



1 4. A Statement to Respondent; and,

2 5. Copies of Sections 87300 and 87302 of the Government Code.

3 Government Code section 11506 provides that failure of a respondent to file a Notice of Defense  
4 within fifteen days after being served with an Accusation shall constitute a waiver of respondent's right  
5 to a hearing on the merits of the Accusation. The Statement to Respondent, served on Gottsdanker,  
6 explicitly stated that a Notice of Defense must be filed in order to request a hearing. Gottsdanker failed  
7 to file Notices of Defense within 15 days of being served with an Accusation. Government Code Section  
8 11520 provides that, if the respondent fails to file a Notice of Defense, the Commission may take action,  
9 by way of a default, based upon the respondent's express admissions or upon other evidence, and that  
10 affidavits may be used as evidence without any notice to the respondent.

11 Gottsdanker violated the Political Reform Act (Act)<sup>2</sup> as described in Exhibit 1, which is attached  
12 hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate  
13 summary of the law and evidence in this matter. This Default Decision and Order is submitted to the  
14 Commission to obtain a final disposition of this matter.

15  
16 Dated: 6/20/17

  
Galena West, Chief of Enforcement  
Fair Political Practices Commission

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28 <sup>2</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.

**DECISION AND ORDER**

The Commission issues this Default Decision and Order and imposes an administrative penalty of Three Thousand Dollars (\$3,000) upon Respondent Gottsdanker, payable to the "General Fund of the State of California."

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

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

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

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Claire Gottsdanker is currently a member of the Montecito Board of Architectural Review, having assumed office in March of 2013. The Political Reform Act (the "Act")<sup>1</sup> requires designated officials to file an Annual Statement of Economic Interests ("SEI"). This matter arose out of a non-filer referral sent to the Fair Political Practices Commission's (the "Commission") Enforcement Division by the County of Santa Barbara for Gottsdanker's failure to file a 2014 Annual SEI. As a designated official with the Santa Barbara County Montecito Board of Architectural Review, Gottsdanker had a duty to file a 2014 Annual SEI by the April 1, 2015 deadline.

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

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

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

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1 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.

2 Section 83116.

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

4 Section 11503.

5 Section 11506, subd. (a)(1)-(6).

6 Section 11506, subd. (c).

Moreover, when a respondent fails to file a Notice of Defense, the Commission may take action based on the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to the respondent.<sup>7</sup>

## PROCEDURAL REQUIREMENTS AND HISTORY

### A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-12, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Gottsdanker 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 October 13, 2015. (Certification, Exhibit A-2.) The administrative action commenced on November 16, 2015, the date the certified mail receipt was signed, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet The packet served on Gottsdanker contained a cover letter and a memorandum describing Probable Cause Proceedings, advising that Gottsdanker had 21 days in which to request a probable cause conference and/or to file a written response to

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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.

the Report. (Certification, Exhibit A-3.) Gottsdanker 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 Gottsdanker did not respond to the Report or request a probable cause conference, 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 Brian Lau, Hearing Officer of the Commission, on February 18, 2016. (Certification, Exhibit A-4.)

On February 24, 2016, Hearing Officer Brian Lau, Senior Commission Counsel, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Gottsdanker. (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 11507.7.14 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 April 6, 2016, the Commission's Chief of Enforcement, Galena West, issued the Accusation against Gottsdanker in this matter. (Certification, Exhibit A-6). In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form, copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7 were personally served on Gottsdanker on April 7, 2016. (Certification, Exhibit A-7 and A-8.).

Along with the Accusation, the Enforcement Division served Gottsdanker with a "Statement to Respondent" which notified Gottsdanker that she could request a hearing on the merits and warned that, unless Notices of Defense were filed within 15 days of service of the Accusation, she would be deemed to have waived the right to a hearing. (Certification, Exhibit A-7). Gottsdanker did not file a Notice of Defense within the statutory time period, which ended on April 22, 2016.

As a result, on January 17, 2017, Commission Counsel Toren Lewis sent a letter to Gottsdanker 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-9.) 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

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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's conflict of interest code are the officers, employees, members, and consultants of the 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 an Annual SEI.<sup>21</sup> The County of Santa Barbara's Conflict of Interest Code designates Montecito Board of Architectural Review Board Member as a position that is required to file SEIs. (Certification, Exhibit A-10.)

### **SUMMARY OF THE EVIDENCE**

Gottsdanker assumed office in March of 2013 and is currently a member of the Montecito Board of Architectural Review. As a designated official, Gottsdanker had a duty to file a 2014 Annual SEI by April 1, 2015. Gottsdanker violated the Act by failing to timely file a 2014 Annual SEI by April 1, 2015.

#### 2014 Annual Statement of Economic Interest

The County of Santa Barbara sent written notifications to Gottsdanker on April 6, 2015, May 12, 2015, and June 8, 2015, regarding her obligation to file a 2014 Annual SEI. (Certification, Exhibits A-12) Gottsdanker failed to file her 2014 Annual SEI by the deadline as directed and was referred to the Enforcement Division on July 6, 2015. (Certification, Exhibit A-11.) On July 9, 2015, Gottsdanker filed her delinquent 2014 Annual SEI.

The Enforcement Division sent Gottsdanker written notices on August 25, 2015, February 26, 2016 and September 28, 2016 instructing her to contact the Commission staff regarding the administrative penalty for filing her SEI late. (Certification, Exhibit A-14). As of December 20, 2016, Gottsdanker has not responded to the Enforcement Division's correspondence, but remains in office as a Member of the Montecito Board of Architectural Review. Accordingly, Gottsdanker has committed one violation of the Act, as follows:

#### COUNT 1

#### **Failure to Timely File a 2014 Annual Statement of Economic Interests by April 1, 2015**

As member of the Montecito Board of Architectural Review, Claire Gottsdanker failed to timely file her 2014 Annual Statement of Economic Interests, in violation of Sections 87300 of the Government Code.

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20 Sections 82019, subd. (a) and 87302.

