

GALENA WEST
Chief, Enforcement Division
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Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of) FPPC No. 15/1876
)
)
AL BAIROS and COMMITTEE TO RE-) DEFAULT DECISION AND ORDER
ELECT AL D. BAIROS OID DIRECTOR)
DISTRICT #4 2015) (Gov. Code §11503)
)
Respondents.)
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)

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

Pursuant to the California Administrative Procedure Act (APA)¹ respondents Al Bairos and Committee to Re-elect Al D. Bairos OID Director District #4 2015, have been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

1. An Order Finding Probable Cause;
2. An Accusation;
3. A Notice of Defense (Two Copies);

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

1 4. A Statement to Respondents; and,

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

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

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

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16 Dated: _____

17 _____
Galena West, Chief of Enforcement
Fair Political Practices Commission

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27 _____
28 ² 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 \$16,000 upon respondents Al Bairos and Committee to Re-elect Al D. Bairos OID Director District #4 2015, payable to the “General Fund of the State of California.”

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

Dated: _____

Fair Political Practices Commission

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EXHIBIT 1

INTRODUCTION

Respondent Al Bairos unsuccessfully ran for re-election to the Oakdale Irrigation District Board (the “Board”) in 2015. Committee to Re-elect Al D. Bairos OID Director District #4 2015 (“Committee”) was his candidate-controlled committee. The Political Reform Act (the “Act”)¹ requires committees to file campaign statements disclosing contributions received and expenditures made. Further, a candidate-controlled committee must identify itself as the source of a mass mailing it sends. Bairos and the Committee violated the Act by failing to disclose contributions and an expenditure, failing to timely file semi-annual campaign statements, and failing to identify the Committee as the source of a mass mailing.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

When the Fair Political Practices Commission (Commission) determines that there is probable cause to believe the Act has been violated, it may hold a hearing to determine if a violation has occurred.² Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (APA).³ A hearing to determine whether the Act has been violated is initiated by the filing of an Accusation.⁴

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

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.⁶ 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.⁷

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 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 § 83116.

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

⁴ § 11503.

⁵ § 11506, subd. (a)(1)-(6).

⁶ § 11506, subd. (c).

⁷ § 11520, subd. (a).

PROCEDURAL REQUIREMENTS AND HISTORY

Initiation of the Administrative Action

No administrative action alleging a violation of the Act may be commenced more than five years after the date on which the violation occurred.⁸ Service of a report in support of a finding of probable cause upon the person alleged to have violated the Act tolls the statute of limitations and initiates the administrative action.⁹

A finding of probable cause may not be made by the Commission unless the person alleged to have violated the Act is 1) notified of the violation by service of process or registered mail with return receipt requested; 2) provided with a summary of the evidence; and 3) informed of his right to be present in person and represented by counsel at any proceeding of the Commission held for the purpose of considering whether probable cause exists for believing the person violated the Act.¹⁰ The required notice to the alleged violator is deemed made on the date of service, the date the registered mail receipt is signed, or if the registered mail receipt is not signed, the date returned by the post office.¹¹

Evidence supporting the procedural history is included in the following attachments and incorporated herein by reference: Exhibit A – Certification of Records (Certification), and attached Exhibits A-1 through A-14.

The Enforcement Division initiated the administrative action against Bairos and the Committee by serving them with a Report in Support of a Finding of Probable Cause (PC Report) by personal service on October 30, 2017.¹² The administrative action commenced on that date, thereby tolling the five-year statute of limitations.

The packet served on Bairos and the Committee contained a cover letter and a memorandum describing probable cause proceedings, advising Bairos and the Committee had 21 days in which to request a probable cause conference and/or to file a written response to the PC Report.¹³ Bairos and the Committee neither requested a probable cause conference nor submitted a written response to the PC Report.

Ex Parte Request for a Finding of Probable Cause

Because Bairos and the Committee did not respond to the PC Report or request a probable cause conference, the Enforcement Division submitted an Ex Parte Request for a Finding of

⁸ § 91000.5.

⁹ §§ 83115.5, and 91000.5, subd. (a).

¹⁰ § 83115.5.

¹¹ *Ibid.*

¹² Certification, Exhibit A-1 and A-2.

¹³ Certification, Exhibit A-1.

Probable Cause and an Order that an Accusation be Prepared and Served to Sukhi Brar, Hearing Officer of the Commission, on December 8, 2017.¹⁴

On December 8, 2017, Sukhi Brar, Hearing Officer of the Commission, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Bairos and the Committee.¹⁵

The Issuance and Service of the Accusation

When the Hearing Officer makes a finding of probable cause, the Enforcement Division must prepare an Accusation and serve it on the persons who are the subject of the probable cause finding.¹⁶

An Accusation initiates the administrative hearing process, and must be a written statement of the acts or omissions with which the respondent is charged so that the respondent can prepare his defense. The Accusation must also specify the statutes and rules which the respondent is alleged to have violated.¹⁷

The agency must serve a copy of the Accusation on the respondent.¹⁸ The Accusation must be accompanied by 1) a form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the Accusation and constitute a notice of defense; 2) include a statement that respondent may request a hearing by filing a Notice of Defense 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 3) include copies of Sections 11507.5, 11507.6, and 11507.7.¹⁹ The Accusation and accompanying information in Enforcement matters must usually be personally served on the named respondents.²⁰

On January 10, 2018, the Commission's Chief of Enforcement Galena West, issued an Accusation against Bairos and the Committee in this matter.²¹ In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondents, 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 respondents by substitute service on January 18, 2018.²²

Along with the Accusation, the Enforcement Division served Bairos and the Committee with a "Statement to Respondents" which notified Bairos and the Committee that they could request a hearing on the merits and warned that, unless Notices of Defense were filed within 15

¹⁴ Certification, Exhibit A-3.

