 due date and failed to pay a penalty of \$150 for failing to timely pay the annual  
27 fee, in violation of Section 84101.5, subdivisions (c) and (d).

28 <sup>2</sup> Cal. Code Reg., tit. 2, § 18361.4, subd. (e).



1 Count 10: The Committee, Fraser, and Buckley failed to pay the 2014 annual fee by the January 15,  
2 2014 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
3 in violation of Section 84101.5, subdivisions (c) and (d).

4 Count 11: The Committee, Fraser, and Buckley failed to pay the 2015 annual fee by the January 15,  
5 2015 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
6 in violation of Section 84101.5, subdivisions (c) and (d).

7 Count 12: The Committee, Fraser, and Buckley failed to pay the 2016 annual fee by the January 15,  
8 2016 due date and failed to pay a penalty of \$150 for failing to timely pay the annual fee,  
9 in violation of Section 84101.5, subdivisions (c) and (d).

10 Based on the Ex Parte Request given to me, I find that notice has been given to Committee,  
11 Fraser, and Buckley.<sup>3</sup> I further find, based on the PC Report and the Ex Parte Request, that there is  
12 probable cause to believe the Committee, Fraser, and Buckley violated the Political Reform Act as  
13 alleged in Counts 1 through 12, as identified above.

14 I therefore direct that the Enforcement Division issue an accusation against the Committee,  
15 Fraser, and Buckley in accordance with this finding.

16 IT IS SO ORDERED.

17 Dated: 12/7/16

18   
19 Brian Lau, Hearing Officer  
20 Fair Political Practices Commission  
21  
22  
23  
24  
25  
26  
27

28 <sup>3</sup> Government Code § 83115.5; Cal. Code Reg., tit. 2, §18361.4, subd. (b).

FPPC No. 16/140, In the matter of Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley

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

Ms. Marina Fraser  
Committee to Elect Marina Fraser

[REDACTED]  
[REDACTED]

Ms. Jackie M. Buckley  
Committee to Elect Marina Fraser

[REDACTED]  
[REDACTED]

(By Personal Service) On Wednesday, December 07, 2016, at approximately 3:15 p.m., I personally served:

Galena West, Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.  
Dave Bainbridge, Assistant Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on December 7, 2016.

[REDACTED]

Sheva Tabatabaiejad

**Exhibit A-6**

1 GALENA WEST  
Chief of Enforcement  
2 AMANDA KELLY  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7  
8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**  
9 **STATE OF CALIFORNIA**  
10

11 In the Matter of ) FPPC No. 16/140  
12 )  
13 )  
14 ) **ACCUSATION**  
15 )  
16 ) (Gov. Code §11503)  
17 )  
18 ) Respondents.  
19 )

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

22 **JURISDICTION**

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

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



1 year for the semi-annual reporting period ending December 31.<sup>6</sup> When a filing deadline falls on a Saturday,  
2 Sunday, or official state holiday, the filing deadline is extended to the next business day.<sup>7</sup>

3 **B. Duty to Pay the Annual Fee**

4 10. Each committee required to file a statement of organization was required to pay an annual  
5 fee to the Secretary of State beginning in 2013. The annual fee for 2013 was due by February 15, 2013.  
6 In subsequent years, each committee has been required to pay the \$50 annual fee by January 15 each year  
7 until the termination of the committee.<sup>8</sup> A committee that fails to timely pay the annual fee is subject to a  
8 penalty equal to three times the amount of the fee. The Commission is required to enforce this provision  
9 of the Act.<sup>9</sup>

10 **C. Factors to be Considered by the Fair Political Practices Commission**

11 11. In framing a proposed order following a finding of a violation pursuant to Section 83116,  
12 the Commission and the administrative law judge shall consider all the surrounding circumstances  
13 including but not limited to: (1) The seriousness of the violation; (2) The presence or absence of any  
14 intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or inadvertent;  
15 (4) Whether the violator demonstrated good faith by consulting the Commission staff or any other  
16 government agency in a manner not constituting a complete defense under Section 83114(b); (5) Whether  
17 the violation was isolated or part of a pattern and whether the violator has a prior record of violations of  
18 the Act or similar laws; and (6) Whether the violator, upon learning of a reporting violation, voluntarily  
19 filed amendments to provide full disclosure.<sup>10</sup>

20 **GENERAL FACTS**

21 12. The Committee qualified as a recipient committee on or about September 21, 2001.

22 13. Fraser was first elected to the Half Moon Bay City Council on November 4, 2003. She was  
23 re-elected in 2008 and 2012. Fraser did not seek re-election in 2016.

24  
25  
26 <sup>6</sup> Section 84200, subd. (a).

27 <sup>7</sup> Regulation 18116.

<sup>8</sup> Section 84101.5, subd. (c).

28 <sup>9</sup> Section 84101.5, subd. (d).

<sup>10</sup> Reg. 18361.5, subd. (d).

1 14. The Committee, Fraser, and Buckley timely filed campaign statements through October  
2 20, 2012. On the pre-election statement for October 1, 2012 through October 20, 2012, the Committee  
3 reported an ending cash balance of \$8,769.40.

4 15. The Committee, Fraser, and Buckley failed to timely file semi-annual campaign  
5 statements for the periods of October 21, 2012 through December 31, 2012; January 1, 2013 through  
6 June 30, 2013; July 1, 2013 through December 31, 2013; January 1, 2014 through June 30, 2014; July 1,  
7 2014 through December 31, 2014; January 1, 2015 through June 30, 2015; July 1, 2015 through  
8 December 31, 2015; and January 1, 2016 through June 30, 2016.

9 16. The Committee, Fraser, and Buckley failed to pay the \$50 annual fee to SOS for the years  
10 of 2013, 2014, 2015, and 2016 by the deadline each year. They also failed to pay the subsequent penalties  
11 for failing to pay the annual fee.

12 17. SOS sent the Committee, Fraser, and Buckley multiple notices of their failure to pay the  
13 delinquent annual fees and penalties. The Committee, Fraser, and Buckley did not pay, so SOS referred  
14 the matter to the Enforcement Division.

15 18. As of December 14, 2016, the Committee, Fraser, and Buckley have not filed the eight  
16 outstanding semi-annual campaign statements, nor have they paid the \$50 annual fee and subsequent late  
17 penalties to SOS for the years of 2013, 2014, 2015, and 2016.

18 **PROCEDURAL HISTORY**

19 19. The Enforcement Division attempted to contact the Committee, Fraser, and the  
20 Committee's former treasurer by U.S. mail on March 16, 2016 and April 15, 2016. The Enforcement  
21 Division also attempted to contact the Committee and Fraser five times by email between August 1,  
22 2016 and September 19, 2016.

23 20. The Enforcement Division initiated the administrative action against the Committee,  
24 Fraser, and Buckley in this matter by serving them with a packet containing a cover letter, a Report in  
25 Support of a Finding of Probable Cause ("PC Report"), a fact sheet regarding probable cause proceedings,  
26 selected sections of the Government Code regarding probable cause proceedings for the Commission, and  
27 selected regulations of the Commission regarding probable cause proceedings.

28



1 21. The Committee and Fraser were served with the PC Report via certified mail on October  
2 14, 2016, and Buckley was served with the PC Report via certified mail on October 4, 2016. The  
3 information contained in the PC Report packet advised the Committee, Fraser, and Buckley that they had  
4 21 days in which to request a probable cause conference and/or to file a written response to the PC Report.  
5 As of the date of this Accusation, the Committee, Fraser, and Buckley have not responded to the PC  
6 Report.

7 22. By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that  
8 an Accusation Be Prepared and Served ("Ex Parte Request"), dated November 28, 2016, the Enforcement  
9 Division submitted the matter to the Hearing Officer for a determination of probable cause.

10 23. On or about December 7, 2016, the Hearing Officer issued an order finding, based on the  
11 Ex Parte Request and the PC Report, that there was probable cause to believe the Committee, Fraser, and  
12 Buckley violated the Act and directed the Enforcement Division to issue an accusation against the  
13 Committee, Fraser, and Buckley in accordance with the finding.

14 24. As of December 14, 2016, the Committee, Fraser, and Buckley have failed to file the  
15 outstanding semi-annual campaign statements and pay their delinquent fees and penalties, and have not  
16 terminated the Committee.

### 17 VIOLATIONS

18 25. The Committee, Fraser, and Buckley committed 12 violations of the Act as follows:

#### 19 Count 1

##### 20 Failure to Timely File a Semi-Annual Statement

21 26. Complainant incorporates paragraphs 1 – 25 of this Accusation, as though completely set  
22 forth here.

23 27. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
24 Buckley had a duty to file a semi-annual statement for the period of October 20, 2012 through December  
25 31, 2012 by January 31, 2013.

