

1 GALENA WEST  
2 Chief of Enforcement  
3 DAVE BAINBRIDGE  
4 Assistant Chief of Enforcement  
5 **FAIR POLITICAL PRACTICES COMMISSION**  
6 428 J Street, Suite 620  
7 Sacramento, CA 95814  
8 Telephone: (916) 322-5660  
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10 Attorneys for Complainant

11 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

12 **STATE OF CALIFORNIA**

13 In the Matter of ) FPPC No.: 15/716  
14 )  
15 ELENA SWEDA NEFF, )  
16 ) **DEFAULT DECISION AND**  
17 ) **ORDER**  
18 ) (Government Code sections 11506  
19 ) and 11520)  
20 )  
21 Respondent. )

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

25 Pursuant to the California Administrative Procedure Act,<sup>1</sup> respondent Elena Sweda Neff (“Neff”)  
26 has been served with all of the documents necessary to conduct an administrative hearing regarding the  
27 above-captioned matter, including the following:

- 28 1. An Order Finding Probable Cause;
- 29 2. An Accusation;
- 30 3. A Notice of Defense (Two Copies);
- 31 4. A Statement to Respondent; and,
- 32 5. Copies of Government Code sections 11506, 11507.5, 11507.6 and 11507.7.

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

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

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

13  
14 Dated: \_\_\_\_\_

\_\_\_\_\_  
Galena West, Chief of Enforcement  
Fair Political Practices Commission

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19 **ORDER**

20 The Commission issues this Default Decision and Order and imposes an administrative penalty of  
21 \$20,000 upon Neff, payable to the "General Fund of the State of California."

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

24  
25 Dated: \_\_\_\_\_

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

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Elena Sweda Neff was a Board Member on the Los Angeles County West Vector Control District (“LACWVCD”) from 2011 to 2015. The Political Reform Act (the “Act”)<sup>1</sup> requires designated officials to file an annual Statement of Economic Interests (“SEI”) as well as a Leaving Office SEI. As a designated official with the LACWVCD, Neff had a duty to file SEIs. Neff failed to file a 2011 Annual SEI, 2012 Annual SEI, 2013 Annual SEI, 2014 Annual SEI, and a Leaving Office SEI by the applicable deadlines.

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

When the Commission determines that there is probable cause to believe 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 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

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<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.

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

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

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 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.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Neff in this matter by serving her 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 March 1, 2016. (Certification, Exhibit A-2.) The administrative action commenced upon receipt, and the five-year statute of limitations was effectively tolled upon service of the Report.

As required by Section 83115.5, the packet served on Neff contained a cover letter and a memorandum describing probable cause proceedings, advising that Neff had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification,

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<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.

<sup>12</sup> Section 83115.5.

Exhibit A-3.) Neff neither requested a probable cause conference nor submitted a written response to the Report.

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

Because Neff 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 June 6, 2016. (Certification, Exhibit A-4.)

On June 24, 2016, Brian Lau, Senior Commission Counsel, Legal Division issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Neff. (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 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

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

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 August 19, 2016, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Neff 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, copies of Government Code sections 11506, 11507.5, 11507.6 and 11507.7 were personally served on Neff on October 7, 2016. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served Neff with a "Statement to Respondent," which notified her that she 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, she would be deemed to have waived the right to a hearing. (Certification, Exhibit A-8.) Neff did not file a Notice of Defense within the statutory time period, which ended on September 27, 2016.

As a result, on January 24, 2017, Assistant Chief of Enforcement Dave Bainbridge sent a letter to Neff advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for February 16, 2017. (Certification, Exhibit A-13.) 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 that the assets and income of public officials that may be materially affected by their official actions be disclosed, so that conflicts of interests may be avoided.<sup>17</sup> In furtherance of this purpose, the Act requires every state agency to adopt and promulgate a conflict of interest code, and any violation of such a code is deemed a violation of the Act.<sup>18</sup>

An agency's conflict of interest code must specifically designate the positions within the agency that are required to file SEIs that disclose reportable investments, business positions, interests in real property, and sources of income.<sup>19</sup> The persons who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the

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

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

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

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

<sup>18</sup> Section 87300.

<sup>19</sup> Section 87302, subd. (a).

agency whose position with the agency entails making, or participating in making, governmental decisions that may foreseeably have a material effect on one or more of the person's economic interests.<sup>20</sup> An agency's conflict of interest code must require designated positions to file Annual and Leaving Office SEIs.<sup>21</sup> At all relevant times, the LACWVCD Conflict of Interest Code designated Board Member as a position that was required to file SEIs.

### **SUMMARY OF THE EVIDENCE**

Neff became a Board Member on LACWVCD in November 2010, she left this position on June 16, 2015. As a Board Member on the LACWVCD, Neff was required to file with the Los Angeles County - Clerk of the Board of Supervisors an SEI annually, beginning with a 2011 SEI due April 2, 2012. She also had a duty, upon leaving office, to file a Leaving Office SEI within 30 days of leaving the position.

Neff failed to file a 2011 Annual SEI, 2012 Annual SEI, 2013 Annual SEI, and 2014 Annual SEI by the applicable deadlines. Additionally, Neff failed to file a Leaving Office SEI within 30 days of leaving office in June of 2015.

The Los Angeles County - Clerk of the Board of Supervisors ("Clerk") sent letters to Neff dated April 25, 2013 and August 13, 2013 regarding her failure to file an Annual SEI. (Certification, Exhibit A-9.) When Neff did not respond, the Clerk referred the matter to the Enforcement Division. (Certification, Exhibit A-10.) The Clerk sent additional letters to Neff dated June 3, 2015, July 27, 2015, and November 16, 2015 regarding her failure to file SEIs. (Certification, Exhibit A-11.) After Neff did not respond, the Clerk referred Neff to the Enforcement Division a second time. (Certification, Exhibit A-12.)

The Enforcement Division sent Neff letters dated September 30, 2015 and November 2, 2015 regarding the SEIs. Neff did not respond to either of the letters.

As of January 18, 2017, Neff has not filed any of the missing SEIs.

### **VIOLATIONS**

#### Count 1: Failure to Timely File a 2011 Annual Statement of Economic Interests

Neff had a duty to file a 2011 Annual SEI by April 2, 2012. By failing to timely file this statement, Neff violated Government Code section 87300.

#### Count 2: Failure to Timely File a 2012 Annual Statement of Economic Interests

Neff had a duty to file a 2012 Annual SEI by April 1, 2013. By failing to timely file this statement, Neff violated Government Code section 87300.

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<sup>20</sup> Sections 82019, subd. (a) and 87302.

<sup>21</sup> Section 87302, subd. (b).

Count 3: Failure to Timely File a 2013 Annual Statement of Economic Interests

Neff had a duty to file a 2013 Annual SEI by April 1, 2014. By failing to timely file this statement, Neff violated Government Code section 87300.

Count 4: Failure to Timely File a 2014 Annual Statement of Economic Interests

Neff had a duty to file a 2014 Annual SEI by April 1, 2015. By failing to timely file this statement, Neff violated Government Code section 87300.

Count 5: Failure to Timely File a Leaving Office Statement of Economic Interests

Neff had a duty to file a Leaving Office SEI within 30 days of leaving the position. By failing to timely file this statement, Neff violated Government Code section 87300.