21 Section 87302, subd. (b).



## CONCLUSION

This matter consists of one count of violating the Act, which carries a maximum administrative penalty of \$5,000.

In determining the appropriate penalty for a particular violation of the Act, the Commission 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 Commission considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d): 1) the seriousness of the violations; 2) the presence or lack of intent to deceive the voting public; 3) whether the violation was deliberate, negligent, or inadvertent; 4) whether the Respondent demonstrated good faith in consulting with Commission staff; 5) whether there was a pattern of violations; and 6) whether, upon learning of the violation, the violator voluntarily provided amendments to provide full disclosure.

In this matter, Gottsdanker failed to timely file a Statement of Economic Interests. Her failure to comply with this obligation denied the public information about her financial activities and potential conflicts of interest.

Gottsdanker was previously fined \$200 for failure to file a 2012 annual SEI in connection with the same position, in a streamline stipulation approved on October 16, 2014.

In addition to previous violations of the Act, the Commission also considers penalties in prior cases involving similar violations. Recent cases for similar violations include:

- *In the Matter of Aaron Medina*, FPPC No. 14/1040 (Default decision). The respondent, a sitting member of the California Travel and Tourism Commission, failed to timely file an Assuming Office SEI and two annual SEIs despite multiple written notifications regarding his duty to file SEIs. The Commission imposed a penalty of \$5,000 per violation, for a total penalty of \$15,000 at its October 20, 2016 meeting.
- *In the Matter of Harold Tate*, FPPC No. 14/900 (Default decision). The respondent, a physician and surgeon for the California Department of Corrections and Rehabilitation, failed to timely file his 2013 Annual Statement of Economic Interests. Tate had no previous enforcement history with the Commission, but ignored numerous written notifications about his failure to file and was uncooperative with once notified of his filing obligations. Commission approved a penalty of \$3,000 against Tate at its July 21, 2016 meeting.

Gottsdanker's failure to file her 2014 SEI is comparable to *Tate* and *Medina*. Like the respondents in both of these cases, Gottsdanker ignored multiple letters regarding her duty to file her annual SEI. In mitigation, Gottsdanker ultimately filed the delinquent 2014 Annual SEI on July 9, 2015—three months after the deadline. But because Gottsdanker ignored repeated written notifications from the Commission about resolving her case, it is respectfully requested that the Commission impose a penalty of \$3,000 for Count 1.

**PROPOSED PENALTY**

After consideration of the factors of Regulation 18361.5, it is respectfully requested that the Commission impose a penalty of \$3,000 upon Gottsdanker.

**EXHIBIT A**



**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. 15/1162, Claire Gottsdanker* and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

EXHIBIT A-1: Copy of Report in Support of a Finding of Probable Cause.

EXHIBIT A-2: Copy of Certified Mail Receipt for the Report in Support of a Finding of Probable Cause.

EXHIBIT A-3: Copy of cover letter regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations.

EXHIBIT A-4: Copy of Ex Parte Request for a Finding of Probable Cause.

EXHIBIT A-5: Copy of Finding of Probable Cause and Order to Prepare and Serve an Accusation and Proof of Service.

EXHIBIT A-6: Copy of Accusation.

- EXHIBIT A-7: Copy of Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents.
- EXHIBIT A-8: Copy of Proof of Service for Accusation and accompanying documents from process server.
- EXHIBIT A-9: Copy of Notice of Intent to Enter into Default Decision and Order.
- EXHIBIT A-10: Copy of excerpted County of Santa Barbara Conflict of Interest Code.
- EXHIBIT A-11: Non-filer Referral, dated July 6, 2015.
- EXHIBIT A-12: Copy of written notifications sent to Respondent by filing officer of the County of Santa Barbara, dated April 6, 2015, May 12, 2015, and June 8, 2015.
- EXHIBIT A-13: Copy of written and e-mail notifications sent to Respondent by Enforcement Division, dated August 25, 2015, February 26, 2016, and September 8, 2016.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on Jan. 17, 2017, at Sacramento, California.

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



## FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

### Exhibit A-1

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162



1 GALENA WEST  
Chief of Enforcement  
2 ZACHARY W. NORTON  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Phone: (916) 322-5660  
5 Fax: (916) 322-1932

6 Attorney for Complainant

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

10  
11 In the Matter of

12  
13 **CLAIRE GOTTSDANKER,**

14  
15 Respondent.

FPPC No. 15/1162

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

Conference Date: TBA

Conference Time: TBA

Conference Location: Commission Offices  
428 J Street, Suite 800  
Sacramento, CA 95814

16  
17 **INTRODUCTION**

18  
19 Respondent Claire Gottsdanker is currently a member of the Montecito Board of Architectural  
20 Review, having assumed office in March of 2013. As a member of the Montecito Board of  
21 Architectural Review, Gottsdanker is a "designated employee" as defined in the Political Reform Act  
22 (the "Act")<sup>1</sup> and in the Conflict of Interest Code for the County of Santa Barbara.<sup>2</sup> As a designated  
23 employee, Gottsdanker is required to file an annual statement of economic interests ("SEI"), disclosing  
24 the economic interests that she held during the preceding calendar year, with the County of Santa  
25 Barbara, the filing officer for the Montecito Board of Architectural Review.

26  
27 <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 18109 through 18997 of Title 2 of the California Code of  
Regulations.

28 <sup>2</sup> Section 82019, subdivision (a).

1 **SUMMARY OF THE LAW**

2 Jurisdiction

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

5 Probable Cause Proceedings

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

12 Standard for Finding Probable Cause

13 To make a finding of probable cause, the hearing officer must be presented with sufficient  
14 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,  
15 that a respondent committed or caused a violation.<sup>7</sup>

16 Need for Liberal Construction of the Political Reform Act

17 When enacting the Political Reform Act, the people of the state of California found and  
18 declared that previous laws regulating political practices suffered from inadequate enforcement by  
19 state and local authorities.<sup>8</sup> To that end, the Act must be liberally construed to achieve its purposes.<sup>9</sup>  
20 One of the express purposes of the Act is to ensure that the assets and income of public officials,  
21 which may be materially affected by their official actions, be disclosed, so that conflicts of interest  
22 may be avoided.<sup>10</sup> The Act therefore establishes an economic interest reporting system designed to  
23 accomplish this purpose of disclosure.