26 28. The Committee, Fraser, and Buckley failed to timely file the semi-annual statement for the  
27 period of October 20, 2012 through December 31, 2012 by the deadline.  
28

1 29. By failing to timely file the semi-annual statement by January 31, 2013, the Committee,  
2 Fraser, and Buckley violated Section 84200.

3 **Count 2**

4 **Failure to Timely File a Semi-Annual Statement**

5 30. Complainant incorporates paragraphs 1 – 29 of this Accusation, as though completely set  
6 forth here.

7 31. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
8 Buckley had a duty to file a semi-annual statement for the period of January 1, 2013 through June 30,  
9 2013 by July 31, 2013.

10 32. The Committee, Fraser, and Buckley failed to timely file the semi-annual statement for the  
11 period of January 1, 2013 through June 30, 2013 by the deadline.

12 33. By failing to timely file the semi-annual statement by July 31, 2013, the Committee, Fraser,  
13 and Buckley violated Section 84200.

14 **Count 3**

15 **Failure to Timely File a Semi-Annual Statement**

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

18 35. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
19 Buckley had a duty to file a semi-annual statement for the period of July 1, 2013 through December 31,  
20 2013 by January 31, 2014.

21 36. The Committee, Fraser, and Buckley failed to timely file the semi-annual statement for the  
22 period of July 1, 2013 through December 31, 2013 by the deadline.

23 37. By failing to timely file the semi-annual statement by January 31, 2014, the Committee,  
24 Fraser, and Buckley violated Section 84200.

25 **Count 4**

26 **Failure to Timely File a Semi-Annual Statement**

27 38. Complainant incorporates paragraphs 1 – 37 of this Accusation, as though completely set  
28 forth here.

1 39. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
2 Buckley had a duty to file a semi-annual statement for the period of January 1, 2014 through June 30,  
3 2014 by July 31, 2014.

4 40. The Committee, Fraser, and Buckley failed to timely file the semi-annual statement for the  
5 period of January 1, 2014 through June 30, 2014 by the deadline.

6 41. By failing to timely file the semi-annual statement by July 31, 2014, the Committee, Fraser,  
7 and Buckley violated Section 84200.

8 **Count 5**

9 **Failure to Timely File a Semi-Annual Statement**

10 42. Complainant incorporates paragraphs 1 – 41 of this Accusation, as though completely set  
11 forth here.

12 43. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
13 Buckley had a duty to file a semi-annual statement for the period of July 1, 2014 through December 31,  
14 2014 by February 2, 2015.

15 44. The Committee, Fraser, and Buckley failed to timely file the semi-annual statement for the  
16 period of July 1, 2014 through December 31, 2014 by the deadline.

17 45. By failing to timely file the semi-annual statement by February 2, 2015, the Committee,  
18 Fraser, and Buckley violated Section 84200.

19 **Count 6**

20 **Failure to Timely File a Semi-Annual Statement**

21 46. Complainant incorporates paragraphs 1 – 45 of this Accusation, as though completely set  
22 forth here.

23 47. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
24 Buckley had a duty to file a semi-annual statement for the period of January 1, 2015 through June 30,  
25 2015 by July 31, 2015.

26 48. The Committee, Fraser, and Buckley failed to timely file the semi-annual statement for the  
27 period of January 1, 2015 through June 30, 2015 by the deadline.

1 49. By failing to timely file the semi-annual statement by July 31, 2015, the Committee, Fraser,  
2 and Buckley violated Section 84200.

3 **Count 7**

4 **Failure to Timely File a Semi-Annual Statement**

5 50. Complainant incorporates paragraphs 1 – 49 of this Accusation, as though completely set  
6 forth here.

7 51. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
8 Buckley had a duty to file a semi-annual statement for the period of July 1, 2015 through December 31,  
9 2015 by February 1, 2016.

10 52. The Committee, Fraser, and Buckley failed to timely file the semi-annual statement for the  
11 period of July 1, 2015 through December 31, 2015 by the deadline.

12 53. By failing to timely file the semi-annual statement by February 1, 2016, the Committee,  
13 Fraser, and Buckley violated Section 84200.

14 **Count 8**

15 **Failure to Timely File a Semi-Annual Statement**

16 54. Complainant incorporates paragraphs 1 – 53 of this Accusation, as though completely set  
17 forth here.

18 55. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
19 Buckley had a duty to file a semi-annual statement for the period of January 1, 2016 through June 30,  
20 2016 by August 1, 2016.

21 56. The Committee, Fraser, and Buckley failed to timely file the semi-annual statement for the  
22 period of for the period of January 1, 2016 through June 30, 2016 by the deadline.

23 57. By failing to timely file the semi-annual statement by August 1, 2016, the Committee,  
24 Fraser, and Buckley violated Section 84200.

25 **Count 9**

26 **Failure to Timely Pay the 2013 Annual Fee and Penalty**

27 58. Complainant incorporates paragraphs 1 – 57 of this Accusation, as though completely set  
28 forth herein.

1 59. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
2 Buckley had a duty to pay an annual fee for 2013 to the Secretary of State by February 15, 2013.

3 60. The Committee, Fraser, and Buckley failed to pay the annual fee by the due date and failed  
4 to pay the resulting late payment penalty of \$150 levied by the Secretary of State.

5 61. By failing to timely pay the annual fee and resulting penalty, the Committee, Fraser, and  
6 Buckley violated Section 84101.5, subdivisions (c) and (d).

7 **Count 10**

8 **Failure to Timely Pay the 2014 Annual Fee and Penalty**

9 62. Complainant incorporates paragraphs 1 – 61 of this Accusation, as though completely set  
10 forth herein.

11 63. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
12 Buckley had a duty to pay an annual fee for 2014 to the Secretary of State by January 15, 2014.

13 64. The Committee, Fraser, and Buckley failed to pay the annual fee by the due date and failed  
14 to pay the resulting late payment penalty of \$150 levied by the Secretary of State.

15 65. By failing to timely pay the annual fee and resulting penalty, the Committee, Fraser, and  
16 Buckley violated Section 84101.5, subdivisions (c) and (d).

17 **Count 11**

18 **Failure to Timely Pay the 2015 Annual Fee and Penalty**

19 66. Complainant incorporates paragraphs 1 – 65 of this Accusation, as though completely set  
20 forth here.

21 67. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
22 Buckley had a duty to pay an annual fee for 2015 to the Secretary of State by January 15, 2015.

23 68. The Committee, Fraser, and Buckley failed to pay the annual fee by the due date and failed  
24 to pay the resulting late payment penalty of \$150 levied by the Secretary of State.

25 69. By failing to timely pay the annual fee and resulting penalty, the Committee, Fraser, and  
26 Buckley violated Section 84101.5, subdivisions (c) and (d).

27 ///

28 ///

1 Count 12

2 Failure to Timely Pay the Pay the 2016 Annual Fee and Penalty

3 70. Complainant incorporates paragraphs 1 – 69 of this Accusation, as though completely set  
4 forth here.

5 71. As an active Committee, its candidate, and its treasurer, the Committee, Fraser, and  
6 Buckley had a duty to pay an annual fee for 2016 to the Secretary of State by January 15, 2016.

7 72. The Committee, Fraser, and Buckley failed to pay the annual fee by the due date and failed  
8 to pay the resulting late payment penalty of \$150 levied by the Secretary of State.

9 73. By failing to timely pay the annual fee and resulting penalty, the Committee, Fraser, and  
10 Buckley violated Section 84101.5, subdivisions (c) and (d).

11 MITIGATING OR EXCULPATORY FACTORS

12 74. Fraser's city council term will end in December 2016.

13 AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS

14 75. The Enforcement Division is unaware of any aggravating factors or other relevant  
15 materials.