**CONCLUSION**

This matter consists of five counts of violating the Act, which carry a maximum administrative penalty of \$5,000 per count and \$25,000 total.<sup>22</sup>

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5 subdivision (d)(1) through (6): (1) The 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, Neff failed to file SEIs for the entire time she was in office. The failure to comply with this obligation denied the public information about her financial activities and potential conflicts of interest.

The County of Los Angeles and the Enforcement Division made numerous requests that Neff file the outstanding SEI, but she has never complied. Neff is fully aware of her obligation to

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<sup>22</sup> Section 83116, subd. (c).

file as she has received numerous written notifications regarding the outstanding SEI at issue in this matter.

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

- *In the Matter of Shannon Matlock*, FPPC No. 15/737. (Commission approved a default decision on December 15, 2016.) The respondent, a current Assistant Director of Hospital Nursing for Ventura County Health Care Agency, failed to timely file a 2014 Annual SEI. The Commission imposed a penalty of \$5,000 for the violation.
- *In the Matter of James Yoder*, FPPC No. 15/318. (Commission approved a default decision on December 15, 2016.) The respondent, a former Alternate Member of the County of Glenn Transportation Commission, failed to file an Assuming Office SEI. The Commission imposed a penalty of \$4,000 for the violation.

In the present case, Neff is no longer in office. While in office, she did not file any SEIs so no information about her financial interests was available to the public. Given this, a substantial penalty is justified.

#### **PROPOSED PENALTY**

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$4,000 per count for a total penalty of \$20,000 is recommended.



**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. 15/716; Elena Sweda Neff*, 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 and Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated February 25, 2016

EXHIBIT A-2: Certified Mail Delivery for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated March 1, 2016

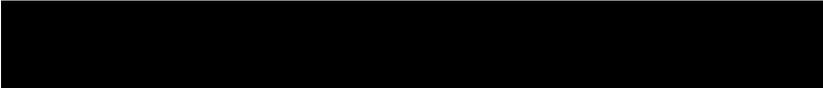
EXHIBIT A-3: Cover letter to the Respondent regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated February 25, 2016

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated June 21, 2016

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated July 6, 2016, and Proof of Service, dated July 20, 2016

- EXHIBIT A-6: Accusation, dated August 19, 2016
- EXHIBIT A-7: Proof of Service on September 8, 2016 for Accusation and accompanying documents from process server, dated September 12, 2016
- EXHIBIT A-8: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated August 23, 2016
- EXHIBIT A-9: Letters from County of Los Angeles Board of Supervisors to Elena Sweda Neff, dated April 25, 2013, and August 13, 2013
- EXHIBIT A-10: Non-filer referral from County of Los Angeles Board of Supervisors referring Elena Sweda Neff to the Enforcement Division as a statement of economic interests non-filer, dated June 6, 2014
- EXHIBIT A-11: Letters from County of Los Angeles Board of Supervisors to Elena Sweda Neff, dated June 3, 2015, July 27, 2015, and November 16, 2015
- EXHIBIT A-12: Non-filer referral from County of Los Angeles Board of Supervisors referring Elena Sweda Neff to the Enforcement Division as a statement of economic interests non-filer, dated November 23, 2015
- EXHIBIT A-13: Notice of Intent to Enter into Default Decision and Order, dated January 24, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 25, 2017, at Sacramento, California.

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

**Exhibit A-1**

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DEFAULT DECISION AND ORDER FPPC NO. 15/716

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 Attorney for Complainant  
Enforcement Division of the Fair Political Practices Commission  
7

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

11 In the Matter of ) FPPC No. 15/716  
12 )  
13 **ELENA SWEDA NEFF,** ) **REPORT IN SUPPORT OF A FINDING OF**  
14 ) **PROBABLE CAUSE**  
15 Respondent. ) Conference Date: TBA  
16 ) Conference Time: TBA  
17 ) Conference Location: Commission Offices  
428 J Street, Suite 620  
Sacramento, CA 95814

18 **INTRODUCTION**

19 Respondent Elena Sweda Neff was a Board Member on the Los Angeles County West Vector  
20 Control District. The Los Angeles County Conflict of Interest Code requires Los Angeles County West  
21 Vector Board Members to periodically file a Statement of Economic Interests ("SEI") disclosing all  
22 relevant economic interests. Neff has failed to file a 2011 Annual SEI, a 2012 Annual SEI, a 2013  
23 Annual SEI, a 2014 Annual SEI, and a Leaving Office SEI.

24 **SUMMARY OF THE LAW**

25 All legal references and discussions of law pertain to the Act's provisions as they existed in  
26 2011-2016.

1 Jurisdiction

2 The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to  
3 enforce the provisions of the Act.<sup>1</sup>

4 Probable Cause Proceedings

5 Prior to the Enforcement Division commencing an administrative action, the General Counsel of  
6 the Commission or her designee (the "hearing officer"), must make a finding that there is probable  
7 cause to believe the respondent has violated the Act.<sup>2</sup> After a finding of probable cause, the  
8 Commission may hold a noticed hearing in accordance with the Administrative Procedure Act<sup>3</sup> to  
9 determine whether violations occurred, and levy an administrative penalty of up to \$5,000 for each  
10 violation.<sup>4</sup>

11 Standard for Finding Probable Cause

12 To make a finding of probable cause, the hearing officer must be presented with sufficient  
13 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,  
14 that a respondent committed or caused a violation.<sup>5</sup>

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

16 When enacting the Political Reform Act, the people of the state of California found and  
17 declared that previous laws regulating political practices suffered from inadequate enforcement by state  
18 and local authorities.<sup>6</sup> To that end, the Act must be liberally construed to achieve its purposes.<sup>7</sup>

19 One central purpose of the Act is to increase transparency and decrease conflicts of interest in  
20 the actions of public officials by requiring disclosure of their financial interests.<sup>8</sup> Another is to provide  
21 adequate enforcement mechanisms so that the Act will be "vigorously enforced."<sup>9</sup>

22  
23 <sup>1</sup> The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references  
24 are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18110 through 18997 of Title 2  
25 of the California Code of Regulations, and all regulatory references are to this source.

26 <sup>2</sup> Section 83115.5, and Regulations 18361 and 18361.4.

27 <sup>3</sup> Section 11500, et seq.

28 <sup>4</sup> Section 83116, and Regulation 18361.4, subd. (e).

<sup>5</sup> Section 18361.4, subd. (e).

<sup>6</sup> Section 81001, subd. (h).

<sup>7</sup> Section 81003.

1 Conflict of Interest Codes

2 Section 87300 of the Act requires every state and local agency to develop a Conflict of Interest  
3 Code. These codes must designate those officials who participate in making decisions which may  
4 foreseeably have a material financial effect on any financial interest belonging to that official, and  
5 require those designated officials to disclose all reportable interests on SEIs.<sup>10</sup> Failure to comply with  
6 an agency's conflict of interest code is a violation of the Act.<sup>11</sup>

7 Los Angeles County West Vector Control District Conflict of Interest Code

8 Los Angeles County Conflict of Interest Code designates Board Members of the Los Angeles  
9 County West Vector Control District as a position that is required to file SEIs. Los Angeles County  
10 Code requires designated officials to file an Assuming Office SEI and Leaving Office SEI both within  
11 30 days of taking/leaving office; as well as filing an Annual SEIs by April 1<sup>st</sup> of the succeeding year.