¹⁵ Certification, Exhibit A-4.

¹⁶ Reg. 18361.4, subd. (e).

¹⁷ § 11503.

¹⁸ § 11505, subd. (a) and (c).

¹⁹ § 11505, subd. (a) and (b).

²⁰ § 11505, subd. (c).

²¹ Certification, Exhibit A-5.

²² Certification, Exhibit A-6.

days of service of the Accusation, they would be deemed to have waived the right to a hearing. Bairos and the Committee did not file a Notice of Defense within the statutory time period, which ended on February 2, 2018.²³

As a result, on June 5, 2018, Assistant Chief of Enforcement Dave Bainbridge sent a letter to Bairos and the Committee advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for June 21, 2018.²⁴ A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

SUMMARY OF THE LAW

All legal references and discussions of law pertain to the Act's provisions as they existed at the time of the violations in question.

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

When enacting the Political Reform Act, the people of the state of California found and declared that previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.²⁵ To that end, the Act must be liberally construed to achieve its purposes.²⁶

One purpose of the Act is to promote transparency by ensuring receipts and expenditures in election campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited.²⁷ To further this purpose, the Act includes a comprehensive campaign reporting system²⁸ and requires that the source of an advertisement be disclosed on the advertisement. Another purpose of the Act is to provide adequate enforcement mechanisms so the Act will be "vigorously enforced."²⁹

Committee Qualification

In 2015, a candidate who received contributions totaling \$1,000 or more in a calendar year qualified as a recipient committee.³⁰ A candidate must file a statement of organization within 10 days of qualifying as a committee.³¹ The committee's campaign filing and advertising disclosure obligations begin once it qualifies and continue until the committee terminates.

²⁴ Certification, Exhibit A-7.

²⁵ § 81001, subd. (h).

²⁶ § 81003.

²⁷ § 81002, subd. (a).

²⁸ §§ 84200, *et seq.*

²⁹ § 81002, subd. (f).

³⁰ Former §82013, subd. (b).

³¹ §84101

Disclosure of Contributions and Expenditures

A committee must disclose on campaign statements the total amount of all contributions received and expenditures made. For contributions and expenditures of \$100 or more, the statements must provide certain identifying information about the source of a contribution and the recipient of an expenditure.³² Contributions include payments made by third parties on behalf of the candidate or committee.³³ These contributions are commonly known as non-monetary contributions.

Campaign Statements

A controlled committee must file two semi-annual campaign statements each year no later than July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.³⁴ Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a statement is extended to the next business day.³⁵ Additionally, a committee controlled by a candidate on the ballot in an upcoming election must file pre-election statements.³⁶ For the 2015 general election, a pre-election statement covering July 1 through September 19, 2015 was due September 24, 2015 and a second pre-election for the period of September 20 through October 17, 2015 was due October 22, 2015.³⁷

Mass Mailing Disclosure

A mass mailing supporting a candidate paid for by the committee controlled by that candidate must display the phrase “paid for by” adjacent to the name and address of the committee.³⁸ A “mass mailing” is 200 or more substantially similar pieces of mail sent within one calendar month.³⁹

Liability

Any person who violates any provision of the Act, who purposely or negligently causes any other person to violate any provision of the Act, or who aids and abets any other person in the violation of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.⁴⁰ It is the duty of a committee’s candidate to ensure the committee complies with all of the requirements of the Act concerning the receipt and expenditure of funds and the reporting of

³² §84211, subs. (a)(b)(c)(f)(i) and (k).

³³ §82015, subd. (a).

³⁴ §84200, subd. (a).

³⁵ Reg. §18116, subd. (a).

³⁶ §84200.5, subd. (a).

³⁷ §84200.8.

³⁸ §84305, subd. (a) and Reg. §18435, subd. (d).

³⁹ §82041.5 and Reg. 18435, subd. (a).

⁴⁰ §§ 83116, and 83116.5.

such funds.⁴¹ A committee's candidate and treasurer may be held jointly and severally liable with the committee for any reporting violations.⁴²

SUMMARY OF THE EVIDENCE

Bairos was appointed to the Board in 2006. He was elected for another term in 2011. Bairos ran for re-election in the November 3, 2015 General Election. On August 4, 2015, Bairos filed a Candidate Intention Statement and a Campaign Short Form (Form 470)⁴³ indicating he did not anticipate receiving contributions and making expenditures of \$1,000 or more for the election.

In September of 2015, Bairos hired Signature Signs to produce campaign signs for him. The signs cost \$1,799.20.⁴⁴ The signs were paid for by three separate checks; one from Bairos for \$800 dated September 17, 2015, one from his wife, Marci Bairos, for \$249.20 dated September 24, 2015, and one from John Brichetto, a local rancher, for \$750 dated September 18, 2015.⁴⁵ As a result of the contributions for the signs, Bairos was required to form the Committee. Bairos opened a campaign bank account on September 26, 2015. He filed a Statement of Organization for the Committee on October 28, 2015.⁴⁶

On October 29, 2015, the Committee filed its first campaign statement.⁴⁷ The statement purported to cover the period from September 26, 2015 through October 29, 2015. The second pre-election statement for that election was due on October 22, 2015 so the Committee filed the statement a week late. The statement reported contributions totaling \$4,700 and expenditures totaling \$4,611.21. All of the reported contributions came from Bairos. The statement did not disclose Brichetto and Marci Bairos had made non-monetary contributions to the Committee by paying for a portion of the cost for the campaign signs purchased from Signature Signs. Nor did it disclose the expenditure made by the Committee for those signs.