16 PRAYER

17 WHEREFORE, Complainant prays as follows:

- 18 1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and  
19 Regulation 18361.5, and at such hearing find that Committee to Elect Marina Fraser, Marina  
20 Fraser, and Jackie M. Buckley violated the Act as alleged herein;
- 21 2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
22 order the Committee, Fraser, and Buckley to pay a monetary penalty of at least One  
23 Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the  
24 violation of the Political Reform Act alleged in **Count 1**;
- 25 3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
26 order Committee, Fraser, and Buckley to pay a monetary penalty of at least One Thousand  
27 Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the  
28 Political Reform Act alleged in **Count 2**;



- 1           4.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
2           order Committee, Fraser, and Buckley to pay a monetary penalty of at least One Thousand  
3           Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the  
4           Political Reform Act alleged in **Count 3**;
- 5           5.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
6           order Committee, Fraser, and Buckley to pay a monetary penalty of at least One Thousand  
7           Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the  
8           Political Reform Act alleged in **Count 4**;
- 9           6.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
10          order Committee, Fraser, and Buckley to pay a monetary penalty of at least One Thousand  
11          Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the  
12          Political Reform Act alleged in **Count 5**;
- 13          7.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
14          order Committee, Fraser, and Buckley to pay a monetary penalty of at least One Thousand  
15          Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the  
16          Political Reform Act alleged in **Count 6**;
- 17          8.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
18          order Committee, Fraser, and Buckley to pay a monetary penalty of at least One Thousand  
19          Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the  
20          Political Reform Act alleged in **Count 7**;
- 21          9.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
22          order Committee, Fraser, and Buckley to pay a monetary penalty of at least One Thousand  
23          Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the  
24          Political Reform Act alleged in **Count 8**;
- 25          10.    That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
26          order Committee, Fraser, and Buckley to pay a monetary penalty of at least One Thousand  
27          Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the  
28          Political Reform Act alleged in **Count 9**;



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

25  
26 Dated: 22 Dec 16

27   
Galena West  
28 Chief of Enforcement  
Fair Political Practices Commission

**Exhibit A-7**

<i>Attorney or Party without Attorney:</i> <b>FAIR POLITICAL PRACTICES COMMISSION</b> 428 J STREET, STE 620 Sacramento, CA 95814 Telephone No: 916-327-6357				<i>For Court Use Only</i>
<i>Attorney for:</i> Plaintiff			<i>Ref. No. or File No.:</i>	
<i>Insert name of Court, and Judicial District and Branch Court:</i> Fair Political Practices Commission, State Of California				
<i>Plaintiff:</i> In The Matter Of Committee To Elect Marina Fraser, Marina Fraser, And Jackie M. Buck <i>Defendant:</i>				
<b>PROOF OF SERVICE</b>	<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> 16/140

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the -; PROOF OF SERVICE; STATEMENT TO RESPONDENT; ACCUSATION; NOTICE OF DEFENSE(2); CALIFORNIA GOVERNMENT CODE SECTIONS 11506 through 11508
3. a. Party served: MARINA FRASER, COMMITTEE TO ELECT MARINA FRASER
4. Address where the party was served: GENENTECH  
1633 GRANDVIEW BLDG. #33  
San Bruno, CA 94080
5. I served the party:
  - b. by substituted service. On: Thu., Feb. 16, 2017 at: 3:20PM by leaving the copies with or in the presence of: "JANE DOE" (refused to give name), RECEPTIONIST  
White, Female, 60 years old, Brown hair, 5'7", 155 pounds

(1) (Business) Person in charge over 18. I informed him or her of the general nature of the papers. Service was also attempted at Home Address: [REDACTED]

7. Person Who Served Papers:

a. CARLOS E. CASTRO

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was: \$110.00



**S&R**  
Services

903 Sneath Lane  
Suite #227  
San Bruno, CA 94066  
Phone 650.794.1923  
FAX 650.989.4182

e. I am: (3) registered California process server

- (i) Independent Contractor
- (ii) Registration No.: 2015-0001142
- (iii) County: San Francisco
- (iv) Expiration Date: Fri, Nov. 10, 2017

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

Date: Fri, Feb. 17, 2017

GALENA WEST, CHIEF OF ENFORCEMENT  
AMANDA KELLY, COMMISSION COUNSEL  
FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620  
Sacramento, CA 95814  
(916) 322-5660  
Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
STATE OF CALIFORNIA

In the Matter of

COMMITTEE TO ELECT MARINA FRASER, MARINA  
FRASER, AND JACKIE M. BUCKLEY

FFPC No.: 16/140

**PROOF OF SERVICE**

**PROOF OF SERVICE**

I, Anne Vode, declare:

I am CA Private Investigator, PI 12115. My company is Mercury Investigations located at 3645 Grand Avenue, Suite 207, Oakland, CA 94610. I am an Alameda County Registered Process Server, Number 1210. I am authorized to serve legal process in the State of California. The following facts are within my personal knowledge. If sworn as a witness I can and will truthfully testify thereto.

1) I served the following document(s) STATEMENT TO RESPONDENT, FPPC CASE NO. 16/140: ACCUSATION, NOTICE OF DEFENSE ( TWO COPIES), SELECTED SECTIONS OF THE CALIFORNIA GOVERNMENT CODE, ADMINISTRATIVE PROCEDURE ACT, PROOF OF SERVICE

2) Person or Entity served: JACKIE M. BUCKLEY

3) Place where service was effected: [REDACTED]

4) Date of service: 2/9/17 Time of service: 11:17 a.m.

5) Manner of service: by personal service to JACKIE M. BUCKLEY

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 is executed on February 10, 2017 at Oakland, CA.

**MERCURY INVESTIGATIONS**  
**Lic. No PI 12115**  
3645 Grand Avenue, Suite 207  
Oakland, CA 94610  
(510) 268-9810

[REDACTED]  
ANNE VODE, PI 12115

**Exhibit A-8**



## FAIR POLITICAL PRACTICES COMMISSION

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

### STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

*Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley*  
*FPPC Case No. 16/140*

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 Amanda Kelly, Commission Counsel, Enforcement Division, at (916) 322-7771 or at [akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov).

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

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

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



*Before the Fair Political Practices Commission*

---

**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
COMMITTEE TO ELECT MARINA	)	FPPC Case No. 16/140
FRASER, MARINA FRASER, AND	)	
JACKIE M. BUCKLEY,	)	
	)	
	)	
Respondents.	)	
	)	

---

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

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

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



**GROUNDS 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	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
COMMITTEE TO ELECT MARINA	)	FPPC Case No. 16/140
FRASER, MARINA FRASER, AND	)	
JACKIE M. BUCKLEY,	)	
	)	
	)	
Respondents.	)	
	)	

---

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

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

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

**GROUNDS 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	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
COMMITTEE TO ELECT MARINA	)	FPPC Case No. 16/140
FRASER, MARINA FRASER, AND	)	
JACKIE M. BUCKLEY,	)	
	)	
Respondents.	)	
	)	

---

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

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

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

**GROUND FOR NOTICE OF DEFENSE**

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

---

---

---

---

---

---

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

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

\_\_\_\_\_  
Respondent

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

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

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



*Before the Fair Political Practices Commission*

---

**State of California**

In the Matter of )  
 ) NOTICE OF DEFENSE  
 ) (Pursuant to Gov. Code § 11506)  
 )  
 )  
 COMMITTEE TO ELECT MARINA ) FPPC Case No. 16/140  
 FRASER, MARINA FRASER, AND )  
 JACKIE M. BUCKLEY, )  
 )  
 )  
 Respondents. )  
 )

---

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

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

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

**GROUNDS 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



## 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.

**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 01/26/2017, I served the following document(s):

- 1. Statement to Respondent;
- 2. FPPC Case No. 16/140: Accusation;
- 3. Notice of Defense (Two Copies per Respondent);
- 4. 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 3:45 a.m./(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 Delivery**

Sheva Tabatabainejad, Commission  
Assistant  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

**Personal Service**

Marina Fraser  
Committee to Elect Marina Fraser



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 01/26/2017.



Roone Peterson



**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

02/08/17, I served the following document(s):

- 1. Statement to Respondent;
- 2. FPPC Case No. 16/140: Accusation;
- 3. Notice of Defense (Two Copies);
- 4. 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 1:55 a.m. (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 Delivery

Sheva Tabatabainejad, Commission  
Assistant  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

Personal Service

Jackie M. Buckley  
Committee to Elect Marina Fraser



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 02/08/17.



Roone Petersen



**Exhibit A-9**

**Recipient Committee  
Campaign Statement  
Cover Page**

(Government Code Sections 84200-84216.5)

Type or print in ink.

COVER PAGE  
CALIFORNIA  
2001/02  
FORM  
**460**

SEE INSTRUCTIONS ON REVERSE

Statement covers period  
from Sept 30, 2012  
through Oct 20, 2012

Date of election or applicable  
(Month, Day, Year)  
2012 OCT 25 PM 4:59  
11-06-2012

Page 1 of 7  
For Official Use Only

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

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

**2. Type of Statement:**

- Preelection Statement
- Semi-annual Statement
- Termination Statement
- Amendment (Explain below)
- Quarterly Statement
- Special Odd-Year Report
- Supplemental Preelection Statement - Attach Form 495

**3. Committee Information**

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)

MARILINA FRASER 2012

I.D. NUMBER

**Treasurer(s)**

NAME OF TREASURER

JACKIE M. BUCKLEY

MAILING ADDRESS

PO Box 115

650-726-449

CITY

HALF MOON BAY CA 94019

NAME OF ASSISTANT TREASURER, IF ANY

AREA CODE/PHONE  
650-455-808

MAILING ADDRESS

CITY

OPTIONAL: FAX / E-MAIL ADDRESS

STATE ZIP CODE

AREA CODE/PHONE

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX  
PMP # 125 80 Cabrillo Hwy, U. Ste D  
CITY HALF MOON BAY, CA 94019  
STATE CA ZIP CODE 94019  
AREA CODE/PHONE 650-455-808  
OPTIONAL: FAX / E-MAIL ADDRESS N/A

**4. Verification**

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge 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 10/25/2012

By [Signature]  
Signature of Treasurer or Assistant Treasurer

Executed on 10/25/2012

By [Signature]  
Signature of Controlling Officer/Candidate, State Measure Proponent

Executed on \_\_\_\_\_

By \_\_\_\_\_  
Signature of Controlling Officer/Candidate, State Measure Proponent

Executed on \_\_\_\_\_

By \_\_\_\_\_  
Signature of Controlling Officer/Candidate, State Measure Proponent

Recipient Committee  
Campaign Statement  
Cover Page — Part 2

Type or print in ink.