12 Liability for Violations

13 Any person who violates any provision of the Act, who purposely or negligently causes any  
14 other person to violate any provision of the Act, or who aids and abets any other person in the violation  
15 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>12</sup>

16 **SUMMARY OF THE EVIDENCE**

17 Neff became a Los Angeles County West Vector Control District Board Member on November  
18 23, 2010 and left this position on June 16, 2015. There is no record of Neff filing any of her required  
19 SEIs.

20 Before referring the case to the Enforcement Division, the County of Los Angeles Board of  
21 Supervisors notified Neff five times regarding her duty to file her outstanding SEIs. These notifications  
22 were sent on August 13, 2013, April 25, 2013, July 27, 2015, June 3, 2015, and November 16, 2015 via  
23

24 <sup>8</sup> Section 81002, subd. (c)

25 <sup>9</sup> Section 81002, subd. (f).

26 <sup>10</sup> Section 87302, subd. (b).

27 <sup>11</sup> Section 87300

28 <sup>12</sup> Sections 83116, and 83116.5.

1 letter. After Neff did not respond, the Los Angeles Board of Supervisors referred the matter to the  
2 Enforcement Division.

3 The Enforcement Division attempted to contact Neff by letters sent September 30, 2015 and  
4 November 2, 2015 regarding her outstanding SEIs. Neff did not respond.

5 As of February 11, 2016, Neff has not filed any of her outstanding SEIs.

### 6 VIOLATIONS

#### 7 Count 1: Failure to File 2011 Annual SEI

8 Neff failed to file an Annual SEI for the year of 2011 in violation of Sections 87300 and 87302.

#### 9 Count 2: Failure to File 2012 Annual SEI

10 Neff failed to file an Annual SEI for the year of 2012 in violation of Sections 87300 and 87302.

#### 11 Count 3: Failure to File 2013 Annual SEI

12 Neff failed to file an Annual SEI for the year of 2013 in violation of Sections 87300 and 87302.

#### 13 Count 4: Failure to File 2014 Annual SEI

14 Neff failed to file an Annual SEI for the year of 2014 in violation of Sections 87300 and 87302.

#### 15 Count 5: Failure to File Leaving Office SEI

16 Neff failed to file a Leaving Office SEI within thirty days of leaving office on June 16, 2015 in  
17 violation of Sections 87300 and 87302.

### 18 OTHER RELEVANT MATERIAL

19 Neff has failed to file the outstanding SEIs despite numerous contacts over a five year-long  
20 period. Additionally, Neff has failed to file an Assuming Office SEI.

### 21 EXCULPATORY OR MITIGATING INFORMATION

22 The Enforcement Division is not aware of any relevant exculpatory or mitigating information.  
23

### 24 CONCLUSION

25 Probable cause exists to believe that Elena Sweda Neff violated the Act by failing to file a 2011  
26 Annual SEI, a 2012 Annual SEI, a 2013 Annual SEI, a 2014 Annual SEI, and Leaving Office SEI. The  
27

1 Enforcement Division respectfully requests an order finding probable cause pursuant to Section  
2 83115.5 and Regulation 18361.4.

3  
4 Dated: Feb. 25, 2016

5  
6 Respectfully Submitted,

7 **FAIR POLITICAL PRACTICES COMMISSION**  
8 Galena West  
9 Enforcement Chief

10   
11 ✓ By: Dave Bainbridge  
12 Assistant Chief  
13 Enforcement Division

**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 February 25, 2016, I served the following document(s):

1. Letter dated February 25, 2016 from Dave Bainbridge;
2. FPPC No. 15/716 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.

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

Elena Sweda Neff  


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 25, 2016

  
Elizabeth Enea

**Exhibit A-2**



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DATE & TIME	STATUS OF ITEM	LOCATION
March 1, 2016 , 5:33 pm	Delivered	CULVER CITY, CA 90232

Your item was delivered at 5:33 pm on March 1, 2016 in CULVER CITY, CA 90232.

February 28, 2016 , 3:08 am	Departed USPS Facility	LOS ANGELES, CA 90052
February 27, 2016 , 3:50 pm	Arrived at USPS Facility	LOS ANGELES, CA 90052
February 25, 2016 , 10:46 pm	Departed USPS Facility	WEST SACRAMENTO, CA 95799
February 25, 2016 , 9:03 pm	Arrived at USPS Facility	WEST SACRAMENTO, CA 95799

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Elena Sweda Neff

Street, Apt. No.,  
or PO Box No. [REDACTED]

City, State, ZIP+4 [REDACTED]

PS Form 3800, August 2006

See Reverse for Instructions

**Exhibit A-3**



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

February 25, 2016

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Elena Sweda Neff



**In the Matter of Elena Sweda Neff; FPPC No. 15/716**

Dear Ms. Neff:

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 August 20, 2015, September 28, 2015 and November 5, 2015. 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 Commission's General Counsel (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: 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 Elizabeth Enea at (916) 322-7050 or [eenea@fppc.ca.gov](mailto:eenea@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,

A large black rectangular redaction box covers the signature area of the letter.

Dave Bainbridge  
Assistant Chief of Enforcement

Enclosures

DB:ee

## PROBABLE CAUSE FACT SHEET

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### 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

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<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

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#### **§ 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**

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**§ 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. 15/716  
)  
ELENA SWEDA NEFF, ) EX PARTE REQUEST FOR A FINDING OF  
) PROBABLE CAUSE AND AN ORDER THAT  
) AN ACCUSATION BE PREPARED AND  
) SERVED  
Respondent. )  
) Gov. Code § 83115.5  
)  
)

**TO 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, Respondent Elena Sweda Neff ("Neff") was served with a copy of a report in support of a finding of probable cause ("Report") on March 1, 2016, 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 Neff on February 25, 2016, by certified mail, with a return receipt requested, and received by Neff on March 1, 2016. A copy of the certified mail delivery is attached as "Exhibit B".

In the cover letter dated February 25, 2016, and the attached materials, Neff was advised that she could respond in writing to the Report and orally present the case to the Hearing Officer at a probable

<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 cause conference to be held in Sacramento. Neff was further advised that to have a probable cause  
2 conference she needed to make a written request for a conference on or before 21 days of the date she  
3 received the Report. Additionally, Neff was advised that if she did not request a probable cause  
4 conference, such a conference would not be held and probable cause would be determined based solely  
5 on the Report and any written response that she submitted within 21 days of the date she was served  
6 with the Report. To date, Neff has not submitted a written response or requested a probable cause  
7 conference.

8 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by  
9 the Hearing Officer that probable cause exists to believe that Neff committed five violations of the Act,  
10 stated as follows:

11 Count 1: Failure to File 2011 Annual SEI

12 Neff failed to file an Annual SEI for the year of 2011 in violation of Sections 87300 and 87302.

13 Count 2: Failure to File 2012 Annual SEI

14 Neff failed to file an Annual SEI for the year of 2012 in violation of Sections 87300 and 87302.

15 Count 3: Failure to File 2013 Annual SEI

16 Neff failed to file an Annual SEI for the year of 2013 in violation of Sections 87300 and 87302.

17 Count 4: Failure to File 2014 Annual SEI

18 Neff failed to file an Annual SEI for the year of 2014 in violation of Sections 87300 and 87302.

19 Count 5: Failure to File Leaving Office SEI

20 Neff failed to file a Leaving Office SEI within thirty days of leaving office on June 16, 2015 in  
21 violation of Sections 87300 and 87302.

22 Additionally, after finding probable cause exists, the Enforcement Division requests an order by  
23 the Hearing Officer that an accusation be prepared against Scott and served upon her.<sup>3</sup>

24 ///

25 ///

26 ///

27 <sup>3</sup> Gov. Code § 11503.