24 <sup>3</sup> Section 83116.

25 <sup>4</sup> Section 83115.5, and regulation 18361 and 18361.4.

26 <sup>5</sup> Section 11500, et seq.

27 <sup>6</sup> Section 83116, and regulation 18361.4, subdivision(e).

28 <sup>7</sup> Regulation 18361.4, subdivision (e).

<sup>8</sup> Section 81001, subdivision (h).

<sup>9</sup> Section 81003.

<sup>10</sup> Section 81002, subdivision (c).



1 Disclosure Provisions

2 In furtherance of this purpose, every state and local agency must adopt and promulgate a conflict  
3 of interest code. The requirements of an agency's conflict of interest code have the force of law, and any  
4 violation of those requirements is deemed a violation of the Act.<sup>11</sup>

5 An agency's conflict of interest code must specifically designate the positions within the agency  
6 that are required to file statements of economic interests, disclosing reportable investments, business  
7 positions, interests in real property, and sources of income.<sup>12</sup> The persons who are to be designated in an  
8 agency's conflict of interest code are the officers, employees, members, and consultants of the agency  
9 whose position with the agency entails making, or participating in making, governmental decisions that  
10 may foreseeably have a material effect on one or more of the person's economic interests.<sup>13</sup>

11 An agency's conflict of interest code must require, among other things, every designated  
12 employee of the agency to file an annual SEI, at a time specified in the agency's conflict of interest  
13 code, for each year that the employee remains in office, disclosing his or her reportable economic  
14 interests during the preceding calendar year.<sup>14</sup>

15 **SUMMARY OF THE EVIDENCE**

16 Claire Gottsdanker is currently a member of the Montecito Board of Architectural Review. As  
17 a member of the Montecito Board of Architectural Review, Gottsdanker was required to file a 2014  
18 Annual SEI by the April 1, 2015 due date. In the months following the SEI deadline, the County of  
19 Santa Barbara sent several letters to Gottsdanker explaining her duty to file her delinquent 2014 annual  
20 SEI. Gottsdanker filed the 2014 Annual SEI on July 9, 2015. This was filed over three months late.

21 In September of 2015, Enforcement attempted to contact Gottsdanker by telephone in an  
22 attempt to settle this matter.

23 ///

24 ///

25 **VIOLATION**

26 <sup>11</sup> Section 87300.

27 <sup>12</sup> Section 87302, subdivision (a).

28 <sup>13</sup> Section 82019, subdivision (a), and Section 87302.

<sup>14</sup> Section 87302, subdivision (b).

1 Count 1: Failure to Timely File a 2014 Annual Statement of Economic Interests

2 As member of the Montecito Board of Architectural Review, Claire Gottsdanker failed to timely  
3 file her 2014 annual statement of economic interests, in violation of Sections 87300 and 87302,  
4 subdivision (b), of the Government Code.

5 **OTHER RELEVANT MATERIAL**

6 Aggravation

7 Gottsdanker did not timely file annual SEIs over a period of two consecutive years.

8 Mitigating or Exculpatory Evidence

9 Gottsdanker does not have any prior Enforcement actions, and filed the delinquent 2014 annual  
10 SEI on July 9, 2015.

11 **CONCLUSION**

12 Probable cause exists to believe that Gottsdanker committed one violation of the Act as set  
13 forth above. The Enforcement Division respectfully requests an order finding probable cause pursuant  
14 to Section 83115.5 and Regulation 18561.4.

15  
16 Dated: October 13, 2015

Respectfully Submitted,

17 **FAIR POLITICAL PRACTICES COMMISSION**

18 By: Galena West  
19 Chief of Enforcement

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21 Zachary W. Norton  
22 Commission Counsel  
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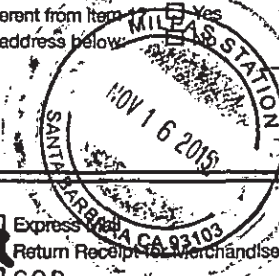
**Exhibit A-2**

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162

Gottsdanker      15/1162

P.C. cert. mail receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <b>Ms. Claire Gottsdanker</b> [Redacted Address]	B. Received by (Printed Name) <b>CLAIRE GOTTSDAKER</b> C. Date of Delivery
2. Article Number (transfer from service label)	D. Is delivery address different from item 1? if YES, enter delivery address below <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
Domestic Return Receipt	7009 3410 0001 4245 5052 102595-02-M-1540

**Exhibit A-3**



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

October 13, 2015

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Ms. Claire Gottsdanker

**In the Matter of Claire Gottsdanker; FPPC No. 15/1162**

Dear Ms. Gottsdanker:

The Enforcement Division of the Fair Political Practices 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 25, 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, John Kim, at the address listed above within 21 days from the date of service of this letter.* You can reach Mr. Kim at (916) 327-8269.

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. *If you are interested in reaching a settlement in this matter, please contact Zachary Norton at (916) 323-3956 or [znorton@fppc.ca.gov](mailto:znorton@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 Mr. Kim 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,



Zachary W. Norton  
Commission Counsel  
Enforcement Division

Enclosures

## 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**

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162





**FAIR POLITICAL PRACTICES COMMISSION**

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

February 18, 2016

Ms. Claire Gottsdanker  
[REDACTED]

**Re: FPPC File No. 15/1162; Claire Gottsdanker**

Dear Ms. Gottsdanker:

Enclosed please find the following document: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served.

Please either refer to the materials previously sent to you regarding probable cause proceedings, or contact me directly at (916) 322-3956, if you have any questions or concerns regarding this matter.