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE  
MARINA FRASER

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)  
City Council Half Hour Bay CA 9409

RESIDENTIAL/BUSINESS ADDRESS, (NO. AND STREET) CITY STATE ZIP  
[REDACTED]

6. Ballot Measure Committee

NAME OF BALLOT MEASURE  
N/A

BALLOT NO. OR LETTER JURISDICTION

SUPPORT  
 OPPOSE

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	CONTROLLED COMMITTEE?
<u>MARINA FRASER 2012</u>		<input type="checkbox"/> YES <input type="checkbox"/> NO
NAME OF TREASURER <u>JACKIE Buckley</u>		<input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS <u>PPPH 125 80 Cabell Hwy N. Ste D</u>		
CITY STATE ZIP CODE <u>HALE MANOR CA 94019 650433807</u>		
COMMITTEE NAME <u>N/A</u>	I.D. NUMBER	
NAME OF TREASURER		CONTROLLED COMMITTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO
COMMITTEE ADDRESS	STREET ADDRESS (NO P.O. BOX)	
CITY	STATE	ZIP CODE
		AREA CODE/PHONE
CITY	STATE	ZIP CODE
		AREA CODE/PHONE

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

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	SUPPORT OPPOSE
<u>N/A</u>		<input type="radio"/> SUPPORT <input type="radio"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="radio"/> SUPPORT <input type="radio"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="radio"/> SUPPORT <input type="radio"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="radio"/> SUPPORT <input type="radio"/> 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 Sept 30, 2012  
 through Oct 20, 2012

CALIFORNIA  
 FORM **460**

Page 3 of 7

I.D. NUMBER

NOT YET RECEIVED

SEE INSTRUCTIONS ON REVERSE  
 NAME OF FILER

MARINA FRASER 2012

**Contributions Received**

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions .....	Schedule A, Line 3 \$ <u>2,547.00</u>	\$ <u>10,577</u>
2. Loans Received .....	Schedule B, Line 3 \$ <u>0</u>	
3. SUBTOTAL CASH CONTRIBUTIONS .....	Add Lines 1 + 2 \$ <u>2,547.00</u>	\$ <u>10,577</u>
4. Nonmonetary Contributions .....	Schedule C, Line 3 \$ <u>0</u>	
5. TOTAL CONTRIBUTIONS RECEIVED .....	Add Lines 3 + 4 \$ <u>2,547.00</u>	\$ <u>10,577</u>

**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	\$ _____	\$ _____

**Expenditures Made**

6. Payments Made .....	Schedule E, Line 4 \$ <u>1,807.40</u>	\$ <u>24,577.40</u>
7. Loans Made .....	Schedule H, Line 3 \$ <u>0</u>	
8. SUBTOTAL CASH PAYMENTS .....	Add Lines 6 + 7 \$ <u>1,807.40</u>	\$ <u>24,577.40</u>
9. Accrued Expenses (Unpaid Bills) .....	Schedule F, Line 3 \$ <u>0</u>	
10. Nonmonetary Adjustment .....	Schedule G, Line 3 \$ <u>0</u>	
11. TOTAL EXPENDITURES MADE .....	Add Lines 8 + 9 + 10 \$ <u>1,807.40</u>	\$ <u>24,577.40</u>

**Expenditure Limit Summary for State  
 Candidates**

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

**Current Cash Statement**

12. Beginning Cash Balance .....	Previous Summary Page, Line 16 \$ <u>8030.00</u>
13. Cash Receipts .....	Column A, Line 3 above \$ <u>2,547.00</u>
14. Miscellaneous Increases to Cash .....	Schedule I, Line 4 \$ <u>0</u>
15. Cash Payments .....	Column A, Line 8 above \$ <u>1,807.40</u>
16. ENDING CASH BALANCE .....	Add Lines 12 + 13 + 14, then subtract Line 15 \$ <u>8769.40</u>

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

17. LOAN GUARANTEES RECEIVED .....

Schedule B, Part 2  
\$ 0

**Cash Equivalents and Outstanding Debts**

18. Cash Equivalents .....	See instructions on reverse \$ <u>0</u>
19. Outstanding Debts .....	Add Line 2 + Line 9 in Column B above \$ <u>0</u>

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 carry over the amounts from Lines 2, 7, and 9 (if any).

\*Since January 1, 2001, amounts in this section may be different from amounts reported in Column B.

**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 Sept 30, 2012  
through Oct 20, 2012

Page 4 of 7

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER  
MARINA FRASER 2012

I.D. NUMBER  
NOT YET RECEIVED

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)
<del>10/24/2012</del> 10/19/2012	JOHN WARD	IND COM OTH PTY SCC	ATTORNEY	99.00		
10/19/2012	ALBERT HAN-CHING FONG	IND COM OTH PTY SCC	DEVELOPER	99.00		
10/19/2012	ALVARO PROPP	IND COM OTH PTY SCC	BUSINESS	99.00		
10/5/2012	LOS HOULINS (94612-3501)	IND COM OTH PTY SCC	RETIRED	100.00		
	W/A		N/A	N/A		
SUBTOTAL \$				397.00		

**Schedule A Summary**

- Amount received this period - contributions of \$100 or more.  
(Include all Schedule A subtotals.) ..... \$ 2,547.00
- Amount received this period - unitemized contributions of less than \$100 ..... \$ 0
- Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... TOTAL \$ 2,547.00

\*Contributor Codes  
IND - Individual  
COM - Recipient Committee  
(other than PTY or SCC)  
OTH - Other  
PTY - Political Party  
SCC - Small Contributor Committee

**Schedule A**  
**Monetary Contributions Received**

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

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER  
**MARINA FRASER 2012**

Statement covers period  
from Sept 30, 2012  
through Oct 20, 2012

CALIFORNIA  
FORM 460

SCHEDULE A

I.D. NUMBER  
**NOT YET RECEIVED**

Page 5 of 7

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)
10/12/2012	SHIRLEY HODREHOUSE JASON HODREHOUSE	IND COM OTH PTY SCC	CLERK FIRE FIGHTER	2500		
10/12/2012	SHIRLEY LEA	IND COM OTH PTY SCC	FARMER	5000		
9/21/2012	RICHARD & DORIS SCIARDI	IND COM OTH PTY SCC	Retired	7500		
10/15/2012	SAM CAR 850 WOODSIDE WAY SAN MATEO, CA 94401	IND COM OTH PTY SCC	ORGANIZATION	1,000.00		
10/5/2012	PAUL & JULIE SHANKMAN	IND COM OTH PTY SCC	RESTAURANT OWNERS	1,000.00		
<b>SUBTOTAL \$</b>				<b>2,150.00</b>		

**Schedule A Summary**

- Amount received this period - contributions of \$100 or more.  
(Include all Schedule A subtotals.) ..... \$ 2,547.00
- Amount received this period - unitemized contributions of less than \$100 ..... \$ 0
- Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** 2,547.00

\*Contributor Codes  
IND - Individual  
COM - Recipient Committee  
(other than PTY or SCC)  
OTH - Other  
PTY - Political Party  
SCC - Small Contributor Committee



**Schedule E  
Payments Made**

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

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

MARINA FRASER 2012

Statement covers period  
from Sept 30, 2012  
through Oct 20, 2012

CALIFORNIA  
FORM  
**460**

Page 6 of 7  
I.D. NUMBER  
NR45 RECEIVED

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

- OMP campaign paraphernalia/misc.
- CNS campaign consultants
- CTB contribution (explain nonmonetary)\*
- CVC civic donations
- FIL candidate filing/ballot fees
- FND fundraising events
- IND independent expenditure supporting/opposing others (explain)\*
- LEG legal defense
- LT campaign literature and mailings
- MBR member communications
- MTG meetings and appearances
- OFC office expenses
- PET petition circulating
- PHO phone banks
- POL polling and survey research
- POS postage, delivery and messenger services
- PRO professional services (legal, accounting)
- PRT print ads
- RAD radio airtime and production costs
- RFD returned contributions
- SAL campaign workers' salaries
- TEL tv, or cable airtime and production costs
- TRC candidate travel, lodging, and meals
- TRS staff/spouse travel, lodging, and meals
- TSF transfer between committees of the same candidate/sponsor
- VOI voter registration
- 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
COASTSIDE PRINTERS 619 CHURCH ST HALF MOON BAY, CA 94019	LIT		CAMPAIGN LITERATURE	165.00
CAMPAIGN GRAPHICS P.O. BOX 4859 OCALA, FL 34478	CMP		SIGNS	1,308.50
THICES NICE 210 SAN HATED, STE 10A HALF MOON BAY, CA	OFC		OFFICE SUPPLIES	63.90
SUBTOTAL \$				1,537.40