The bulk of the expenditures reported on the pre-election statement were for a mass mailing the Committee sent to voters. The Committee sent approximately 991 mailers at a total cost of \$3,574.43.⁴⁸ The mailers included pictures of Bairos and his family as well as a summary of the Board's recent accomplishments. The mailers were sent on or about October 2, 2015. The mailers did not include the phrase "paid for by," nor did they include the name and address of the Committee.⁴⁹

Bairos lost the election. The Committee then failed to timely file a semi-annual statement for the statement period ending on December 31, 2015. The Committee remained open but did not

⁴¹ §§ 81004 and 84213, and Reg. 18427.

⁴² §§ 83116.5 and 91006.

⁴³ Certification, Exhibit A-8

⁴⁴ Certification, Exhibit A-9.

⁴⁵ Certification, Exhibit A-10.

⁴⁶ Certification, Exhibit A-11.

⁴⁷ Certification, Exhibit A-12.

⁴⁸ Certification, Exhibit A-13.

⁴⁹ Certification, Exhibit A-14.

file semi-annual statements for the statement periods ending on June 30, 2016, December 31, 2016, and June 30, 2017. As of the date of this document, Bairos and the Committee have not filed the delinquent statements.

SUMMARY OF CONTACTS

In addition to the legal documents served on Bairos described above, Commission staff attempted to contact Bairos no less than 13 times regarding this matter. Those contacts included:

- Letter dated October 8, 2015 notifying Bairos of a complaint against him.
- Letter dated October 23, 2015 stating that an investigation had been opened (Bairos cc'ed).
- Emails (3) on April 8, 14, and 18, 2016, regarding obtaining Committee bank records.
- Telephone interview of Bairos on June 22, 2016.
- Letter dated July 14, 2017 to Bairos summarizing the findings of the investigation and proposing settlement.
- Email on August 23, 2017 to Bairos resending the July 14, 2017 letter.
- Telephone conversation with Bairos on November 21, 2017 regarding filing delinquent statements.
- Email to Bairos on November 22, 2017 regarding filing delinquent statements. Response from Bairos received on December 1, 2017 indicating he'd file the delinquent statements.
- Telephone call to Bairos on February 23, 2018. No answer and unable to leave message.
- Email to Bairos on February 23, 2018 regarding delinquent statements and default proceedings.
- Letter to Bairos dated April 24, 2018 informing him the default would appear on the agenda for the May 27, 2018 Commission meeting agenda as a notice item and would be considered for adoption by the Commission at its June 21, 2018 meeting.

VIOLATIONS

Bairos and the Committee violated the Act as follows:

Count 1: Failure to disclose contributions and an expenditure

Bairos and the Committee failed to disclose on a campaign statement nonmonetary contributions from John Brichetto and Marci Bairos totaling \$990.20, and an expenditure of \$1,799.20 to Signature Signs in violation of section 84211, subdivisions (a)(b)(c)(f)(i) and (k).

Count 2: Failure to file a semi-annual campaign statement

Bairos and the Committee failed to timely file a semi-annual statement for the period ending December 31, 2015 in violation of section 84200, subdivision (a).

Count 3: Failure to file a semi-annual campaign statement

Bairos and the Committee failed to timely file a semi-annual statement for the period ending June 30, 2016 in violation of section 84200, subdivision (a).

Count 4: Failure to include proper disclaimer on mass mailing

Bairos and the Committee failed to include proper disclosure on a mass mailing in violation of section 84305, subdivision (a), and regulation 18435, subdivision (d).

CONCLUSION

This matter consists of four counts of violating the Act, which carries a maximum administrative penalty of \$5,000 per count, for a total of \$30,000.

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 case, Bairos and the Committee failed to file the missing statements and amend the pre-election statement to disclose contributions and an expenditure despite staff's repeated requests that they do so. This shows a lack of good faith and makes it difficult to determine if the violations were deliberate, negligent, or inadvertent. In mitigation, Bairos ran a small campaign and did not win the election. The Enforcement Division is recommending not charging separate counts for two unfiled campaign statements for periods ending December 31, 2016 and June 30, 2017 due to the overall size of the campaign, because those statements were due well after the election, and there is no indication of any activity during those statement periods.

The Commission also considers penalties in prior cases involving similar violations. Recent cases for similar violations include:

Count 1 - *In the Matter of Our Water Now – H2Own 'Yes on Measure W,' Richard Piercy, and Adolph Collaso*, FPPC Case No. 16/19934 (Commission approved a stipulated settlement on June 29, 2017). The respondent committee failed to report on pre-election campaign statements contributions totaling \$375 and expenditures totaling \$1,500. Respondent paid a penalty of \$2,000 for one count of failing to disclose contributions and expenditures.

Counts 2 – 3 - *In the Matter of Committee to Elect Marina Fraser, Marina Fraser, and Jackie M. Buckley*, FPPC Case No. 16/140 (Commission approved a default decision on April 20, 2017). The respondents failed to file eight semi-annual campaign statements. Fraser was no longer in office at the time of the Commission decision. The Commission imposed a penalty of \$4,000 per unfiled statement.