Sincerely,

[REDACTED]

Zachary W. Norton  
Senior Commission Counsel  
Enforcement Division

Enclosures

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

6 Attorneys for Complainant

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

10  
11 In the Matter of ) FPPC No. 15/1162  
12 )  
13 ) EX PARTE REQUEST FOR A FINDING OF  
CLAIRE GOTTSDANKER, ) PROBABLE CAUSE AND AN ORDER THAT  
14 ) AN ACCUSATION BE PREPARED AND  
SERVED  
15 )  
Respondent. ) Gov. Code § 83115.5  
16 )

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

19 Pursuant to the Political Reform Act (the "Act")<sup>1</sup>, Respondent Claire Gottsdanker was served  
20 with a copy of a Report in Support of a Finding of Probable Cause (the "Report") in the above-entitled  
21 matter.<sup>2</sup> The Report (attached as "Exhibit A"), was part of a packet of materials, including a cover letter  
22 and a memorandum describing Probable Cause Proceedings, which was sent to Gottsdanker on or about  
23 October 13, 2015, by certified mail, with a return receipt requested, and received by Claire Gottsdanker  
24 on or about November 16, 2015. A copy of the signed return receipt is attached as "Exhibit B".

25  
26  
27 <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.

28 <sup>2</sup> Section 83115.5 and Regulation 18361.4.

1 In the cover letter dated October 13, 2015, and attached materials, Respondent was advised that  
2 she could respond in writing to the Report, and orally present her case to the Hearing Officer at a  
3 probable cause conference to be held in Sacramento. Respondent was further advised that in order to  
4 have a probable cause conference, she needed to make a written request for one, on or before 21 days  
5 from the date he received the Report. Additionally, Respondent was advised that if she did not request a  
6 probable cause conference, such a conference would not be held, and probable cause would be  
7 determined based solely on the Report and any written response that Respondent submitted within 21  
8 days of the date Respondent was served with the Report. Respondent did not submit a written response,  
9 nor did she request a probable cause conference.

10 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by  
11 the General Counsel that probable cause exists to believe that Claire Gottsdanker committed one  
12 violation of the Act, stated as follows:

13  
14 COUNT 1: As a member of the Montecito Board of Architectural Review, Claire  
15 Gottsdanker failed to timely file her 2014 annual statement of economic  
16 interests, in violation of Sections 87300 and 87302, subdivision (b), of the  
Government Code.

17 Additionally, after finding probable cause exists, the Enforcement Division requests an Order by  
18 the Hearing Officer that an Accusation be prepared against Respondent, and served upon her forthwith.<sup>3</sup>

19 ///

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21  
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27  
28 <sup>3</sup> Section 11503

1 A copy of this Request was mailed via U.S. Mail to Gottsdanker on February 18, 2016, at the last  
2 known address, as follows:

3  
4 Claire Gottsdanker  
5 

6  
7 Dated: \_\_\_\_\_

Respectfully Submitted,

8 **FAIR POLITICAL PRACTICES COMMISSION**

9 Galena West  
10 Chief of Enforcement

11   
12 By: Zachary W. Norton  
13 Senior Commission Counsel  
14 Enforcement Division

**Exhibit A-5**

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162

FPPC No. 15/1162, In the matter of Claire Gottsdanker

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. Claire Gottsdanker  
[REDACTED]  
[REDACTED]

(By Personal Service) On Wednesday, February 24, 2016, at approximately 4:15 p.m., I personally served:

Galena West, Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.  
Zachary W. Norton, Senior Commission Counsel, at 428 J Street, Suite 700, Sacramento, CA 95814.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on February 24, 2016.

[REDACTED]  
Sheva Tabatabaiejad

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3 In the Matter of

) FPPC No. 15/1162

4 )  
5 )  
6 ) CLAI RE GOT TSDANKER,

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

7 )  
8 ) Respondent.

) Gov. Code § 83115.5

9 By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an  
10 Accusation be Prepared and Served, dated February 9, 2016, the Enforcement Division submitted the  
11 above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the  
12 Ex Parte Request For a Finding of Probable Cause and an Order that an Accusation be Prepared and  
13 Served (Ex Parte Request), the Enforcement Division served a Report in Support of a Finding of  
14 Probable Cause (PC Report) on Respondent Claire Gottsdanker concerning this matter on October 13,  
15 2015, by certified mail, return receipt requested. Accompanying the Report was a packet of materials  
16 that informed Respondent of her right to file a written response to the Report within 21 days following  
17 service of the Report, and to request a probable cause conference. During the 21 days that followed  
18 service of the Report, Respondent did not file a response to the Report or request a probable cause  
19 conference. Pursuant to California Code of Regulations Title 2, Section 18361.4,<sup>1</sup> a determination of  
20 probable cause may be made solely on papers submitted when the respondent does not request that a  
21 probable cause conference be held.

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

26  
27  
28 <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 Probable Cause Report served on Gottsdanker and the subsequent Ex Parte Request for an  
5 Order Finding Probable Cause and an Order that an Accusation be Prepared and Served in this matter  
6 alleges one violation of the Political Reform Act, as follows:

7  
8 COUNT 1: As member of the Montecito Board of Architectural Review, Claire  
9 Gottsdanker failed to timely file her 2014 annual statement of economic  
10 interests, in violation of Sections 87300 and 87302, subdivision (b), of the  
11 Government Code

12 Based on the Ex Parte Request for a Finding of Probable Cause and Order that an Accusation be  
13 Prepared and Served given to me, I find that notice has been given to Claire Gottsdanker.<sup>3</sup> I further find,  
14 based on the Report in Support of a Finding of Probable Cause and the Ex Parte Request for a Finding of  
15 Probable Cause, that there is probable cause to believe Claire Gottsdanker violated the Political Reform  
16 Act as alleged in Count 1 identified above.

17 I therefore direct that the Enforcement Division prepare and serve an Accusation against Claire  
18 Gottsdanker in accordance with this Finding.