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

**Schedule E Summary**

1. Payments made this period of \$100 or more. (Include all Schedule E subtotals.) ..... \$ 1,807.40
2. Unitemized payments made this period of under \$100 ..... \$ 0
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) ..... \$ 0
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) ..... TOTAL \$ 1,807.40



**Schedule E  
Payments Made**

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

SEE INSTRUCTIONS ON REVERSE  
NAME OF FILER

MARINA FRASER 2012

Statement covers period  
from 8/13/2012  
through 10/20/2012

CALIFORNIA  
FORM **460**

SCHEDULEE

Page 7 of 7

I.D. NUMBER  
NOT YET RECEIVED

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

- OMP campaign paraphernalia/misc.
- CNS campaign consultants
- CTB contribution (explain nonmonetary)\*
- CVC civic donations
- FL candidate filing/ballot fees
- FND fundraising events
- ND independent expenditure supporting/opposing others (explain)\*
- LEG legal defense
- LT campaign literature and mailings
- MBR member communications
- MTG meetings and appearances
- OFC office expenses
- PET petition circulating
- PHO phone banks
- POL polling and survey research
- POS postage, delivery and messenger services
- PRO professional services (legal, accounting)
- PRT print ads
- RAD radio airtime and production costs
- RPD returned contributions
- SAL campaign workers' salaries
- TEL t.v. or cable airtime and production costs
- TRC candidate travel, lodging, and meals
- TRS staff/spouse travel, lodging, and meals
- TSF transfer between committees of the same candidate/sponsor
- VOT voter registration
- 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
HMB SHELL 201 SAND HATED RD HALF MOON BAY, CA 94009	TRC		FUEL FOR DELIVERY OF CAMPAIGN SIGNS, PROMOTIONAL MATERIAL	500.00
CAMERONS CARROLL HWY HALF MOON BAY, CA 94019	TRS		WORKERS/STAFF LUNCH 10 people	220.00
			N/A	
SUBTOTAL \$				270.00

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

**Schedule E Summary**

1. Payments made this period of \$100 or more. (Include all Schedule E subtotals.) ..... \$ 1,807.40
2. Unitemized payments made this period of under \$100 ..... \$ 0
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).) ..... \$ 0
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.) ..... TOTAL \$ 1,807.40

**Exhibit A-10**



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel (916) 653-6224 | Fax (916) 653-5045 | www.sos.ca.gov

November 6, 2012

JAN MIRAMONTES, TREASURER  
FRASER, COMMITTEE TO ELECT MARINA, ID#1238157

Dear Committee Treasurer:

As of January 1, 2013, Government Code section 84101.5, requires the Secretary of State to charge each qualified recipient committee that files a Statement of Organization (Form 410) \$50 per year, until the committee terminates pursuant to Government Code section 84214, subject to the following:

- Committees that existed prior to January 1, 2013, that do not terminate by January 31, 2013, are required to pay the fee by February 15, 2013, and every year thereafter by January 15. No fee is due if a committee in existence prior to January 1, 2013, terminates before January 31, 2013.
- Committees that form on or after January 1, 2013, must pay the \$50 fee within 15 days of filing a Statement of Organization (Form 410). The fee is due every year thereafter on January 15, until the committee terminates.
- Committees that form during the last three months of a calendar year must pay the \$50 fee within 15 days of filing a Statement of Organization (Form 410), but are not subject to the fee in the following year.

Any committee that does not pay the fee is subject to a penalty of \$150.

Because your committee is in existence prior to January 1, 2013, you are required to pay the \$50 fee by February 15, 2013. However, if you intend to terminate your committee, I encourage you to file your termination statement, using the Form 410 (Statement of Organization), no later than January 31, 2013. Be sure to spend any remaining campaign funds according to permitted uses. For questions regarding the permitted uses for your committee type, please contact the FPPC at [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) or 866-275-3772. If you intend for your committee to remain active, please remit the \$50 fee to the Secretary of State no later than February 15, 2013, to the following address:

Secretary of State  
Political Reform Division  
P.O. Box 1467  
Sacramento, CA 95812-1467

(over)

Committee Treasurer  
November 6, 2012  
Page 2

If you have any questions regarding this new law, please contact the Secretary of State's Political Reform Division at (916) 653-6224. Thank you.

Sincerely,



CHRIS REYNOLDS, Chief  
Political Reform Division



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel (916) 653-6224 | Fax (916) 653-5045 | [www.sos.ca.gov](http://www.sos.ca.gov)

December 2, 2013

JAN MIRAMONTES, TREASURER  
FRASER, COMMITTEE TO ELECT MARINA, ID#1238157

Dear Committee Treasurer:

The committee identified above has been assessed a \$150 penalty for failure to pay an annual \$50 fee imposed by the Legislature in 2013 on all active campaign committees (see Government Code section 84101.5).

The committee identified above is still an active committee, according to our records, and no payment of the \$50 annual fee was received by the deadline prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

Please remit your annual fee and penalty (\$200) to: Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street, Rm 495  
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.

Please note that this is an **annual** fee, which will be assessed again for 2014 and in future years. If you intend for your committee to be active on January 1, 2014, please avoid any further penalties by also including that \$50 annual fee payment, which is due January 15, 2014.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at [www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm](http://www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm). (Please note the rules for terminating a committee found in the FPPC manuals available online at <http://www.fppc.ca.gov/index.php?id=633>. See the appropriate chapter for your committee type, in most cases titled "After the Election.")

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 653-6038.

Sincerely,

Chris Reynolds, Chief  
Political Reform Division



**DEBRA BOWEN | SECRETARY OF STATE**  
**STATE OF CALIFORNIA | POLITICAL REFORM**

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel (916) 653-6224 | Fax (916) 653-5045 | www.sos.ca.gov

December 4, 2013

JAN MIRAMONTES, TREASURER  
FRASER, COMMITTEE TO ELECT MARINA, ID#1238157

Dear Committee Treasurer:

**An annual fee of \$50 is due and payable on January 15, 2014, for the above referenced committee for which you serve as treasurer, unless the committee terminates before January 1, 2014.** This annual fee was imposed by the Legislature on all active state and local campaign committees effective January 1, 2013, pursuant to Government Code section 84101.5.

**If the fee is not paid by the January 15, 2014, deadline, the law imposes an additional \$150 penalty, which will require the committee to pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).**

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at [www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm](http://www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm). (Please note the rules for terminating a committee found in the FPPC manuals available online at <http://www.fppc.ca.gov/index.php?id=633>. See the appropriate chapter for your committee type, in most cases titled "After the Election.")

Your committee will **not** receive any further notice or invoice in advance of the January 15, 2014, annual fee payment deadline.

Please remit your annual fee payment (\$50) to:

Secretary of State  
Political Reform Division  
P.O. Box 1467  
Sacramento, CA 95812-1467

Make your check payable to the Secretary of State and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 653-6038.

Sincerely,

Chris Reynolds, Chief  
Political Reform Division



**DEBRA BOWEN | SECRETARY OF STATE**  
**STATE OF CALIFORNIA | POLITICAL REFORM**

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel (916) 653-6224 | Fax (916) 653-5045 | [www.sos.ca.gov](http://www.sos.ca.gov)

November 20, 2014

JAN MIRAMONTES, TREASURER  
FRASER, COMMITTEE TO ELECT MARINA, ID#1238157

Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2015 for the above referenced committee if the committee will continue to exist in 2015, regardless of the level of activity.**

**If the fee is due and not paid by the January 15, 2015 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).**

If the committee will cease activity by no later than December 31, 2014, no fee for 2015 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** at the address shown below by January 31, 2015, allowing it to be submitted with your year-end committee campaign statement.

An online fillable Form 410 can be accessed at the Secretary of State's webpage at [www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm](http://www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm). (Please note the rules for terminating a committee found in the FPPC manuals available online at <http://www.fppc.ca.gov/index.php?id=633>. See the appropriate chapter for your committee type, in most cases titled "After the Election.")

Your committee will **not** receive any further notice or invoice in advance of the January 15, 2015, annual fee payment deadline.

Please remit your annual fee payment (\$50) to:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street – Room 495  
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 653-6038.

Sincerely,

CHRIS REYNOLDS, Chief  
Political Reform Division





ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA  
POLITICAL REFORM

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

October 1, 2015

JAN MIRAMONTES  
FRASER, COMMITTEE TO ELECT MARINA

[REDACTED]

Dear Committee Treasurer:

The committee identified above, **1238157**, is still an active committee, according to our records, and no payment for the 2015 \$50 annual fee was **received by the deadline** prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

If the annual fee of \$50 has been paid, the \$150 penalty is due immediately.