Count 4 - *In the Matter of Margie L. Rice for Mayor 2016, Margie Rice, Anita Rice, and Committee to Elect Anita Rice to the Sanitary Board of Midway City 2016*, FPPC Case No. 16/19818 (Commission approved stipulated settlement on December 15, 2016). Respondents, two

candidates and their controlled committees, sent out 20,000 copies of a mass mailing at a total cost of \$4,762.45 that failed to include “paid for by” and the names and addresses of the committees. Respondents self-reported the violation to the Enforcement Division. Respondents paid a penalty of \$2,000 for the violation.

In the present case, Bairos and the Committee have not filed the delinquent statements, disclosed the contributions and expenditures related to campaign signs, nor accepted responsibility for the violations. This is different than the comparable cases for counts 1 and 4 where the respondents took corrective action and agreed to stipulated settlements. So higher penalties are justified in this case for counts and 1 and 4 than the amounts imposed in the comparable cases.

PROPOSED PENALTY

After consideration of the factors of Regulation 18361.5, it is respectfully requested that the Commission impose a penalty of \$4,000 per count for a total penalty of \$16,000.



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as an Associate Governmental Program Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811.
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. 15/1876; Al Bairos and Committee to Re-Elect Al D. Bairos OID Director District #4 2015*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

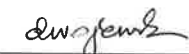
EXHIBIT A-1: Report in Support of a Finding of Probable Cause; Cover letter to the Respondent regarding the Report in Support of a Finding of Probable Cause; Memorandum describing Probable Cause Proceedings, and applicable statutes and regulations; and Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated September 15, 2017

EXHIBIT A-2: Affidavit of Service on October 30, 2017, for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations from process server, dated November 4, 2017

EXHIBIT A-3: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated December 8, 2017

- EXHIBIT A-4: Finding of Probable Cause and an Order to Prepare and Serve an Accusation and Proof of Service, dated December 8, 2017
- EXHIBIT A-5: Accusation, dated January 10, 2018, Statement to Respondents, Notices of Defense, and applicable statutes
- EXHIBIT A-6: Affidavit of Service on January 18, 2018, for Accusation and accompanying documents from process server and Affidavit of Due Diligence, dated January 19, 2018
- EXHIBIT A-7: Notice of Intent to Enter into Default Decision and Order, dated June 5, 2018
- EXHIBIT A-8: Candidate Intention Statement and a Campaign Statement Short Form filed on August 4, 2015
- EXHIBIT A-9: Invoice from Signature Signs, dated October 5, 2015
- EXHIBIT A-10: Checks payable to Signature Signs, dated September 17, 2015; September 18, 2015; and September 24, 2015
- EXHIBIT A-11: Statement of Organization filed on October 28, 2015, and Campaign Statement – Form 470 Supplement filed on October 30, 2015
- EXHIBIT A-12: Pre-election Campaign Statement for the reporting period of September 26, 2015 through October 29, 2015, filed on October 29, 2015
- EXHIBIT A-13: Invoice from MHD Group, dated October 7, 2015
- EXHIBIT A-14: Mailer supporting re-election of Al Bairos to the Oakdale Irrigation District Board

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 5, 2018, at Sacramento, California.



Dominika Wojenska
Associate Governmental Program Analyst
Enforcement Division
Fair Political Practices Commission

EXHIBIT A-1

Default Decision and Order

1 GALENA WEST
Chief, Enforcement Division
2 DAVE BAINBRIDGE
Assistant Chief

3 **FAIR POLITICAL PRACTICES COMMISSION**
428 J Street, Suite 620
Sacramento, CA 95814
4 Telephone: (916) 327-6357
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

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

10 In the Matter of

) FPPC No. 15/1876

)

)

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

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13 **AL BAIROS and COMMITTEE TO RE-
ELECT AL D. BAIROS OID DIRECTOR
DISTRICT #4 2015**

) Conference Date: TBA

) Conference Time: TBA

) Conference Location: Commission Offices

) 428 J Street, Suite 800
Sacramento, CA 95814

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15
16 Respondent.

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18 **INTRODUCTION**

19 Respondent Al Bairos unsuccessfully ran for re-election to the Oakdale Irrigation District Board
20 (the "Board") in 2015. Committee to Re-elect Al D. Bairos OID Director District #4 2015
21 ("Committee") was his candidate-controlled committee. The Political Reform Act (the "Act")¹ requires
22 committees to file a Statement of Organization, and campaign statements disclosing contributions
23 received and expenditures made. Further, a candidate-controlled committee must identify itself as the
24 source of mass mailings it sends. Bairos and the Committee violated the Act by failing to timely file a
25 Statement of Organization, failing to disclose contributions and an expenditure, failing to timely file

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

1 four Semi-annual campaign statements, and failing to identify the Committee as the source of a mass
2 mailing.