19 IT IS SO ORDERED.

20 Dated: 2/24/16

21   
22 Brian Lau, Hearing Officer  
23 Fair Political Practices Commission  
24  
25  
26  
27  
28

<sup>2</sup> Regulation 18361.4, subdivision (e).

<sup>3</sup> Government Code Section 83115.5 and Regulation 18361.4, subdivision (b).



**Exhibit A-6**

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162

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

6 Attorneys for Complainant

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

10  
11 In the Matter of ) FPPC No. 15/1162  
12 )  
13 )  
14 ) **ACCUSATION**  
15 )  
16 ) (Gov. Code §11503)  
17 )

13 **CLAIRE GOTTSANKER,**

15 Respondent.

18 Complainant, the Enforcement Division of the Fair Political Practices Commission, after a  
19 finding 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  
26 the 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.



1 participation in the making of decisions which may foreseeably have a material effect on any financial  
2 interest.”<sup>6</sup>

3 9. The requirements of an agency’s conflict of interest code have the force of law, and any  
4 violation of those requirements is deemed a violation of the Act.<sup>7</sup>

5 10. The Conflict of Interest Code for the County of Santa Barbara designates a member of  
6 the Montecito Board of Architectural Review as a position that is required to file SEIs. The County of  
7 Santa Barbara Code requires designated officials to file Annual SEIs by April 1 of the succeeding year.

8 **B. Probable Cause Proceedings**

9 11. “Service of the probable cause hearing notice, as required by Section 83115.5, upon the  
10 person alleged to have violated this title shall constitute the commencement of the administrative  
11 action.”<sup>8</sup>

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

20 13. Administrative action alleging a violation of the Act must be commenced within five  
21 years after the date on which the violation occurred.<sup>11</sup>

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

23 14. In framing a proposed order following a finding of a violation pursuant to Section 83116,  
24 the Fair Political Practices Commission and the administrative law judge shall consider all the  
25

26 <sup>6</sup> Section 82019.

27 <sup>7</sup> Section 87300.

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

<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 83115.5.

<sup>11</sup> Section 91000.5.

1 surrounding circumstances including but not limited to: (1) The seriousness of the violation; (2) The  
2 presence or absence of any intention to conceal, deceive or mislead; (3) Whether the violation was  
3 deliberate, negligent or inadvertent; (4) Whether the violator demonstrated good faith by consulting the  
4 Commission staff or any other government agency in a manner not constituting a complete defense  
5 under Section 83114(b); (5) Whether the violation was isolated or part of a pattern and whether the  
6 violator has a prior record of violations of the Act or similar laws; and (6) Whether the violator, upon  
7 learning of a reporting violation, voluntarily filed amendments to provide full disclosure.<sup>12</sup>

8 **GENERAL FACTS**

9 15. As a designated employee of the County of Santa Barbara, Gottsdanker was required to  
10 file an Annual SEI for the 2014 calendar year with the County of Santa Barbara Clerk by April 1, 2015.  
11 Gottsdanker failed to file an Annual SEI for the 2014 calendar year with the County of Santa Barbara  
12 Clerk by April 1, 2015.

13 16. Gottsdanker filed her Annual SEI for the 2014 calendar year with the County of Santa  
14 Barbara on July 9, 2015.

15 **PROCEDURAL HISTORY**

16 17. Before referring the case to the Enforcement Division, the County of Santa Barbara  
17 Clerk's Office notified Gottsdanker three times about her duty to file a 2014 Annual SEI. These  
18 notifications were sent on April 6, 2015, May 12, 2015, and June 8, 2015. After Gottsdanker did not  
19 respond, the County of Santa Barbara Clerk referred the matter to the Enforcement Division.

20 18. The Enforcement Division attempted to contact Gottsdanker by letters on October 13,  
21 2015 and February 18, 2016, and by telephone multiple times between September 14, 2015 and  
22 February 5, 2016.

23 19. The Enforcement Division initiated the administrative action against Gottsdanker in this  
24 matter by serving her with a packet via certified mail on or about October 13, 2015, containing a cover  
25 letter, a Report in Support of a Finding of Probable Cause ("PC Report"), a fact sheet regarding probable  
26 cause proceedings, selected sections of the Government Code regarding probable cause proceedings for  
27 the Commission, and selected regulations of the Commission regarding probable cause proceedings.

28 <sup>12</sup> Reg. 18361.5, subdivision (d).



PRAYER

WHEREFORE, Complainant prays as follows:

1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and Regulation 18361.5, and at such hearing find that Gottsdanker violated the Act as alleged herein;
2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order Gottsdanker to pay a monetary penalty of at least One Thousand Dollars (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act alleged herein;
3. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision (d), consider the following factors in framing a proposed order following a finding of a violation pursuant to Section 83116: (1) the seriousness of the violation; (2) the presence or absence of any intention to conceal, deceive or mislead; (3) whether the violation was deliberate, negligent or inadvertent; (4) whether the violator demonstrated good faith by consulting the Commission staff or any other government agency in a manner not constituting a complete defense under Section 83114, subdivision (b); (5) whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Act or similar laws; and (6) whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.
4. That the Fair Political Practices Commission grant such other and further relief as it deems just and proper.

Dated: 6 April 16

  
Galena West  
Chief of Enforcement  
Fair Political Practices Commission

**Exhibit A-7**

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162





**FAIR POLITICAL PRACTICES COMMISSION**

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

(916) 322-5660 • Fax (916) 322-0886

April 6, 2016

**PERSONALLY SERVED**

Ms. Claire Gottsdanker



**Re: In the Matter of Claire Gottsdanker  
FPPC No. 15/1162**

Dear Ms. Gottsdanker:

Enclosed please find the following documents:

- Statement to Respondent;
- Copy of Accusation against Claire Gottsdanker;
- 2 Copies of Notice of Defense Document;
- Packet of California Government Code Sections 11506 through 11508.

Please contact me at 916-322-3956, if you have any questions or concerns regarding this matter.