1 A copy of this Request was mailed via U.S. Mail to Neff on May 23, 2016, at the last known  
2 address, as follows:

3 Elena Sweda Neff  
4 4246 Irving Place  
5 Culver City, CA 90232

6 Dated: June 21, 2016

Respectfully Submitted,

**FAIR POLITICAL PRACTICES COMMISSION**

Galena West  
Chief of Enforcement



By: Dave Bainbridge  
Assistant Chief  
Enforcement Division

C

C

# 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 Attorney for Complainant  
Enforcement Division of the Fair Political Practices Commission  
7

8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

9 **STATE OF CALIFORNIA**

10  
11 In the Matter of ) FPPC No. 15/716  
12 )  
13 ELENA SWEDA NEFF, ) **REPORT IN SUPPORT OF A FINDING OF**  
14 ) **PROBABLE CAUSE**  
15 Respondent. ) Conference Date: TBA  
16 ) Conference Time: TBA  
17 ) Conference Location: Commission Offices  
428 J Street, Suite 620  
Sacramento, CA 95814

18 **INTRODUCTION**

19 Respondent Elena Sweda Neff was a Board Member on the Los Angeles County West Vector  
20 Control District. The Los Angeles County Conflict of Interest Code requires Los Angeles County West  
21 Vector Board Members to periodically file a Statement of Economic Interests ("SEI") disclosing all  
22 relevant economic interests. Neff has failed to file a 2011 Annual SEI, a 2012 Annual SEI, a 2013  
23 Annual SEI, a 2014 Annual SEI, and a Leaving Office SEI.

24 **SUMMARY OF THE LAW**

25 All legal references and discussions of law pertain to the Act's provisions as they existed in  
26 2011-2016.

1 Jurisdiction

2 The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to  
3 enforce the provisions of the Act.<sup>1</sup>

4 Probable Cause Proceedings

5 Prior to the Enforcement Division commencing an administrative action, the General Counsel of  
6 the Commission or her designee (the "hearing officer"), must make a finding that there is probable  
7 cause to believe the respondent has violated the Act.<sup>2</sup> After a finding of probable cause, the  
8 Commission may hold a noticed hearing in accordance with the Administrative Procedure Act<sup>3</sup> to  
9 determine whether violations occurred, and levy an administrative penalty of up to \$5,000 for each  
10 violation.<sup>4</sup>

11 Standard for Finding Probable Cause

12 To make a finding of probable cause, the hearing officer must be presented with sufficient  
13 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,  
14 that a respondent committed or caused a violation.<sup>5</sup>

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

16 When enacting the Political Reform Act, the people of the state of California found and  
17 declared that previous laws regulating political practices suffered from inadequate enforcement by state  
18 and local authorities.<sup>6</sup> To that end, the Act must be liberally construed to achieve its purposes.<sup>7</sup>

19 One central purpose of the Act is to increase transparency and decrease conflicts of interest in  
20 the actions of public officials by requiring disclosure of their financial interests.<sup>8</sup> Another is to provide  
21 adequate enforcement mechanisms so that the Act will be "vigorously enforced."<sup>9</sup>

22  
23 <sup>1</sup> The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references  
24 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.

25 <sup>2</sup> Section 83115.5, and Regulations 18361 and 18361.4.

26 <sup>3</sup> Section 11500, et seq.

27 <sup>4</sup> Section 83116, and Regulation 18361.4, subd. (e).

28 <sup>5</sup> Section 18361.4, subd. (e).

<sup>6</sup> Section 81001, subd. (h).

<sup>7</sup> Section 81003.

1 Conflict of Interest Codes

2 Section 87300 of the Act requires every state and local agency to develop a Conflict of Interest  
3 Code. These codes must designate those officials who participate in making decisions which may  
4 foreseeably have a material financial effect on any financial interest belonging to that official, and  
5 require those designated officials to disclose all reportable interests on SEIs.<sup>10</sup> Failure to comply with  
6 an agency's conflict of interest code is a violation of the Act.<sup>11</sup>

7 Los Angeles County West Vector Control District Conflict of Interest Code

8 Los Angeles County Conflict of Interest Code designates Board Members of the Los Angeles  
9 County West Vector Control District as a position that is required to file SEIs. Los Angeles County  
10 Code requires designated officials to file an Assuming Office SEI and Leaving Office SEI both within  
11 30 days of taking/leaving office; as well as filing an Annual SEIs by April 1<sup>st</sup> of the succeeding year.

12 Liability for Violations

13 Any person who violates any provision of the Act, who purposely or negligently causes any  
14 other person to violate any provision of the Act, or who aids and abets any other person in the violation  
15 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>12</sup>

16 **SUMMARY OF THE EVIDENCE**

17 Neff became a Los Angeles County West Vector Control District Board Member on November  
18 23, 2010 and left this position on June 16, 2015. There is no record of Neff filing any of her required  
19 SEIs.

20 Before referring the case to the Enforcement Division, the County of Los Angeles Board of  
21 Supervisors notified Neff five times regarding her duty to file her outstanding SEIs. These notifications  
22 were sent on August 13, 2013, April 25, 2013, July 27, 2015, June 3, 2015, and November 16, 2015 via  
23

24 <sup>8</sup> Section 81002, subd. (c)  
25 <sup>9</sup> Section 81002, subd. (f).  
26 <sup>10</sup> Section 87302, subd. (b).  
27 <sup>11</sup> Section 87300  
28 <sup>12</sup> Sections 83116, and 83116.5.

1 letter. After Neff did not respond, the Los Angeles Board of Supervisors referred the matter to the  
2 Enforcement Division.

3 The Enforcement Division attempted to contact Neff by letters sent September 30, 2015 and  
4 November 2, 2015 regarding her outstanding SEIs. Neff did not respond.

5 As of February 11, 2016, Neff has not filed any of her outstanding SEIs.

### 6 VIOLATIONS

#### 7 Count 1: Failure to File 2011 Annual SEI

8 Neff failed to file an Annual SEI for the year of 2011 in violation of Sections 87300 and 87302.

#### 9 Count 2: Failure to File 2012 Annual SEI

10 Neff failed to file an Annual SEI for the year of 2012 in violation of Sections 87300 and 87302.

#### 11 Count 3: Failure to File 2013 Annual SEI

12 Neff failed to file an Annual SEI for the year of 2013 in violation of Sections 87300 and 87302.

#### 13 Count 4: Failure to File 2014 Annual SEI

14 Neff failed to file an Annual SEI for the year of 2014 in violation of Sections 87300 and 87302.

#### 15 Count 5: Failure to File Leaving Office SEI

16 Neff failed to file a Leaving Office SEI within thirty days of leaving office on June 16, 2015 in  
17 violation of Sections 87300 and 87302.

### 18 OTHER RELEVANT MATERIAL

19 Neff has failed to file the outstanding SEIs despite numerous contacts over a five year-long  
20 period. Additionally, Neff has failed to file an Assuming Office SEI.

### 21 EXCULPATORY OR MITIGATING INFORMATION

22 The Enforcement Division is not aware of any relevant exculpatory or mitigating information.  
23

### 24 CONCLUSION

25 Probable cause exists to believe that Elena Sweda Neff violated the Act by failing to file a 2011  
26 Annual SEI, a 2012 Annual SEI, a 2013 Annual SEI, a 2014 Annual SEI, and Leaving Office SEI. The  
27

1 Enforcement Division respectfully requests an order finding probable cause pursuant to Section  
2 83115.5 and Regulation 18361.4.