3 SUMMARY OF THE LAW

4 Jurisdiction

5 The Fair Political Practices Commission ("Commission") has administrative jurisdiction to
6 enforce the provisions of the Act.²

7 Probable Cause Proceedings

8 Prior to the Commission's Enforcement Division ("Enforcement Division") commencing an
9 administrative action, the General Counsel of the Commission or his designee ("Hearing Officer") must
10 make a finding that there is probable cause to believe the respondent has violated the Act.³ After a
11 finding of probable cause, the Commission may hold a noticed hearing in accordance with the
12 Administrative Procedure Act⁴ to determine whether violations occurred and levy an administrative
13 penalty of up to \$5,000 for each violation.⁵

14 Standard for Finding Probable Cause

15 To make a finding of probable cause, the Hearing Officer must be presented with sufficient
16 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
17 that a respondent committed or caused a violation.⁶

18 Need for Liberal Construction and Vigorous Enforcement of the Act

19 When enacting the Act, the people of the State of California found and declared that previous
20 laws regulating political practices suffered from inadequate enforcement by state and local authorities.⁷
21 To that end, the Act must be liberally construed to achieve its purposes and vigorously enforced.⁸

22 Committee Qualification

23 In 2015, a candidate who received contributions totaling \$1,000 or more in a calendar year
24

25 ² § 83116.

³ § 83115.5; Reg. §§ 18361 and 18361.4.

⁴ § 11500, et seq.

⁵ § 83116; Reg. § 18361.4, subd. (e).

⁶ Reg. § 18361.4, subd. (e).

⁷ § 81001, subd. (h).

⁸ §§ 81002, subd. (f) and 81003.

1 qualified as a recipient committee.⁹ The candidate must file a statement of organization within 10 days of
2 qualifying as a committee.¹⁰ The committee's campaign filing and advertising disclosure obligations begin
3 once it qualifies and continue until the committee terminates.

4 Disclosure of Contributions and Expenditures

5 A committee must disclose on campaign statements the total amount of all contributions received
6 and expenditures made. For contributions and expenditures of \$100 or more, the statements must provide
7 certain identifying information about the source of a contribution and the recipient of an expenditure.¹¹
8 Contributions include payments made by third parties on behalf of the candidate or committee.¹² These
9 contributions are commonly known as non-monetary contributions.

10 Campaign Statements

11 A controlled committee must file two semi-annual campaign statements each year no later than
12 July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.¹³
13 Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a
14 statement shall be extended to the next regular business day.¹⁴ Additionally, a committee controlled by a
15 candidate on the ballot in an upcoming election must file pre-election statements.¹⁵ For the 2015 general
16 election, a pre-election statement covering July 1 through September 19, 2015 was due September 24,
17 2015 and a second pre-election for the period of September 20 through October 17, 2015 was due October
18 22, 2015.¹⁶

19 Mass Mailing Disclosure

20 A mass mailing supporting a candidate that is paid for by the committee controlled by that
21 candidate must display the phrase "paid for by" adjacent to the name and address of the committee.¹⁷ A
22 "mass mailing" is 200 or more substantially similar pieces of mail sent within one calendar month.¹⁸

23 ⁹ Former §82013, subd. (b).

24 ¹⁰ §84101

25 ¹¹ §84211, subds. (a)(b)(c)(f)(i) and (k).

26 ¹² §82015, subd. (a).

27 ¹³ §84200, subd. (a).

28 ¹⁴ Reg. §18116, subd. (a).

¹⁵ §84200.5, subd. (a).

¹⁶ §84200.8.

¹⁷ §84305, subd. (a) and Reg. §18435, subd. (d).

¹⁸ §82041.5 and Reg. 18435, subd. (a).

1 **SUMMARY OF THE EVIDENCE**

2 Bairos was appointed to the Board in 2006. He was elected for another term in 2011. Bairos ran
3 for re-election in the November 3, 2015 General Election. For that election, Bairos filed a Candidate
4 Intention Statement on August 4, 2015. At the same time, he also filed a Campaign Short Form (Form
5 470) because he did not anticipate receiving contributions and making expenditures of \$1,000 or more
6 for the election.

7 In September of 2015, Bairos hired Signature Signs to produce campaign signs for him. The
8 signs cost \$1,799.20. The signs were paid for by three separate checks; one from Bairos for \$800 dated
9 September 17, 2015, one from his wife, Marci Bairos, for \$249.20 dated September 24, 2015, and one
10 from John Bricchetto, a local rancher, for \$750 dated September 18, 2015. As a result of the signs, Bairos
11 was required to form the Committee. Bairos opened a campaign bank account on September 26, 2015.
12 But he did not file a Statement of Organization for the Committee until October 28, 2015. The Statement
13 of Organization identified September 26, 2015 as the qualifying date for the Committee so the Statement
14 of Organization should have been filed on or before October 6, 2015.

15 On October 29, 2015, the Committee filed its first campaign statement. The statement purported
16 to cover the period from September 26, 2015 through October 29, 2015. The second Pre-election
17 statement for that election was due on October 22, 2015 so the Committee filed the statement a week
18 late. The statement reported contributions totaling \$4,700 and expenditures totaling \$4,611.21. All of
19 the reported contributions came from Bairos. The statement did not disclose Bricchetto and Marci Bairos
20 had made non-monetary contributions to the Committee by paying for a portion of the cost for the
21 campaign signs purchased from Signature Signs discussed above. Nor did it disclose the expenditure
22 made by the Committee for those signs.

23 The bulk of the expenditures reported on the Pre-election statement were for a mass mailing the
24 Committee sent to voters. The Committee sent approximately 991 mailers at a total cost of \$3,574.43.
25 The mailers included pictures of Bairos and his family as well as a summary of the Board's recent
26 accomplishments. The mailers were sent on or about October 2, 2015. The mailers did not include the
27 phrase "paid for by," nor did they include the name and address of the Committee.
28

1 Bairos lost the election. The Committee then failed to timely file a semi-annual statement for the
2 statement period ending on December 31, 2015. The Committee remained open but did not file semi-
3 annual statements for the statement periods ending on June 30, 2016, December 31, 2016, and June 30,
4 2017.