Please remit your penalty and/or annual fee to: Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street, Room 495  
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number in the memo field on the lower left portion of the check to ensure the payment is posted to your account.

**If payment is not received in a timely manner then the committee will be referred to the Fair Political Practices Commission which may result in enforcement action and additional penalties.**

Please note that this is an **annual** fee, which will be assessed again for 2016 and in future years until the committee is terminated.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at: <http://www.sos.ca.gov/campaign-lobbying/campaign-disclosure-and-requirements/campaign-forms-and-instructions/>. Terminating the committee does **not** relieve the committee of its obligation to pay the annual fee and/or penalty owed at this time.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 653-6038.

Sincerely,

[REDACTED]

CHRIS REYNOLDS, Chief  
Political Reform Division



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
**POLITICAL REFORM**

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | [www.sos.ca.gov](http://www.sos.ca.gov)

November 20, 2015

JAN MIRAMONTES

FRASER, COMMITTEE TO ELECT MARINA ID#1238157

[REDACTED]  
[REDACTED]

Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2016 for the above referenced committee if the committee will continue to exist in 2016, regardless of the level of activity.**

**If the fee is not paid by the January 15, 2016 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).**

If the committee will cease activity by no later than December 31, 2015, no fee for 2016 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** by January 31, 2016.

An online fillable Form 410 can be accessed at the Secretary of State's webpage at [www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm](http://www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm). The rules can be found at the FPPC website, <http://www.fppc.ca.gov/index.php?id=633>.

Your committee will **not** receive any further notice or invoice in advance of the January 15, 2016, annual fee payment deadline.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief

Political Reform Division

Please detach and enclose with your payment  
Committee ID # **1238157**

Amount Enclosed \_\_\_\_\_

Please remit your annual fee payment (\$50),  
along with any forms to:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street – Room 495  
Sacramento, CA 95814

Make your check payable to the **Secretary of State** and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
POLITICAL REFORM

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

June 10, 2016

JAN MIRAMONTES  
FRASER, COMMITTEE TO ELECT MARINA #1238157

Dear Committee Treasurer:

The committee identified above is still an active committee, according to our records, and no payment for the 2016 \$50 annual fee was **received by the deadline** prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

If the annual fee of \$50 has been paid, the \$150 penalty is due immediately.

Please remit your penalty and/or annual fee to:

Secretary of State  
Political Reform Division  
1500 11<sup>th</sup> Street, Room 495  
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number in the memo field on the lower left portion of the check to ensure the payment is posted to your account.

**If payment is not received in a timely manner then the committee will be referred to the Fair Political Practices Commission which may result in enforcement action and additional penalties.**

Please note that this is an **annual** fee, which will be assessed again for 2017 and in future years until the committee is terminated.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at: <http://www.sos.ca.gov/campaign-lobbying/campaign-disclosure-and-requirements/campaign-forms-and-instructions/>. Terminating the committee does **not** relieve the committee of its obligation to pay the annual fee and/or penalty owed at this time.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief  
Political Reform Division



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
**POLITICAL REFORM**

1500 11<sup>th</sup> Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

November 18, 2016

JAN MIRAMONTES  
FRASER, COMMITTEE TO ELECT MARINA #1238157

[REDACTED]

Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2017 for the above referenced committee if the committee will continue to exist in 2017 regardless of the level of activity.**

**If the fee is due and not paid by the January 15, 2017 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).**

If the committee will cease activity by no later than December 31, 2016, no fee for 2017 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** by January 31, 2017. An online fillable Form 410 can be accessed at the Secretary of State's webpage at [www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm](http://www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm). The rules can be found at the FPPC website, <http://www.fppc.ca.gov/index.php?id=633>. Your committee will **not** receive any further notice or invoice in advance of the January 15, 2017, annual fee payment deadline.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

[REDACTED]

CHRIS REYNOLDS, Chief  
Political Reform Division

-----  
Please detach and enclose with your payment

Committee ID #1238157

Amount Enclosed \_\_\_\_\_

Please remit your annual fee payment (\$50),  
along with any forms to:  
Political Reform Division  
1500 11<sup>th</sup> Street – Room 495  
Sacramento, CA 95814

Secretary of State

Make your check payable to the **Secretary of State** and please write your **committee ID number** on the lower left portion of the check to ensure the payment is posted to your account.

**Exhibit A-11**



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

**Protected Settlement Communication  
Pursuant to Evidence Code Sections 1152 and 1154**

February 18, 2016

Jan Miramontes  
o/b/o Committee To Elect Marina Fraser



**Re: Committee's Failure to Pay an Annual Fee and Penalty and Failure to File Campaign Statement(s); FPPC Case No. 16-140; Committee To Elect Marina Fraser; Committee ID 1238157**

Dear Treasurer:

Section 84101.5<sup>1</sup> of the Political Reform Act (the "Act")<sup>2</sup> requires every recipient committee in California to pay a \$50 annual fee to the Secretary of State's ("SOS") office. Committees that fail to pay the fee on time are subject to a \$150 penalty, in addition to the fee, which is enforceable by the Fair Political Practices Commission ("Commission"). As a result, SOS referred you and the Committee To Elect Marina Fraser to the Commission's Enforcement Division for the failure to pay the 2013 and 2014 annual fees and penalties.

In addition, the Enforcement Division has identified that you and the Committee To Elect Marina Fraser have failed to file campaign statements since 10/25/2012, as required by the Act.

Failing to timely pay the annual fee and penalty and failing to timely file campaign statement(s) is a violation of the Act. As the treasurer, you are joint and severally liable along with the Committee for these violations.

At this time, the Enforcement Division requires you and the Committee To Elect Marina Fraser **file any past-due campaign statements** with your filing officer and **provide** a copy of the file stamped campaign statement(s) to the Enforcement Division **within 15 days** of the date of this letter. Once completed, the Enforcement Division will consider how to proceed with this matter.

<sup>1</sup> Effective as of January 1, 2013.

<sup>2</sup> The Act is contained in Government Code sections 81000 through 91014. The Commission's regulations are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations.

For more information on your campaign forms, visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If you have any questions regarding the annual fee owed or your filing obligation, please contact Bridgette Castillo at [BCastillo@fppc.ca.gov](mailto:BCastillo@fppc.ca.gov) or at 916-324-8787. Thank you for your prompt attention to this matter.

Sincerely,



Bridgette Castillo  
Senior Commission Counsel  
Enforcement Division





FAIR POLITICAL PRACTICES COMMISSION

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

**Protected Settlement Communication  
Pursuant to Evidence Code Sections 1152 and 1154**

March 16, 2016

Jan Miramontes  
o/b/o Committee To Elect Marina Fraser



**Re: Committee's Failure to Pay an Annual Fee and Penalty and Failure to File Campaign Statement(s); FPPC Case No. 16-0140; Committee To Elect Marina Fraser; Committee ID 1238157**

Dear Jan Miramontes:

Section 84101.5<sup>1</sup> of the Political Reform Act (the "Act")<sup>2</sup> requires every recipient committee in California to pay a \$50 annual fee to the Secretary of State's ("SOS") office. Committees that fail to pay the fee on time are subject to a \$150 penalty, in addition to the fee, which is enforceable by the Fair Political Practices Commission ("Commission"). As a result, SOS referred you and the Committee To Elect Marina Fraser to the Commission's Enforcement Division for the failure to pay the 2013 and 2014 annual fees and penalties.

In addition, the Enforcement Division has identified that you and the Committee To Elect Marina Fraser have failed to file campaign statements since October 25, 2012, as required by the Act.

Failing to timely pay the annual fee and penalty and failing to timely file campaign statement(s) is a violation of the Act. As the treasurer, you are joint and severally liable along with the Committee for these violations.

At this time, the Enforcement Division requires you and the Committee To Elect Marina Fraser **file any past-due campaign statements** with your filing officer and **provide** a copy of the file stamped campaign statement(s) to the Enforcement Division **within 15 days** of the date of this letter. Once completed, the Enforcement Division will consider how to proceed with this matter.

<sup>1</sup> Effective as of January 1, 2013.

<sup>2</sup> The Act is contained in Government Code sections 81000 through 91014. The Commission's regulations are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations.

For more information on your campaign forms, visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If you have any questions regarding the annual fee owed or your filing obligation, please contact Bridgette Castillo at [BCastillo@fppc.ca.gov](mailto:BCastillo@fppc.ca.gov) or at 916-324-8787. Thank you for your prompt attention to this matter.