3  
4 Dated: Feb. 25, 2016

5  
6 Respectfully Submitted,

7 **FAIR POLITICAL PRACTICES COMMISSION**  
8 Galena West  
9 Enforcement Chief

10   
11 By: Dave Bainbridge  
12 Assistant Chief  
13 Enforcement Division



USPS Tracking®

Tracking Number: 7012346000026956759

Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

DATE & TIME

STATUS OF ITEM

LOCATION

March 1, 2016 , 5:33 pm

Delivered

CULVER CITY, CA 90232

Your item was delivered at 5:33 pm on March 1, 2016 in CULVER CITY, CA 90232

February 28, 2016 , 3:08 am

Departed USPS Facility

LOS ANGELES, CA 90052

February 27, 2016 , 3:50 pm

Arrived at USPS Facility

LOS ANGELES, CA 90052

February 25, 2016 , 10:46 pm

Departed USPS Facility

WEST SACRAMENTO, CA 95799

February 25, 2016 , 9:03 pm

Arrived at USPS Facility

WEST SACRAMENTD, CA 95799

7012 3460 0000 2695 6759

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

Sent To: **Elena Sweda Neff**

Street, Apt. No., or PO Box No. [REDACTED]

City, State, ZIP+4 [REDACTED]

PS Form 3800, August 2005 See Reverse for Instructions

EXHIBIT B

**Exhibit A-5**

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DEFAULT DECISION AND ORDER FPPC NO. 15/716

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

) FPPC No. 15/716

ELENA SWEDA NEFF,

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

Respondent.

) Gov. Code § 83115.5

By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an Accusation be Prepared and Served, dated June 21, 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 Respondent Elena Sweda Neff concerning this matter on March 1, 2016, by certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed Neff of her 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, Neff 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 the Political Reform Act as alleged by the Enforcement Division in the PC Report served on the respondent.

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

4 The PC Report served on Neff and the subsequent Ex Parte Request in this matter allege  
5 violations of the Political Reform Act were committed, as follows:

6 Count 1: Failure to File 2011 Annual SEI

7 Neff failed to file an Annual SEI for the year of 2011 in violation of Sections 87300 and 87302.

8 Count 2: Failure to File 2012 Annual SEI

9 Neff failed to file an Annual SEI for the year of 2012 in violation of Sections 87300 and 87302.

10 Count 3: Failure to File 2013 Annual SEI

11 Neff failed to file an Annual SEI for the year of 2013 in violation of Sections 87300 and 87302.

12 Count 4: Failure to File 2014 Annual SEI

13 Neff failed to file an Annual SEI for the year of 2014 in violation of Sections 87300 and 87302.

14 Count 5: Failure to File Leaving Office SEI

15 Neff failed to file a Leaving Office SEI within thirty days of leaving office on June 16, 2015 in  
16 violation of Sections 87300 and 87302.

17 Based on the Ex Parte Request given to me, I find that notice has been given to Neff.<sup>3</sup> I further  
18 find, based on the PC Report and the Ex Parte Request, that there is probable cause to believe Neff  
19 violated the Political Reform Act as alleged in Counts 1-4, as identified above.

20 I therefore direct that the Enforcement Division issue an accusation against Neff in accordance  
21 with this finding.

22 IT IS SO ORDERED.

23 Dated: 1/6/16

24   
25 Brian Lau, Hearing Officer  
26 Fair Political Practices Commission

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

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

FPPC No. 15/716, In the matter of Elena Sweda Neff

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. Elena Sweda Neff

(By Personal Service) On Wednesday, July 20, 2016, at approximately 1:15 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 July 20, 2016.

  
Sheva Tabatabainejad

**Exhibit A-6**

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DEFAULT DECISION AND ORDER FPPC NO. 15/716

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  
7  
8

9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
10 STATE OF CALIFORNIA

11 In the Matter of ) FPPC No. 15/716  
12 )  
13 ELENA SWEDA NEFF, ) **ACCUSATION**  
14 )  
15 Respondent. ) (Gov. Code §11503)  
16 )  
17 )

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

20 **JURISDICTION**

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

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



1 10. The LACWVCD's Conflict of Interest Code designates Board Member as a position  
2 required to file SEIs.<sup>8</sup> The LACWVCD's Code requires designated officials to file an Annual SEI by  
3 April 1 of the succeeding year and a Leaving Office SEI within 30 days of leaving office.<sup>9</sup>

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

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

14 **GENERAL FACTS**

15 12. Neff became a Board Member on LACWVCD in November 2010, she left this position on  
16 June 16, 2015.

17 13. As a Board Member on the LACWVCD, Neff was required to file a 2011 Annual SEI,  
18 2012 Annual SEI, 2013 Annual SEI, 2014 Annual SEI, and a Leaving Office SEI with the Los Angeles  
19 County - Clerk of the Board of Supervisors by the filing deadlines. Neff failed to file a 2011 Annual SEI,  
20 2012 Annual SEI, 2013 Annual SEI, and 2014 Annual SEI by the applicable deadlines. Additionally, Neff  
21 failed to file a Leaving Office SEI within 30 days of leaving office.

22 14. As of the date of this Accusation, Neff has not filed a 2011 Annual SEI, 2012 Annual SEI,  
23 2013 Annual SEI, 2014 Annual SEI, or Leaving Office SEI with the Los Angeles County - Clerk of the  
24 Board of Supervisors.

25  
26  
27 <sup>8</sup> Conflict of Interest Code for Los Angeles County West Vector Control District p. 1

28 <sup>9</sup> *Supra.*

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

PROCEDURAL HISTORY

1  
2           15.     Before referring the case to the Enforcement Division, the Los Angeles County - Clerk  
3 of the Board of Supervisors sent five letters to Neff dated April 25, 2013, July 27, 2015, June 3, 2015,  
4 August 13, 2013, and November 16, 2015 regarding her obligation to file. After Neff did not respond,  
5 the Los Angeles County - Clerk of the Board of Supervisors referred the matter to the Enforcement  
6 Division.

7           16.     The Enforcement Division attempted to contact Neff by letters on September 30, 2015  
8 and November 2, 2015 but she did not respond.

9           17.     The Enforcement Division initiated the administrative action against Neff in this matter by  
10 serving her with a packet containing a cover letter, a Report in Support of a Finding of Probable Cause  
11 ("PC Report"), a fact sheet regarding probable cause proceedings, selected sections of the Government  
12 Code regarding probable cause proceedings for the Commission, and selected regulations of the  
13 Commission regarding probable cause proceedings.

14           18.     Neff was served via certified mail on or before February 25, 2016 with the PC Report. The  
15 information contained in the PC Report packet advised Neff that she had 21 days in which to request a  
16 probable cause conference and/or to file a written response to the PC Report. As of the date of this  
17 Accusation, Neff has not responded to the PC Report.

18           19.     By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that  
19 an Accusation be Prepared and Served, dated June 21, 2016, the Enforcement Division submitted the  
20 matter to the Hearing Officer for a determination of probable cause.

21           20.     On June 24, 2016, the Hearing Officer found, based on the PC Report and Ex Parte Request  
22 for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served, that there was  
23 probable cause to believe Neff violated the Act and directed the Enforcement Division to issue an  
24 accusation against Neff in accordance to with the finding.