5 VIOLATIONS

6 Count 1: Failure to timely file a statement of organization

7 Bairos and the Committee failed to timely file a Statement of Organization upon qualifying as a
8 committee in violation of section 84101, subdivision (a).

9 Count 2: Failure to disclose contributions and an expenditure

10 Bairos and the Committee failed to disclose on a campaign statement nonmonetary contributions
11 from John Brichetto and Marci Bairos totaling \$990.20, and an expenditure of \$1,799.20 to Signature
12 Signs in violation of section 84211, subdivisions (a)(b)(c)(f)(i) and (k).

13 Count 3: Failure to file a semi-annual campaign statement

14 Bairos and the Committee failed to timely file a Semi-annual statement for the period ending
15 December 31, 2015 in violation of section 84200, subdivision (a).

16 Count 4: Failure to file a semi-annual campaign statement

17 Bairos and the Committee failed to timely file a Semi-annual statement for the period ending
18 June 30, 2016 in violation of section 84200, subdivision (a).

19 Count 5: Failure to file a semi-annual campaign statement

20 Bairos and the Committee failed to timely file a Semi-annual statement for the period ending
21 December 31, 2016 in violation of section 84200, subdivision (a).

22 Count 6: Failure to file a semi-annual campaign statement

23 Bairos and the Committee failed to timely file a Semi-annual statement for the period ending
24 June 30, 2017 in violation of section 84200, subdivision (a).

25 Count 7: Failure to include proper disclaimer on mass mailing

26 Bairos and the Committee failed to include proper disclosure on a mass mailing in violation of
27 section 84305, subdivision (a), and regulation 18435, subdivision (d).
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OTHER RELEVANT MATERIAL

None.

MITIGATING OR EXCULPATORY INFORMATION

None.

CONCLUSION

Probable cause exists to believe Bairos and the Committee violated the Act as detailed above. The Enforcement Division respectfully requests an order finding probable cause pursuant to section 83115.5 and regulation section 18361.4.

Dated: 9/15/17

Respectfully submitted,

FAIR POLITICAL PRACTICES COMMISSION
Galena West
Chief of Enforcement



By: Dave Bainbridge
Assistant Chief
Enforcement Division



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

September 15, 2017

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Al Bairos

**In the Matter of AL BAIROS and COMMITTEE TO RE-ELECT AL D. BAIROS
OID DIRECTOR DISTRICT #4 2015**

Dear Mr. Bairos:

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

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a hearing, 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 hearing 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 hearing, it must be filed with the Commission Assistant at the address listed above or electronically at slinker@fppc.ca.gov within 21 days from the date of service of this letter.* You can call the Commission Assistant at (916) 327-8269.

Please note that probable cause hearings are not settlement conferences. The sole purpose of a probable cause hearing 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 hearing. *If you are interested in reaching a settlement in this matter, please contact me at (916) 323-6302 or dbainbridge@fppc.ca.gov.*

Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Enforcement Division. *This request must also be filed with the Commission Assistant within 21 days from the date of service of this letter.* Should you request discovery, the Enforcement Division will provide the evidence by service of process or



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

certified mail. From the date you are served with the evidence, you would have an additional 21 days to file a written response to the Report, just as described above.

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

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

Sincerely,

Dave Bainbridge
Assistant Chief
Enforcement Division

Enclosures

PROBABLE CAUSE FACT SHEET

INTRODUCTION

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

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

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

Within 21 calendar days following the service of the probable cause report, you may request discovery of the evidence in the possession of the Enforcement Division. This is not a right to full discovery of the Enforcement Division file, but to the evidence relied upon by the Division along with any exculpatory or mitigating evidence¹.

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

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

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to Complaint Files

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

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

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

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

§ 18361.2. Memorandum Respecting Civil Litigation.

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

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

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

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

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

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

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814. On September 15, I served the following document(s):

1. Letter dated September 15, 2017 from Dave Bainbridge;
2. FPPC No. 15/1876 Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

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

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

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

SERVICE LIST

Certified Mail, Return Receipt Requested

Al Bairos


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 9/15/2017.



Sara Wilson

EXHIBIT A-2

Default Decision and Order

AFFIDAVIT OF SERVICE

STATE OF CALIFORNIA
Before the Fair Political Practices Commission

*In the Matter of Al Bairos and Committee to Re-elect Al D. Bairos
OID Director District #4 2015, Respondent*

FPPC No. 15/1876

(FPPC COL: Galena West & David Bainbridge, FPPC, 428 J St., #620, Sacramento, CA 95814)


I, Richard Berberian, Registered California Process Server, state the following:

I am over the age of eighteen (18) years and not a party to the action indicated above.

I received for service of process a Report in Support of a Finding of Probable Cause (w/Probable Cause Fact Sheet & Probable Cause Statutes attached) issued by the FPPC in Sacramento and a copy of a September 15, 2017 Certified letter (return receipt requested) addressed to Al Bairos for service on AL BAIROS.