Sincerely,



Bridgette Castillo  
Senior Commission Counsel  
Enforcement Division



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

**Protected Settlement Communication  
Pursuant to Evidence Code Sections 1152 and 1154**

April 15, 2016

Marina Fraser  
o/b/o Committee To Elect Marina Fraser  
Half Moon Bay City Council

**Re: Committee's Failure to Pay an Annual Fee and Penalty and Failure to File Campaign Statement(s); FPPC Case No. 16-0140; Committee To Elect Marina Fraser; Committee ID 1238157**

Dear Marina Fraser:

Section 84101.5<sup>1</sup> of the Political Reform Act (the "Act")<sup>2</sup> requires every recipient committee in California to pay a \$50 annual fee to the Secretary of State's ("SOS") office. Committees that fail to pay the fee on time are subject to a \$150 penalty, in addition to the fee, which is enforceable by the Fair Political Practices Commission ("Commission"). As a result, SOS referred you and the Committee To Elect Marina Fraser to the Commission's Enforcement Division for the failure to pay the 2013 and 2014 annual fees and penalties.

In addition, the Enforcement Division has identified that you and the Committee To Elect Marina Fraser have failed to file campaign statements since October 25, 2012, as required by the Act.

Failing to timely pay the annual fee and penalty and failing to timely file campaign statement(s) is a violation of the Act. As the candidate, you are joint and severally liable along with the Committee for these violations.

At this time, the Enforcement Division requires you and the Committee To Elect Marina Fraser **file any past-due campaign statements** with your filing officer and **provide** a copy of the file stamped campaign statement(s) to the Enforcement Division **within 15 days** of the date of this letter. Once completed, the Enforcement Division will consider how to proceed with this matter.

<sup>1</sup> Effective as of January 1, 2013.

<sup>2</sup> The Act is contained in Government Code sections 81000 through 91014. The Commission's regulations are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations.

For more information on your campaign forms, visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If you have any questions regarding the annual fee owed or your filing obligation, please contact Bridgette Castillo at [BCastillo@fppc.ca.gov](mailto:BCastillo@fppc.ca.gov) or at 916-324-8787. Thank you for your prompt attention to this matter.

Sincerely,



Bridgette Castillo  
Senior Commission Counsel  
Enforcement Division

**Exhibit A-12**

## Amanda Kelly

---

**From:** Amanda Kelly  
**Sent:** Tuesday, March 14, 2017 1:13 PM  
**To:** 'marinaf@gene.com'; 'Jackie@americanasphalt.com'  
**Subject:** Action Required to Avoid Default: Committee to Elect Marina Fraser  
**Attachments:** 16-140 Marina Fraser - Signed Accusation.pdf

Good afternoon Ms. Fraser and Ms. Buckley,

Attached is a copy of the accusation that our records show was served upon Ms. Fraser at work on February 16, 2017 and upon Ms. Buckley at work on February 9, 2017. Because you did not respond, you are in a default position with the FPPC for failure to file campaign statements and failure to pay the annual fees and penalties.

A default decision can impose a fine of up to \$5,000 per violation. We can still settle this case for a significantly lower fine than what will be imposed with a default decision. However, we will need you to file the Committee's past-due statements (and/or terminate the Committee) and reach settlement agreement with us no later than March 30, 2017.

I cannot propose a settlement until the statements are filed. Please file the Committee's past-due statements and/or terminate the Committee and provide copies of the filed statements to me **no later than next Wednesday, March 22** so that I may propose a settlement ASAP and we can come to an agreement before March 30. Otherwise, a default decision will be presented to the Commission for approval at its April hearing.

Please feel free to contact me with any questions.

Thank you,  
Amanda



**Amanda Kelly**  
**Commission Counsel, Enforcement Division**  
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620 | Sacramento, CA 95814  
(916) 322-7771 | [akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov)

**Confidentiality Notice:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

## Amanda Kelly

---

**From:** Amanda Kelly  
**Sent:** Thursday, January 26, 2017 10:02 AM  
**To:** 'Marina Fraser'  
**Subject:** RE: Follow up with Marina Fraser

Good morning Ms. Fraser,

Would you let me know the status of your campaign filings and annual fee payments?

Thank you,  
Amanda



**Amanda Kelly**  
**Commission Counsel, Enforcement Division**  
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620 | Sacramento, CA 95814  
(916) 322-7771 | [akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov)

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

---

**From:** Marina Fraser [<mailto:MFraser@hmbcity.com>]  
**Sent:** Monday, December 19, 2016 7:39 AM  
**To:** Amanda Kelly <[akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov)>  
**Subject:** Follow up with Marina Fraser

Dear Ms Kelly,

Thank You for the correspondence on the paperwork. I am working to get it all up to date.

I have previously sent a check in September to the Secretary of State- yet discovered it was not cashed, and I've forwarded another one to fill in the gap.

I'm sorry my negligence in keeping up with this has caused a problem. I am working to complete this before the end of the year and I'm making it a priority.

Please know this is my responsibility and not the error of my treasurer at the time. This is mine to complete. I thank you for your patience and understanding in his matter.

Sincerely,

Marina Fraser



## Amanda Kelly

---

**From:** Amanda Kelly  
**Sent:** Wednesday, December 14, 2016 1:57 PM  
**To:** 'mfraser@hmbcity.com'  
**Cc:** 'Jackie@americanasphalt.com'  
**Subject:** Action Required: Campaign Filings for Committee to Elect Marina Fraser

Good afternoon Ms. Fraser,

I am writing to follow up on the Probable Cause Report you received from our agency on October 14. Your case is being escalated to the next step because we have not heard from you, received committee termination paperwork filed with the Secretary of State, or received confirmation from the city clerk that your filings are up-to-date.

Please let me know if you have attempted to terminate your committee or have filed any campaign statements after the last October 1-20, 2012 statement. You can either send copies of the forms to me, or I can ask the clerk for copies.

Thank you for your prompt attention to this matter.

Amanda



**Amanda Kelly**  
**Commission Counsel, Enforcement Division**  
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620 | Sacramento, CA 95814  
(916) 322-7771 | [akelly@fppc.ca.gov](mailto:akelly@fppc.ca.gov)

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

## Dominika Wojenska

---

**From:** Dominika Wojenska  
**Sent:** Monday, September 19, 2016 10:41 AM  
**To:** 'Marina Fraser'  
**Subject:** RE: ID 1238157

Good morning,

As of September 19, 2016, I have not received your required statements. Therefore, your case will be assigned to an Enforcement Attorney to issue a Report in Support of a Finding of Probable Cause. This Probable Cause Report will begin an administrative action against you and your committee for failure to pay your \$50 Annual Fee for 2013 and 2014 and may include charges for missing campaign statements. The Fair Political Practices Commission can assess a penalty of up to \$5,000 for each of these violations of the Act, even if you choose not to cooperate.

Sincerely,

Dominika Wojenska  
Enforcement Division  
California Fair Political Practices Commission  
428 J Street, Suite 620 | Sacramento, CA 95814 • dwojenska@fppc.ca.gov • Phone: (916) 322-2043

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

-----Original Message-----

From: Marina Fraser [mailto:MFraser@hmbcity.com]  
Sent: Tuesday, September 06, 2016 9:14 AM  
To: Dominika Wojenska <DWojenska@fppc.ca.gov>  
Subject: ID 1238157

Dear Dominika Wojenska,

I am relieved to let you know, that over the weekend we have finally found the files that will enable me to complete the missing information required to complete the documentation. I was at a loss on completing the forms, knowing there were expenditures past the last filing in October. I will be working on completing the documents required and be ready to submit in the next day.

Thank you for your patience, it's been a struggle to find both searching in my home and in a storage container the files.

Thank you,

Marina Fraser

## Dominika Wojenska

---

**From:** Dominika Wojenska  
**Sent:** Tuesday, August 30, 2016 1:50 PM  
**To:** 'Marina Fraser'  
**Subject:** FW: Committee to Elect Marina Fraser, ID 1238157

Dear Marina Fraser,

On August 1, 2016, and August 10, 2016, I reached out to you to notify you of your committee's failure to pay the \$50 Annual Fee to the Secretary of State. You informed me that your committee has not been active for the last few years. I followed up with an email on August 10, 2016.

On August 23, 2016, I sent you another follow-up email. I still have not received any statements from you as of August 30, 2016.

**This email serves as a final request for your required statements. If you fail to comply by September 8, 2016, your case will be assigned to an Enforcement Attorney to issue a Report in Support of a Finding of Probable Cause. This Probable Cause Report will begin an administrative action against you and your committee for failure to pay your \$50 Annual Fee for 2013 and 2014 and may include charges for missing campaign statements. The Fair Political Practices Commission can assess a penalty of up to \$5,000 for each of these violations of the Act, even if you choose not to cooperate.**

Sincerely,



Dominika Wojenska  
Enforcement Division  
California Fair Political Practices Commission  
428 J Street, Suite 620 | Sacramento, CA 95814  
• [dwojenska@fppc.ca.gov](mailto:dwojenska@fppc.ca.gov) • Phone: (916) 322-2043

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** Dominika Wojenska  
**Sent:** Tuesday, August 23, 2016 1:23 PM  
**To:** 'Marina Fraser' <MFraser@hmbcity.com>  
**Subject:** RE: Committee to Elect Marina Fraser, ID 1238157

Dear Marina,

Please let me know when I can expect your statements.