**VIOLATIONS**

21. Neff committed five violations of the Act, as follows:

**Count 1**

**Failure to Timely File a 2011 Annual SEI**

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

23. Neff, as a former Board Member on the LACWVCD, had a duty under the Act and the LACWVCD's Conflict of Interest Code to file a 2011 Annual SEI by the April 1, 2012 deadline.

24. Neff failed to file a 2011 Annual SEI with the Los Angeles County Board of Supervisor's Clerk by the April 1, 2012 deadline.

25. By failing to timely file a 2011 Annual SEI by the April 1, 2012 deadline, Neff violated Sections 87300 and 87302 of the Act.

**Count 2**

**Failure to Timely File a 2012 Annual SEI**

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

27. Neff, as a former Board Member on the LACWVCD, had a duty under the Act and the LACWVCD's Conflict of Interest Code to file a 2012 Annual SEI by the April 1, 2013 deadline.

28. Neff failed to file a 2012 Annual SEI with the Los Angeles Board of Supervisor's Clerk by the April 1, 2013 deadline.

29. By failing to timely file a 2012 Annual SEI by the April 1, 2013 deadline, Neff violated Sections 87300 and 87302 of the Act.

**Count 3**

**Failure Timely to File a 2013 Annual SEI**

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

31. Neff, as a former Board Member on the LACWVCD, had a duty under the Act and the LACWVCD's Conflict of Interest Code to file a 2013 Annual SEI by the April 1, 2014 deadline.

1 32. Neff failed to file a 2013 Annual SEI with the Los Angeles Board of Supervisor's Clerk  
2 by the April 1, 2014 deadline.

3 33. By failing to timely file a 2014 Annual SEI by the April 1, 2014 deadline, Neff violated  
4 Sections 87300 and 87302 of the Act.

5 **Count 4**

6 Failure to Timely File a 2014 Annual SEI

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

9 35. Neff, as a former Board Member on the LACWVCD, had a duty under the Act and the  
10 LACWVCD's Conflict of Interest Code to file a 2014 Annual SEI by the April 1, 2015 deadline.

11 36. Neff failed to file a 2014 Annual SEI with the Los Angeles Board of Supervisor's Clerk  
12 by the April 1, 2015 deadline.

13 37. By failing to timely file a 2014 Annual SEI by the April 1, 2015 deadline, Neff violated  
14 Sections 87300 and 87302 of the Act.

15 **Count 5**

16 Failure to Timely File a Leaving Office SEI

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

19 39. Neff, as a former Board Member on the LACWVCD, had a duty under the Act and the  
20 LACWVCD's Conflict of Interest Code to file a Leaving Office SEI within 30 days of leaving office.

21 40. Neff failed to file a Leaving Office SEI within thirty days of leaving office with the Los  
22 Angeles County Board of Supervisor's Clerk within 30 days of leaving office.

23 41. By failing to timely file a Leaving Office SEI within 30 days of leaving office, Neff  
24 violated Sections 87300 and 87302 of the Act.

25 **MITIGATING OR EXCULPATORY FACTORS**

26 42. The Enforcement Division is not aware of any mitigating or exculpatory factors.  
27  
28



1 of a pattern and whether the violator has a prior record of violations of the Act or similar laws; and (6)  
2 whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full  
3 disclosure.

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

5  
6  
7 Dated: 19 Aug/16

  
Galena West  
Chief of Enforcement  
Fair Political Practices Commission

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**Exhibit A-7**

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DEFAULT DECISION AND ORDER FPPC NO. 15/716

ATTORNEY OR PARTY WITHOUT ATTORNEY: GALENA WEST FAIR POLITICAL PRACTICES COMMISSION 428 J. STREET STE 620 SACRAMENTO, CA 95814  TELEPHONE NO.: (916) 322-5660      FAX NO.: (916) 322-1932 ATTORNEY FOR:	<b>FOR COURT USE ONLY</b>
<b>FAIR POLITICAL PRACTICES COMMISSION, COUNTY OF SACRAMENTO</b> STREET ADDRESS: 428 J STREET, SUITE 620 MAILING ADDRESS: 428 J STREET, SUITE 620 CITY AND ZIP CODE: SACRAMENTO, 95814 BRANCH NAME:	
IN THE MATTER OF: FPPC No 15/716 ELENA SWEDA NEFF RESPONDANT: ELENA SWEDA NEFF	CASE NUMBER: FPPC NO.15/716
<b>PROOF OF SERVICE</b>	Ref. No. or File No.:

1. I am over 18 years of age and not a party to this action.
2. Received by C.A. PROCESS SERVICE on 8/23/2016 at 2:12 pm to be served on ELENA SWEDA NEFF, [REDACTED]
3. **INDIVIDUALLY/PERSONALLY** served by delivering a true copy of the FPPC CASE NO 15/716 ACCUSATION; NOTICE OF DEFENSE (TWO COPIES); STATEMENT TO RESPONDANT; SELECTED SECTIONS OF THE CALIFORNIA GOVERNMENT CODE, ADMINISTRATIVE PROCEDURE ACT with the date and hour of service endorsed thereon by me, to: ELENA SWEDA NEFF at the address of: [REDACTED] and informed said person of the contents therein, in compliance with state statutes.
4. Date and Time of service: 9/8/2016 at 2:00 pm
5. I am a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:  
Name: Carlos Abrego  
Firm: C.A. PROCESS SERVICE  
Address: 14800 Rinaldi St #24, Mission Hills, CA 91345  
Telephone number: (800) 331-1072  
Registration Number: 6456  
County: Los Angeles  
The fee for the service was: \$45.00
7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 9/12/16 [REDACTED]

Carlos Abrego
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)
(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

**Exhibit A-8**

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DEFAULT DECISION AND ORDER FPPC NO. 15/716



## FAIR POLITICAL PRACTICES COMMISSION

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

### STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

*Elena Sweda Neff*

*FPPC Case No. 15/716*

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 Dave Bainbridge, Assistant Chief, Enforcement Division at (916) 323-6302 or at [dbainbridge@fppc.ca.gov](mailto:dbainbridge@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)
	)	
ELENA SWEDA NEFF,	)	FPPC Case No. 15/716
	)	
	)	
Respondent.	)	
	)	
	)	
	)	

---

Elena Sweda Neff, 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:

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- 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*

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**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
ELENA SWEDA NEFF,	)	FPPC Case No. 15/716
	)	
	)	
Respondent.	)	
	)	
	)	
	)	

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Elena Sweda Neff, 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:

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- 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.

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### **§ 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 08/23/2016, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 15/716: 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 1:10 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**

Elena Sweda Neff  


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 08/23/2016

  
Roone Peterson

**Exhibit A-9**

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DEFAULT DECISION AND ORDER FPPC NO. 15/716



SACHI A. HAMAI  
EXECUTIVE OFFICER

# COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1411 • FAX (213) 620-0636

MEMBERS OF THE BOARD

GLORIA MOLINA  
MARK RIDLEY-THOMAS  
ZEV YAROSLAVSKY  
DON KNABE  
MICHAEL D. ANTONOVICH

April 25, 2013

# COPY

Elena Sweda Neff  
Los Angeles County West Vector Control District  
6750 Centinela Avenue  
Culver City, CA 90230

Regarding: 2012/2013 Annual  
Statement of Economic Interest

Due Date: **May 28, 2013**

Dear Elena Sweda Neff:

Our office has not received your Form 700 Statement of Economic Interest which was due on April 2, 2013.