On October 30, 2017 at 7:50pm, I served the above-referenced documents on AL Bairos, Respondent, personally and in-person by hand, at his residence: [REDACTED]

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


Richard Berberian/Stanislaus County No. 07-005
Berberian Legal Service, P.O. Box 5303
Modesto, CA 95352 (209) 526-6517
richardberberian@sbcglobal.net

November 4, 2017

EXHIBIT A-3

Default Decision and Order

1 GALENA WEST
Chief of Enforcement
2 DAVE BAINBRIDGE
Assistant Chief of Enforcement
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 322-5660
5

6 Attorneys for Complainant

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

10 In the Matter of) FPPC No. 15/1876
11)
AL BAIROS and COMMITTEE TO RE-) EX PARTE REQUEST FOR A FINDING OF
ELECT AL D. BAIROS OID DIRECTOR) PROBABLE CAUSE AND AN ORDER THAT
12 DISTRICT #4 2015,) AN ACCUSATION BE PREPARED AND
13 Respondents.) SERVED
14) Gov. Code § 83115.5
)

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

16 Pursuant to Section 83115.5 of the Political Reform Act (the "Act")¹ and Regulation 18361.4,
17 respondents Al Bairos and Committee to Re-elect Al D. Bairos OID Director District #4 2015
18 ("Committee") were served with a copy of a Report in Support of a Finding of Probable Cause (PC Report)
19 in the above-entitled matter.² The PC Report, attached as "Exhibit A," was part of a packet of materials,
20 including a cover letter and a memorandum describing probable cause proceedings, which was delivered
21 to Bairos by personal service on October 30, 2017. A copy of the proof of service is attached as "Exhibit
22 B."

23 In the cover letter dated September 15, 2017, and the attached materials, Bairos and the Committee
24 were advised that they could respond in writing to the PC Report and orally present the case to the Hearing
25

26 ¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are
27 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.

² Gov. Code § 83115.5; Cal. Code Reg., tit. 2, § 18361.4.

1 Officer at a probable cause conference to be held in Sacramento. They were further advised that in order
2 to have a probable cause conference they needed to make a written request before 21 days of the date they
3 received the PC Report. Additionally, they were advised that if they did not request a probable cause
4 conference, such a conference would not be held and probable cause would be determined based solely
5 on the PC Report and any written response that they submitted within 21 days of the date they were served
6 with the PC Report. To date, Bairos and the Committee have not submitted a written response or requested
7 a probable cause conference.

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

11 Count 1: Failure to timely file a statement of organization

12 Bairos and the Committee failed to timely file a Statement of Organization upon qualifying as a
13 committee in violation of section 84101, subdivision (a).

14 Count 2: Failure to disclose contributions and an expenditure

15 Bairos and the Committee failed to disclose on a campaign statement nonmonetary contributions
16 from John Bricchetto and Marci Bairos totaling \$990.20, and an expenditure of \$1,799.20 to Signature
17 Signs in violation of section 84211, subdivisions (a)(b)(c)(f)(i) and (k).

18 Count 3: Failure to file a semi-annual campaign statement

19 Bairos and the Committee failed to timely file a semi-annual statement for the period ending
20 December 31, 2015 in violation of section 84200, subdivision (a).

21 Count 4: Failure to file a semi-annual campaign statement

22 Bairos and the Committee failed to timely file a semi-annual statement for the period ending
23 June 30, 2016 in violation of section 84200, subdivision (a).

24 Count 5: Failure to file a semi-annual campaign statement

25 Bairos and the Committee failed to timely file a semi-annual statement for the period ending
26 December 31, 2016 in violation of section 84200, subdivision (a).

1 Count 6: Failure to file a semi-annual campaign statement

2 Bairos and the Committee failed to timely file a semi-annual statement for the period ending
3 June 30, 2017 in violation of section 84200, subdivision (a).

4 Count 7: Failure to include proper disclaimer on mass mailing

5 Bairos and the Committee failed to include proper disclosure on a mass mailing in violation of
6 section 84305, subdivision (a), and regulation 18435, subdivision (d).

7 Additionally, after finding probable cause exists, the Enforcement Division requests an order by
8 the Hearing Officer that an accusation be prepared against Bairos and the Committee and served upon
9 them.³

10 A copy of this Request was mailed via U.S. Mail to Bairos and the Committee on December 8,
11 2015 at their last known address at [REDACTED]

12
13 Dated: 12/8/17

14 Respectfully Submitted,

15 **FAIR POLITICAL PRACTICES COMMISSION**

16 Galena West
17 Chief of Enforcement

18 

19 By: Dave Bainbridge
20 Assistant Chief
21 Enforcement Division

22
23
24
25
26
27 ³ Gov. Code § 11503.

EXHIBIT A

1 GALENA WEST
Chief, Enforcement Division
2 DAVE BAINBRIDGE
Assistant Chief
3 FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 327-6357
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA

10 In the Matter of) FPPC No. 15/1876
11)
12)
13 AL BAIROS and COMMITTEE TO RE-) REPORT IN SUPPORT OF A FINDING OF
ELECT AL D. BAIROS OID DIRECTOR) PROBABLE CAUSE
14 DISTRICT #4 2015)
15) Conference Date: TBA
16 Respondent.) Conference Time: TBA
) Conference Location: Commission Offices
428 J Street, Suite 800
Sacramento, CA 95814

17
18 INTRODUCTION

19 Respondent Al Bairos unsuccessfully ran for re-election to the Oakdale Irrigation District Board
20 (the "Board") in 2015. Committee to Re-elect Al D. Bairos OID Director District #4 2015
21 ("Committee") was his candidate-controlled committee. The Political Reform Act (the "Act")¹ requires
22 committees to file a Statement of Organization, and campaign statements disclosing contributions
23 received and expenditures made. Further, a candidate-controlled committee must identify itself as the
24 source of mass mailings it sends. Bairos and the Committee violated the Act by failing to timely file a
25 Statement of Organization, failing to disclose contributions and an expenditure, failing to timely file

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

1 four Semi-annual campaign statements, and failing to identify the Committee as the source of a mass
2 mailing.