Sincerely,



Zachary W. Norton  
Senior Commission Counsel  
Enforcement Division

Enclosures



## 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)]

*Claire Gottsdanker*

*FPPC Case No. 15/1162*

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.

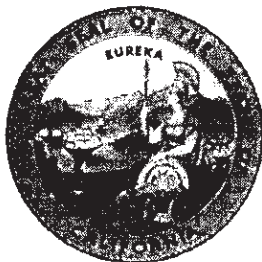
You may, but need not, be represented by counsel at any or all stages of these proceedings.

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 Zachary W. Norton, Senior Commission Counsel, FPPC Enforcement Division.

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

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

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



*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)  
 )  
 )  
 ) CLAUDE GOTTSCHALKER ) FPPC Case No. 15/1162  
 )  
 )  
 ) Respondent. )  
 )  
 )  
 )  
 )

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

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

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

**GROUND FOR NOTICE OF DEFENSE**

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

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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.

///

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

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

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

### **§ 11507.6. Request for discovery**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

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

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

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

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

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

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

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

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

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

**Exhibit A-8**

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162

**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 April 7, 2016, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 15/029: 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 8:15 (a.m./p.m.):

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

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

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

**SERVICE LIST**

Personal Delivery

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

Personal Service

Ms. Claire Gottsdanker  


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 7, 2016.

  
Roone Petersen

AFFIDAVIT OF SERVICE

<b>Case:</b> FPPC No. 15/1162	<b>Court:</b> Before The Fair Political Practices Commission State of California	<b>County:</b>	<b>Job:</b> 835267
<b>Plaintiff / Petitioner:</b>		<b>Defendant / Respondent:</b> In the Matter of Claire Gottsdanker	
<b>Received by:</b> Court Connection		<b>For:</b> Fair Political Practices Commission	
<b>To be served upon:</b> Claire Gottsdanker			

I, Colleen M. Dennis, am a Registered Process Server and was retained to serve process in the above-referenced matter on the following individual: Claire Gottsdanker. I was on the dates herein mentioned over the age of eighteen years and not a party to the above-entitled action. I am authorized to serve legal process in the State of California. The following facts are within my personal knowledge and if sworn as a witness I can and will truthfully and competently testify thereto. I attempted personal service on the following date and time with the following results: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**Recipient Name / Address:** Claire Gottsdanker, Home: [REDACTED]  
**Manner of Service:** Personal/Individual, Apr 7, 2016, 6:40 pm PDT  
**Documents:** Statement to Respondent; Accusation Against Claire Gottsdanker; 2 Copies of Notice of Defense Document; Packet of California Government Code Sections 11506 through 11508

**Additional Comments:**  
1) Successful Attempt: Apr 7, 2016, 6:40 pm PDT at Home: [REDACTED] received by Claire Gottsdanker. Age: 68; Ethnicity: Caucasian; Gender: Female; Weight: 140; Height: 5'5"; Hair: Gray;

[REDACTED] 4/7/16  
Colleen M. Dennis Date  
Registered Process Server #180  
Santa Barbara County

Court Connection  
315 Meigs Rd., A130  
Santa Barbara, CA 93109  
805-455-8099

**AFFIDAVIT OF SERVICE**

<b>Case:</b> FPPC No. 15/1162	<b>Court:</b> Before The Fair Political Practices Commission State of California	<b>County:</b>	<b>Job:</b> 835267
<b>Plaintiff / Petitioner:</b>		<b>Defendant / Respondent:</b> In the Matter of Claire Gottsdanker	
<b>Received by:</b> Court Connection		<b>For:</b> Fair Political Practices Commission	
<b>To be served upon:</b> Claire Gottsdanker			

I, Colleen M. Dennis, am a Registered Process Server and was retained to serve process in the above-referenced matter on the following individual: Claire Gottsdanker. I was on the dates herein mentioned over the age of eighteen years and not a party to the above-entitled action. I am authorized to serve legal process in the State of California. The following facts are within my personal knowledge and if sworn as a witness I can and will truthfully and competently testify thereto. I attempted personal service on the following dates and times with the following results: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**Recipient Name / Address:** Claire Gottsdanker, Home: [REDACTED]  
**Manner of Service:** Personal/Individual, Apr 7, 2016, 6:40 pm PDT  
**Documents:** Statement to Respondent; Accusation Against Claire Gottsdanker; 2 Copies of Notice of Defense Document; Packet of California Government Code Sections 11506 through 11508

**Additional Comments:**

1) Successful Attempt: Apr 7, 2016, 6:40 pm PDT at Home: [REDACTED] received by Claire Gottsdanker. Age: 68; Ethnicity: Caucasian; Gender: Female; Weight: 140; Height: 5'5"; Hair: Gray;

[REDACTED] 4/7/16

Colleen M. Dennis  
 Registered Process Server #180  
 Santa Barbara County

Court Connection  
 315 Meigs Rd., A130  
 Santa Barbara, CA 93109  
 805-455-8099

**Exhibit A-9**

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162

**Exhibit A-10**

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162

EXHIBIT C-1/D (Designated Positions)

Agency: MONTECITO BOARD OF ARCHITECTURAL REVIEW

<u>Designated Employee Positions:</u>	<u>Disclosure Categories for Positions:</u>
<p>Persons occupying the following positions are "designated employees"* and must disclose financial interest in those categories described in Exhibit "B: Standard Disclosure Categories" of Santa Barbara County Resolution No. 95-450, as amended. The term "local agency" as used in said Exhibit B shall mean for purposes of this Exhibit C-19 the Montecito Board of Architectural Review</p>	
<p>Positions:</p>	
<p>Members of the Montecito Board of Architectural Board of Review</p>	<p>1, 2, 3, 4, 5</p>

\*A "designated employee" is anyone within the above-mentioned agency who is an officer, employee, member or consultant who is designated in the code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. (Government Code § 82019.)

The term "designated employee" does not include any officer identified in Government Code § 87200, i.e., members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, chief administrative officers and other public officials who manage public investments.