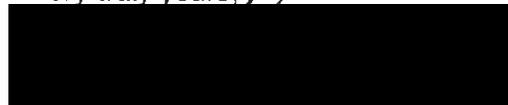
To comply with your filing requirements, please take the following steps:

1. Complete the enclosed Form 700.
2. Include a written explanation for your late filing or enclose a check made payable to Los Angeles County for \$100 to cover the late filing penalty.

Please be advised the Government Code Section 91013 imposes a fine of \$10 per day for each day a statement is late, up to a maximum of \$100. However, if you file your statement **within 30 days** of the date of this letter, and attach an explanation for the late filing, we can waive all or part of the fine. We are **prohibited** by law from waiving the fine if the statement is not filed within 30 days of the date of this letter.

Please return your completed Statement of Economic Interest to the Los Angeles County, Board of Supervisors, 500 West Temple Street, Room 383, Los Angeles, CA 90012, Attn: Andrea Petty by **May 28, 2013**. Should you have questions concerning the 700 Form, please contact Andrea Petty or Nansi Buenrostro at (213) 974-1748.

Very truly yours, 



Donato B. Garcia  
Chief, Conflict/Lobbyist Division

DG:ap  
Enclosure

c: Agency Head



# COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1411 • FAX (213) 620-0636

SACHI A. HAMAI  
EXECUTIVE OFFICER

MEMBERS OF THE BOARD

GLORIA MOLINA

MARK RIDLEY-THOMAS

ZEV YAROSLAVSKY

DON KNABE

MICHAEL D. ANTONOVICH

August 13, 2013

Elena Sweda Neff  
6750 Centinela Avenue  
Culver City, CA 90230

**COPY**

Dear Elena Sweda Neff:

## **\$100 FINE FOR LATE STATEMENT OF ECONOMIC INTERESTS Los Angeles County West Vector Control District**

Our records show that your annual Statement of Economic Interests which was due on **April 2, 2013** was not filed with our office. Annual Statements of Economic Interests were sent to your agency's filing officer on February 11, 2013.

On April 25, 2013, we sent you a letter addressed to your agency informing you of your filing requirements and that a fine of \$10 per day, up to a maximum of \$100, would be imposed if your statement, along with a letter of explanation for the late filing was not received by May 28, 2013. This date has passed.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10 per day, up to a maximum of \$100. Furthermore, state law prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after you receive specific written notice of the filing requirements.

Therefore, please remit, by September 13, 2013, your completed Statement of Economic Interests and a check or money order for \$100 made payable to the "County of Los Angeles" in the enclosed envelope.

If we do not receive your statement and payment postmarked no later than September 13, 2013, we will refer your case to the Fair Political Practices Commission, Enforcement Division, and to the Treasurer & Tax Collector's Office for appropriate action. We urge you to act immediately.

**Enforcement proceedings may be initiated against anyone suspected of violating the Political Reform Act to compel compliance and to impose monetary penalties of up to \$5,000 per violation.**

Should you have any questions concerning this matter, please call me at (213) 974-1578.

Very truly yours,

DONATO B. GARCIA  
Chief, Conflict of Interest/Lobbyist Division

DG:ap  
Enclosures  
C: Agency Head

**Exhibit A-10**

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DEFAULT DECISION AND ORDER FPPC NO. 15/716



COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1411 • FAX (213) 620-0636

MEMBERS OF THE BOARD

GLORIA MOLINA

MARK RIDLEY-THOMAS

ZEV YAROSLAVSKY

DON KNABE

MICHAEL D. ANTONOVICH

SACHI A. HAMAI  
EXECUTIVE OFFICER

June 6, 2014

Mr. Gary Winuk  
Chief, Enforcement Division  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

Dear Mr. Winuk:

**STATEMENT OF ECONOMIC INTERESTS – REFERRAL OF NON-FILERS**

The individual listed below has failed to file their 2009/2010 Assuming Office Statement, 2011/2012; 2012/2013 and 2013/2014 Annual Statements of Economic Interest in accordance with the Political Reform Act. We have attempted to inform her of her filing obligation on numerous occasions and she has not responded to our correspondence. Attached are copies of letters sent to the filer.

In accordance with the enforcement provisions of the Act, at this time I am referring this filer to the Commission for enforcement proceedings. Should you have any questions please do not hesitate to call Don Garcia of my staff at (213) 974-1578.

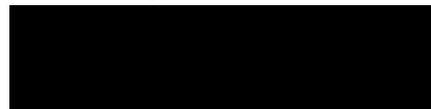
**Individual**

Elena Sweda Neff

**Associated Agency**

Los Angeles County West Vector Control District

Sincerely,



Sachi A. Hamai  
Executive Officer

SAH:ap

Attachments

c: Don Garcia (w/o attachments)

S:\Andrea - SEINFPPC-ENFORCEMENT-Referral Of Non-Filers 2012-2013

14 JUN - 9 AM 10:34

RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION

**Exhibit A-11**

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DEFAULT DECISION AND ORDER FPPC NO. 15/716



# COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1411 • FAX (213) 620-0636

**PATRICK OGAWA**  
ACTING EXECUTIVE OFFICER

## MEMBERS OF THE BOARD

HILDA L. SOLIS  
MARK RIDLEY-THOMAS  
SHEILA KUEHL  
DON KNABE  
MICHAEL D. ANTONOVICH

June 3, 2015

# COPY

Elena Sweda Neff  
Los Angeles County West Vector Control District  
6750 Centinela Avenue  
Culver City, CA 90230

Regarding: 2014/2015 Annual Statement  
Of Economic Interests  
Due Date: **July 6, 2015**

Dear Elena Sweda Neff:

Our office has not received your Form 700 Statement of Economic Interest which was due on April 1, 2015.

To comply with your filing requirements, please take the following steps:

1. Complete the enclosed Form 700.
2. Please go to <https://lacform700.lacounty.gov/AgencyCodes.aspx> to view your agency's Conflict of Interest Code. Your position is listed in Exhibit B of the code and the corresponding disclosure categories, which specify the types of interests you must report, are listed in Exhibit A of the code.
3. Include a written explanation for your late filing or enclose a check made payable to Los Angeles County for \$100 to cover the late filing penalty.

Please be advised the Government Code Section 91013 imposes a fine of \$10 per day for each day a statement is late, up to a maximum of \$100. However, if you file your statement **within 30 days** of the date of this letter, and attach an explanation for the late filing, we can waive all or part of the fine. We are **prohibited** by law from waiving the fine if the statement is not filed within 30 days of the date of this letter.

Please return your completed Statement of Economic Interest to the Los Angeles County, Board of Supervisors, 500 West Temple Street, Room 383, Los Angeles, CA 90012, Attn: Andrea Petty by **July 6, 2015**. Should you have questions concerning the 700 Form, please contact Andrea Petty or Nansi Buenrostro at (213) 974-1748.