Sincerely,



Dominika Wojenska  
Enforcement Division  
California Fair Political Practices Commission  
428 J Street, Suite 620 | Sacramento, CA 95814  
• [dwojenska@fppc.ca.gov](mailto:dwojenska@fppc.ca.gov) • Phone: (916) 322-2043

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** Marina Fraser [<mailto:MFraser@hmbcity.com>]  
**Sent:** Wednesday, August 10, 2016 2:07 PM  
**To:** Dominika Wojenska <[DWojenska@fppc.ca.gov](mailto:DWojenska@fppc.ca.gov)>  
**Subject:** Re: Committee to Elect Marina Fraser, ID 1238157

Dear Dominika,

Thank you for including the October filing, I thought ai had completed another form past that date, although it may not have been the terminate. I will go through my records to find and if not will create the appropriate document.

Thank you for all the details.

Best,

Marina

Marina Fraser

On Aug 10, 2016, at 1:05 PM, Dominika Wojenska <[DWojenska@fppc.ca.gov](mailto:DWojenska@fppc.ca.gov)> wrote:

Dear Marina,

Thank you for your email. According to the Secretary of State's Office, the Committee to Elect Marina Fraser is still active. **In order to terminate the committee**, please fill out the attached forms:

1. 410 – please make sure to check the box "Termination" and include the ID number 1238157 under the checked box. As a Date of Termination, please declare the date when you ceased the activity of this committee.
2. 460 – please make sure to check the box "Termination" (and other applicable types of statements) and include the ID number 1238157. You and the committee are required to file 460 Campaign Statements covering the period from October 21, 2012, up to the date of termination.

Enclosed please find a copy of your last campaign statement filed on October 25, 2012.

Once you have completed the necessary forms, please send them to me at:

Fair Political Practices Commission  
Attn: Dominika Wojenska  
428 J Street, Suite 620  
Sacramento, CA 95814

I will forward them to the Secretary of State and your local filing officer. After receiving your statements, the Enforcement Division will consider how to proceed with this matter.

If you have any detailed questions regarding your filing obligations, please contact the education staff at the Fair Political Practices Commission at [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) or **1-866-ASK-FPPC/(866) 275-3772**.

Telephone advice is available Monday through Thursday from 9:00 a.m. to 11:30 a.m.

Sincerely,



Dominika Wojenska  
Enforcement Division  
California Fair Political Practices Commission  
428 J Street, Suite 620 | Sacramento, CA 95814  
• [dwojenska@fppc.ca.gov](mailto:dwojenska@fppc.ca.gov) • Phone: (916) 322-2043

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** Marina Fraser [<mailto:MFraser@hmbcity.com>]  
**Sent:** Wednesday, August 10, 2016 11:46 AM  
**To:** Dominika Wojenska <[DWojenska@fppc.ca.gov](mailto:DWojenska@fppc.ca.gov)>  
**Subject:** Re: Committee to Elect Marina Fraser, ID 1238157

Dear Dominika Wojenska,

Thank you for the repeat message! We've just returned from camping and I'm catching up on all correspondence.

That is correct it is an inactive account. Please let me know what I can do to remedy the paperwork.

Thank you again and I'm sorry for the late response.

Best,

Marina

Marina Fraser

On Aug 10, 2016, at 11:40 AM, Dominika Wojenska <[DWojenska@fppc.ca.gov](mailto:DWojenska@fppc.ca.gov)> wrote:

Dear Marina Fraser,

I am emailing you once more regarding the Committee to Elect Marina Fraser, ID 1238157. Your case no. 16/0140 has been assigned to me recently.

On April 15, 2016, you were notified that the committee failed to pay the 2013 and 2014 annual fees and penalties to the Secretary of State. Additionally, the committee has failed to file campaign statements since October 25, 2012.

Please let me know whether this is an active committee.

Sincerely,

<image003.jpg>Dominika Wojenska  
Enforcement Division  
California Fair Political Practices Commission  
428 J Street, Suite 620 | Sacramento, CA 95814

• [dwojenska@fppc.ca.gov](mailto:dwojenska@fppc.ca.gov) • Phone: (916) 322-2043

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** Dominika Wojenska  
**Sent:** Monday, August 01, 2016 10:04 AM  
**To:** 'MFraser@hmbcity.com' <MFraser@hmbcity.com>  
**Subject:** Committee to Elect Marina Fraser, ID 1238157

Dear Marina Fraser,

I am emailing you regarding the Committee to Elect Marina Fraser, ID 1238157. Your case no. 16/0140 has been assigned to me recently.

On April 15, 2016, you were notified that the committee failed to pay the 2013 and 2014 annual fees and penalties to the Secretary of State. Additionally, the committee has failed to file campaign statements since October 25, 2012.

Please let me know whether this is an active committee.

Sincerely,

<image004.jpg>Dominika Wojenska  
Enforcement Division  
California Fair Political Practices Commission  
428 J Street, Suite 620 | Sacramento, CA 95814  
• [dwojenska@fppc.ca.gov](mailto:dwojenska@fppc.ca.gov) • Phone: (916) 322-2043

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

<Marina Fraser 460.pdf>

<460.pdf>

<410.pdf>

**Exhibit A-13**





## FAIR POLITICAL PRACTICES COMMISSION

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

April 3, 2017

Marina Fraser  
Committee to Elect Marina Fraser



Jackie M. Buckley  
Committee to Elect Marina Fraser



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

**Re: FPPC No. 16/140**  
**In the Matter of Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley**

Dear Ms. Fraser and Ms. Buckley:

Enclosed please find a copy of the Default Decision and Order, and accompanying Exhibit and attachments, for the above-referenced matter. The Fair Political Practices Commission (the "Commission") will consider these papers at its public meeting on **April 20, 2017**, and decide whether to impose the maximum administrative penalty of \$55,000 against you.

Ms. Fraser was served on October 14, 2016 and Ms. Buckley was served on October 4, 2016 with a Report in Support of a Finding of Probable Cause ("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 the Probable Cause Report, the Commission's Hearing Officer found probable cause that you committed 11 violations of the Political Reform Act. Thereafter, the Commission's Chief of Enforcement issued an Accusation against you on these violations. The Accusation was personally served upon Ms. Fraser on February 16, 2017 and upon Ms. Buckley on February 9, 2017. 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 your Notices of Defense within 15 days after service of the Accusation. You failed

to file the Notice of Defense forms. 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 April 20, 2017, the Commission may impose an administrative penalty against you in the amount of \$55,000, the maximum penalty for the 11 violations.

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 April 20, 2017 meeting. Please contact me at (916) 323-6302 or [dbainbridge@fppc.ca.gov](mailto:dbainbridge@fppc.ca.gov) if you wish to enter into a negotiated settlement.

Sincerely,

A large black rectangular redaction box covering the signature of Dave Bainbridge.

Dave Bainbridge  
Assistant Chief  
Enforcement Division

Enclosures



## FAIR POLITICAL PRACTICES COMMISSION

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

April 3, 2017

Marina Fraser  
Committee to Elect Marina Fraser

[REDACTED]

Jackie M. Buckley  
Committee to Elect Marina Fraser

[REDACTED]

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

**Re: FPPC No. 16/140  
In the Matter of Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley**

Dear Ms. Fraser and Ms. Buckley:

Enclosed please find a copy of the Default Decision and Order, and accompanying Exhibit and attachments, for the above-referenced matter. The Fair Political Practices Commission (the "Commission") will consider these papers at its public meeting on **April 20, 2017**, and decide whether to impose an administrative penalty against you.

Ms. Fraser was served on October 14, 2016 and Ms. Buckley was served on October 4, 2016 with a Report in Support of a Finding of Probable Cause ("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 the Probable Cause Report, the Commission's Hearing Officer found probable cause that you committed 12 violations of the Political Reform Act. Thereafter, the Commission's Chief of Enforcement issued an Accusation against you on these violations. The Accusation was personally served upon Ms. Fraser on February 16, 2017 and upon Ms. Buckley on February 9, 2017. 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 your Notices of Defense within 15 days after service of the Accusation. You failed

to file the Notice of Defense forms. 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 April 20, 2017, the Commission will consider a proposed penalty of \$41,000 but may impose an administrative penalty against you of up to \$55,000, the maximum penalty for the 11 violations.

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 April 20, 2017 meeting. Please contact me at (916) 323-6302 or [dbainbridge@fppc.ca.gov](mailto:dbainbridge@fppc.ca.gov) if you wish to enter into a negotiated settlement.

Sincerely,



Dave Bainbridge  
Assistant Chief  
Enforcement Division

Enclosures