**Exhibit A-11**

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DEFAULT DECISION AND ORDER FPPC NO. 15/1162

**Adrienne Korchmaros**

---

**From:** Hess, Sheila <Shess@co.santa-barbara.ca.us>  
**Sent:** Monday, July 06, 2015 2:20 PM  
**To:** Adrienne Korchmaros  
**Subject:** Enforcement Referral  
**Attachments:** Gottsdanker\_Claire070215.pdf

Hello Adrienne,

Attached please find the Enforcement Referral form and supporting documentation for Claire Gottsdanker.

Please feel free to contact me if you I can assist you in any way.

*Sheila Hess*

Elections Supervisor  
805.696.8975

Statement of Economic Interests  
Form 700 Non-Filer Enforcement Referral



In order to expedite the enforcement referral, please complete the information below.

I. FILING OFFICER INFORMATION

Filing Officer: Star Hammond Title: \_\_\_\_\_  
Address: 624 W. Foster Road, Suite C, Santa Maria, CA 93455  
Telephone: 805-934-6225 Fax: \_\_\_\_\_ E-mail: shammond@co.santa-barbara.ca.us  
Agency: Board of Architectural Review - Montecito

II. NON-FILER INFORMATION

Name: Claire Gottsdanker Position: Member of the Board  
Agency: Board of Architectural Review - Montecito  
Address (Home): \_\_\_\_\_  
Employer: \_\_\_\_\_  
Address (Work): \_\_\_\_\_  
Telephone (Home): \_\_\_\_\_ Telephone (Work): \_\_\_\_\_

III. STATEMENT INFORMATION

Type of Non-Filed Statement:  
 Assuming: \_\_\_/\_\_\_/\_\_\_ (Date)  Annual 2014 (Year)  Leaving \_\_\_/\_\_\_/\_\_\_ (Date) Date Due: 04/01/15  
 Assuming: \_\_\_/\_\_\_/\_\_\_ (Date)  Annual \_\_\_ (Year)  Leaving \_\_\_/\_\_\_/\_\_\_ (Date) Date Due: \_\_\_/\_\_\_/\_\_\_  
Number of Prior Filings: 1 (Attach copy of most recent statement filed.) Number of Prior Late Filings: 1 (Attach filing history.)  
Currently Holding Position?  Yes  No

IV. NOTIFICATIONS: Attach copies of letters, phone logs, e-mails or other documentation.

Two written notifications must be made before referring this matter to the Fair Political Practices Commission Enforcement Division for consideration for formal enforcement action.

Date: 04/06/15  Verbal  Written Date: 05/12/15  Verbal  Written  
Date: 05/29/15  Verbal  Written Date: 06/05/15  Verbal  Written

Please include a copy of the conflict of interest code.

Upon completion, mail the form and attachments to:  
Fair Political Practices Commission ✦ Enforcement Division  
428 J Street, Ste. 620 ✦ Sacramento, CA 95814 ✦ Telephone: (916) 322-6090 ✦ Fax: (916) 322-1932

**Exhibit A-12**

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DEFAULT DECISION AND ORDER FPPC NO. xx/xxxx



Joseph E. Holland - County Clerk, Recorder and Assessor  
4440-A Calle Real  
Santa Barbara CA 93160-1510  
(805)696-8975 (805) 568-2209 Fax

Sheila Hess  
Elections Supervisor

April 6, 2015

Claire Gottsdanker

123 E. Anapamu St  
Santa Barbara, CA 93101

**Subject: Statement of Economic Interests - Notice of Non-Filing  
FIRST NON-FILER NOTIFICATION**

Dear Claire Gottsdanker:

According to our records, your Statement of Economic Interests, Form 700 as Member of the Montecito Board of Arch. Rev. for Board of Architectural Review - Montecito (C-6/B) which was due on 4/1/2015 12:00:00 AM, has not been received. Please file immediately. The deadline cannot be extended.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10.00 per day, up a maximum of \$100.00. Furthermore, state law prohibits the waiving of any portion of the liability if the statement is not filed within 30 days after specific written notice of the filing requirement has been sent. However, if you file your statement within 30 days of the date of this letter and include an explanation for the late filing, all or part of the fine may be waived.

You are eligible to use the eDisclosure system (hyperlink below) to complete your Form 700 electronically and print, sign and send it to our office. If you have forgotten your log in and password information or misplaced your Account Creation email please contact your departments Form 700 filing official. Their contact information is below.

eDisclosure Link: <https://www.southtechhosting.com/SantaBarbaraCounty/eDisclosure>

Your Agency's Filing Official contact information is:

(805)934-6225  
shammond@co.santa-barbara.ca.us

Sincerely,

Sheila Hess  
(805)696-8975  
shess@co.santa-barbara.ca.us



Joseph E. Holland - County Clerk, Recorder and Assessor  
4440-A Calle Real  
Santa Barbara CA 93160-1510  
(805)696-8975 (805) 568-2209 Fax

Sheila Hess  
Elections Supervisor

May 12, 2015  
Claire Gottsdanker  
Board of Architectural Review - Montecito (C-6/B)  
123 E. Anapamu St  
Santa Barbara, CA 93101

**Subject: Statement of Economic Interests - Statement Not Filed Within 30 Days of First Notice  
SECOND NON-FILER NOTIFICATION**

Dear Claire Gottsdanker:

According to our records, on 4/6/2015 1:09:07 PM, you were notified that we did not receive your Statement of Economic Interests, Form 700, as Member of the Montecito Board of Arch. Rev. for the Board of Architectural Review - Montecito (C-6/B), which was due on April 1, 2015. We advised you to file your statement within 30 days, however, to date we have not received your statement.

Therefore, your Statement of Economic Interests, Form 700 **must be completed and returned to our office within 10 days from the date of this notice** or this matter will be referred to the Fair Political Practices Commissions' Enforcement Department.