Very truly yours,

Donato B. Garcia  
Chief, Conflict/Lobbyist Division

DG:nb  
Enclosure  
c: Robert Saviskas, Agency Head



# COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1411 • FAX (213) 620-0636

MEMBERS OF THE BOARD

HILDA L. SOLIS

MARK RIDLEY-THOMAS

SHEILA KUEHL

DON KNABE

MICHAEL D. ANTONOVICH

PATRICK OGAWA  
ACTING EXECUTIVE OFFICER

July 27, 2015

Elena Sweda Neff  
4246 Irving Place  
Culver City, CA 90232

Dear Elena Sweda Neff:

## FORM 700 \$100 FINE FOR LATE STATEMENT OF ECONOMIC INTERESTS Los Angeles County West Vector Control District

Our records show that your annual Statement of Economic Interests which was due on **April 1, 2015** was not filed with our office. Annual Statements of Economic Interests were sent to your agency's filing officer on February 12, 2015 to inform you of that obligation. On June 3, 2015 we sent you a letter at your agency's address informing you of your filing requirements and that a fine would be imposed if your statement, along with a letter of explanation for the late filing was not received by July 6, 2015. This date has passed.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10 per day, up to a maximum of \$100. Furthermore, state law prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after you receive specific written notice of the filing requirements.

Therefore, please remit, by August, 27, 2015, your completed Statement of Economic Interests and a check or money order for \$100 made payable to the "County of Los Angeles" in the enclosed envelope.

Please go to <https://lacform700.lacounty.gov/AgencyCodes.aspx> to access your agency's Conflict of Interest Code, which specifies the type of interests you should disclose. You may also access related reference material at [www.Fppc.ca.gov/](http://www.Fppc.ca.gov/).

If we do not receive your statement and payment postmarked no later than August 27, 2015, we will refer your case to the Fair Political Practices Commission, Enforcement Division, and to the Treasurer & Tax Collector's Office for appropriate action. We urge you to act immediately.

**Enforcement proceedings may be initiated against anyone suspected of violating the Political Reform Act to compel compliance and to impose monetary penalties of up to \$5,000 per violation.**

Should you have any questions concerning this matter, please contact Andrea Petty or Nansi Buenrostro of my staff at (213) 974-1748 or at [COI-Desk@bos.lacounty.gov](mailto:COI-Desk@bos.lacounty.gov)

Very truly yours,

DONATO B. GARCIA  
Chief, Conflict of Interest/Lobbyist Division

DG:nb  
Enclosures  
C: Robert Saviskas, Agency Head



COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1411 • FAX (213) 620-0636

MEMBERS OF THE BOARD

HILDA L. SOLIS

MARK RIDLEY-THOMAS

SHEILA KUEHL

DON KNABE

MICHAEL D. ANTONOVICH

**PATRICK OGAWA**  
ACTING EXECUTIVE OFFICER

November 16, 2015

Elena Sweda Neff  
4246 Irving Place  
Culver City, CA 90232

Dear Ms. Neff:

**STATEMENT OF ECONOMIC INTEREST – LOS ANGELES COUNTY WEST VECTOR  
CONTROL DISTRICT**

Our records show that your 2014/2015 Annual Statement of Economic Interest for the above agency, which was due on April 1, 2015, has not yet been received. We sent correspondence to you on June 3, 2015, and July 27, 2015, informing you of your filing requirements. We advised you to file your Annual Statement of Economic Interest in order to avoid referral to the Fair Political Practices Commission and you have not responded. **Therefore, this matter will be referred to the Fair Political Practices Commission in Sacramento for enforcement proceedings provided for in the Political Reform Act of 1974.**

Immediately mail your completed Statement of Economic Interest (enclosed) and a check for \$100 payable to the "County of Los Angeles" to:

Los Angeles County, Board of Supervisors  
Conflict/Lobbyist Division, Attn., Andrea Petty  
500 W. Temple Street, Room 383  
Los Angeles, CA 90012

Once our office receives your Statement of Economic Interests, we will notify the FPPC to remove your name from the list of delinquent filers and cease all efforts made in this collection.

If you have any questions, please contact Don Garcia, Chief, Conflict/Lobbyist Division at (213) 974-1578. You may contact the Fair Political Practices Commission, Enforcement Division at (916) 322-5660.

Sincerely,

  
Celia Zavala  
Assistant Executive Officer

CZ:ap

c: Robert Saviskas, Agency Head  
Fair Political Practices Commission

**Exhibit A-12**

---

DEFAULT DECISION AND ORDER FPPC NO. 15/716



**COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS**

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
(213) 974-1411 • FAX (213) 620-0636

RECEIVED  
MEMBERS OF THE BOARD  
POLITICAL  
PRACTICES COMMISSION  
HILDA L. SOLIS

15 NOV 20 11 3:44  
MARK RIDLEY-THOMAS

SHEILA KUEHL

DON KNABE

MICHAEL D. ANTONOVICH

**PATRICK OGAWA**  
ACTING EXECUTIVE OFFICER

November 23, 2015

Ms. Galena West  
Chief, Enforcement Division  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

Dear Ms. West:

**STATEMENT OF ECONOMIC INTERESTS – REFERRAL OF NON-FILERS**

In accordance with the Political Reform Act, the individuals on the attached list have failed to file their 2014/2015 Annual Statements of Economic Interests in accordance with the Political Reform Act. We have informed them of their filing obligation on numerous occasions and they have not responded to our correspondence. Attached are copies of letters sent to each filer.

In accordance with the enforcement provisions of the Act, at this time I am referring these filers to the Commission for enforcement proceedings. Should you have any questions, please do not hesitate to call Don Garcia of my staff at (213) 974-1578 or by email at [dgarcia@bos.lacounty.gov](mailto:dgarcia@bos.lacounty.gov).

Sincerely,

Patrick Ogawa  
Acting Executive Officer

PO:ap

Attachments

c: Don Garcia (w/o attachments)

## 2014/2015 Annual Statements Not Received

### Individuals

Barzin Omid

Matthew Smith

Elena Sweda Neff

Howard Chambers

Heidi Cunningham

### Associated Agency

Antelope Valley Air Quality Management District

Antelope Valley Mosquito and Vector Control District

Los Angeles County West Vector Control District

Museum of Natural History

Pacific Gateway Workforce Investment Board

**Exhibit A-13**

---

DEFAULT DECISION AND ORDER FPPC NO. 15/716



## FAIR POLITICAL PRACTICES COMMISSION

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

January 24, 2017

Elena Sweda Neff  
[REDACTED]

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

**Re: In the Matter of Elena Sweda Neff, FPPC No. 15/716**

Dear Ms. Neff:

Enclosed please find a copy of the Default Decision and Order, and accompanying Exhibit and attachments, for the above-referenced matter. The Fair Political Practices Commission (Commission) will consider these papers at its public meeting on **February 16, 2017**, and decide whether to impose an administrative penalty in an amount of \$20,000 against you.

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

Following the issuance of a Report in Support of a Finding of Probable Cause, the Commission's Hearing Officer found probable cause that you committed one violation of the Political Reform Act's conflict of interest provisions. Thereafter, the Hearing Officer issued an Accusation against you on these violations. The Accusation was personally served on you on August 23, 2016. 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 Notices of Defense. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

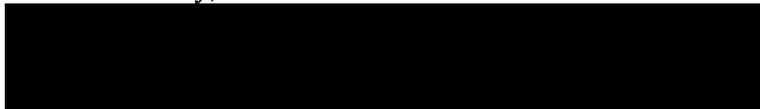
You may, but you are not required to, provide a response brief, along with any supporting materials, no later than five calendar days before the Commission hearing at which the default is scheduled to be heard. Your response brief must be served on the Commission Assistant, at the above address.

At its public meeting on February 16, 2017, the Commission may impose an administrative penalty against you in the amount of up to \$25,000. The proposed penalty is \$20,000.

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

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the February 16, 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