Forms and instructions are available online at <http://www.fppc.ca.gov/>. Please complete and return your statement within 10 days of the date of this notice to:

Elections Division  
PO Box 61510  
Santa Barbara CA 93160-1510

**If we have not heard from you within 10 days from the date of this letter, this matter will be referred to the appropriate enforcement authority.**

If you have any questions or need assistance regarding this letter, or obtaining appropriate forms, please contact Sheila Hess at (805)696-8975.

**Hess, Sheila**

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**From:** Hess, Sheila  
**Sent:** Monday, June 08, 2015 7:39 AM  
**To:** Gotts, Claire  
**Subject:** RE: Fform 700  
**Attachments:** Form\_700 2014-2015 IA.pdf

Hi Claire,

Attached please find the PDF version of the Form 700. Please print the attachment, fill in the form, sign it, make a copy for your records and mail the original signed form to:

County Elections Division  
PO Box 61510  
Santa Barbara, CA 93160-1510

The form will not be considered filed until I receive the original at our office. If you would like to drop off the form at our office the address is:

County Elections  
4440-A Calle Real (not a mailing address)  
Santa Barbara

Please note there is no mail delivery to our office location. If you require assistance please feel free to contact me at the number below.

*Sheila Hess*  
Elections Supervisor  
805.696.8975

**From:** Claire Gottsdanker [mailto: ]  
**Sent:** Saturday, June 06, 2015 9:18 AM  
**To:** Hess, Sheila  
**Subject:** Fform 700

H...I have been trying to do this electronically. My son sid you have left messages. Where can I get the form and where do I file in person? I can do this, in person, om Tuesday. I'll call you on Monday..claire gottsdanker

**Exhibit A-13**





FAIR POLITICAL PRACTICES COMMISSION

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

**This communication is provided in the course of settlement negotiations  
PURSUANT TO EVIDENCE CODES §1152 AND §1154.**

August 25, 2015

Ms. Claire Gottsdanker  
[REDACTED]

RE: FPPC No. 15/1162, In the Matter of Claire Gottsdanker

Dear Ms. Gottsdanker:

The Enforcement Division of the Fair Political Practices Commission has completed its investigation into whether you violated certain provisions of the Political Reform Act (the "Act")<sup>1</sup> by failing to file a 2014 annual statement of economic interests while serving as a member of the Montecito Board of Architectural Review. Consequently, we have determined that prosecution is warranted.

We are providing you with the opportunity to settle this matter without the need for an enforcement action through our stipulated settlement procedure where his penalty amount is much lower than what it potentially could be if you do not participate in this program. Enclosed please find a proposed Stipulation, Decision, and Order ("Stipulation"), which includes an Exhibit that provides a legal and factual summary of the case, together with any aggravating or mitigating factors.

To enter into the proposed stipulated settlement, you must admit to one violation of the Act, and agree to pay an administrative penalty of \$1,000 for the violation. Accordingly, to enter this proposed stipulated settlement, you must do all of the following:

1. Sign, where indicated, the enclosed Stipulation;

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<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.

2. Include with the signed Stipulation a **cashier's check or money order** (not a personal check) for \$1,000 made payable to the "General Fund of the State of California;" and
3. Send or deliver the signed Stipulation and cashier's check, and statement copies to the offices of the Fair Political Practices Commission, at the address appearing at the top of this letter, to my attention and postmarked on or before **September 9, 2015**.


If you enter into this proposed stipulated settlement, the signed stipulation will be presented at the next scheduled public meeting of the Fair Political Practices Commission. *Please be advised that settlement of this case is subject to approval by a majority of the members of the Commission.*

Reaching a stipulated settlement carries the advantage of providing you and the Enforcement Division with a relatively quick and easy resolution of the matter. It may also save your client money by assuring that the monetary penalty and/or legal fees that she would have to pay are less than they might be otherwise. The maximum fine for violations resolved outside of the settlement procedure is \$5,000 per violation.

In the event that you decline to accept our proposal for a stipulated settlement of the case, the Enforcement Division will proceed with an enforcement action. The enforcement action begins with the filing of a probable cause report. This report details your violation and asks the Executive Director of this agency to find that probable cause exists to file an accusation against you with the Office of Administrative Hearings.

This settlement offer expires on **September 9, 2015**. If you have any questions, please do not hesitate to contact me directly at (916) 322-3956.

Sincerely,

  
Zachary W. Norton  
Commission Counsel  
Enforcement Division

Enclosures

## Zachary Norton

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**From:** Zachary Norton  
**Sent:** Friday, February 26, 2016 9:50 AM  
**To:** [REDACTED]  
**Subject:** SEI

Ms. Gottsdanker,

I have just obtained a copy of your 2014 Annual SEI from Santa Barbara County. However, there is still an open Enforcement case against you for failing to file timely. If you are interested in settling this matter, please contact me by email or at 916-322-3956.



### Zachary W. Norton

Senior Commission Counsel, Enforcement Division

FAIR POLITICAL PRACTICES COMMISSION

428 J Street, Suite 620 | Sacramento, CA 95814

916.322.3956 Office | 916.322.1932 Fax | [znorton@fppc.ca.gov](mailto:znorton@fppc.ca.gov)

## Toren Lewis

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**From:** Toren Lewis  
**Sent:** Thursday, September 08, 2016 4:55 PM  
**To:** [REDACTED]  
**Subject:** FPPC Case No. 15/1162; Claire Gottsdanker

### FPPC Case No. 15/1162; Claire Gottsdanker

Dear Ms. Gottsdanker,

The FPPC has commenced administrative action against you due to your failure your Annual Statement of Economic Interest (Form 700) as a member of the Montecito Board Architectural Review, in violation of the Political Reform Act.

Each violations would carry maximum fines of **\$5,000 per violation**. To avoid a default judgment against you, **please e-mail or call me at (916) 323-6421 immediately** and file your missing Form(s) 700 with your filing officer as soon as possible.

Sincerely,

Toren A. Lewis  
Commission Counsel  
Enforcement Division  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, California 95814  
[tlewis@fppc.ca.gov](mailto:tlewis@fppc.ca.gov)  
916.323.6421