3 SUMMARY OF THE LAW

4 Jurisdiction

5 The Fair Political Practices Commission ("Commission") has administrative jurisdiction to
6 enforce the provisions of the Act.²

7 Probable Cause Proceedings

8 Prior to the Commission's Enforcement Division ("Enforcement Division") commencing an
9 administrative action, the General Counsel of the Commission or his designee ("Hearing Officer") must
10 make a finding that there is probable cause to believe the respondent has violated the Act.³ After a
11 finding of probable cause, the Commission may hold a noticed hearing in accordance with the
12 Administrative Procedure Act⁴ to determine whether violations occurred and levy an administrative
13 penalty of up to \$5,000 for each violation.⁵

14 Standard for Finding Probable Cause

15 To make a finding of probable cause, the Hearing Officer must be presented with sufficient
16 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
17 that a respondent committed or caused a violation.⁶

18 Need for Liberal Construction and Vigorous Enforcement of the Act

19 When enacting the Act, the people of the State of California found and declared that previous
20 laws regulating political practices suffered from inadequate enforcement by state and local authorities.⁷
21 To that end, the Act must be liberally construed to achieve its purposes and vigorously enforced.⁸

22 Committee Qualification

23 In 2015, a candidate who received contributions totaling \$1,000 or more in a calendar year
24

25 ² § 83116.

³ § 83115.5; Reg. §§ 18361 and 18361.4.

⁴ § 11500, et seq.

⁵ § 83116; Reg. § 18361.4, subd. (e).

⁶ Reg. § 18361.4, subd. (e).

⁷ § 81001, subd. (h).

⁸ §§ 81002, subd. (f) and 81003.

1 qualified as a recipient committee.⁹ The candidate must file a statement of organization within 10 days of
2 qualifying as a committee.¹⁰ The committee's campaign filing and advertising disclosure obligations begin
3 once it qualifies and continue until the committee terminates.

4 Disclosure of Contributions and Expenditures

5 A committee must disclose on campaign statements the total amount of all contributions received
6 and expenditures made. For contributions and expenditures of \$100 or more, the statements must provide
7 certain identifying information about the source of a contribution and the recipient of an expenditure.¹¹
8 Contributions include payments made by third parties on behalf of the candidate or committee.¹² These
9 contributions are commonly known as non-monetary contributions.

10 Campaign Statements

11 A controlled committee must file two semi-annual campaign statements each year no later than
12 July 31 for the period ending June 30 and no later than January 31 for the period ending December 31.¹³
13 Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a
14 statement shall be extended to the next regular business day.¹⁴ Additionally, a committee controlled by a
15 candidate on the ballot in an upcoming election must file pre-election statements.¹⁵ For the 2015 general
16 election, a pre-election statement covering July 1 through September 19, 2015 was due September 24,
17 2015 and a second pre-election for the period of September 20 through October 17, 2015 was due October
18 22, 2015.¹⁶

19 Mass Mailing Disclosure

20 A mass mailing supporting a candidate that is paid for by the committee controlled by that
21 candidate must display the phrase "paid for by" adjacent to the name and address of the committee.¹⁷ A
22 "mass mailing" is 200 or more substantially similar pieces of mail sent within one calendar month.¹⁸

23 ⁹ Former §82013, subd. (b).

24 ¹⁰ §84101

25 ¹¹ §84211, subda. (a)(b)(c)(f)(i) and (k).

26 ¹² §82015, subd. (a).

27 ¹³ §84200, subd. (a).

28 ¹⁴ Reg. §18116, subd. (a).

¹⁵ §84200.5, subd. (a).

¹⁶ §84200.8.

¹⁷ §84305, subd. (a) and Reg. §18435, subd. (d).

¹⁸ §82041.5 and Reg. 18435, subd. (a).

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SUMMARY OF THE EVIDENCE

Bairos was appointed to the Board in 2006. He was elected for another term in 2011. Bairos ran for re-election in the November 3, 2015 General Election. For that election, Bairos filed a Candidate Intention Statement on August 4, 2015. At the same time, he also filed a Campaign Short Form (Form 470) because he did not anticipate receiving contributions and making expenditures of \$1,000 or more for the election.

In September of 2015, Bairos hired Signature Signs to produce campaign signs for him. The signs cost \$1,799.20. The signs were paid for by three separate checks; one from Bairos for \$800 dated September 17, 2015, one from his wife, Marci Bairos, for \$249.20 dated September 24, 2015, and one from John Brichetto, a local rancher, for \$750 dated September 18, 2015. As a result of the signs, Bairos was required to form the Committee. Bairos opened a campaign bank account on September 26, 2015. But he did not file a Statement of Organization for the Committee until October 28, 2015. The Statement of Organization identified September 26, 2015 as the qualifying date for the Committee so the Statement of Organization should have been filed on or before October 6, 2015.

On October 29, 2015, the Committee filed its first campaign statement. The statement purported to cover the period from September 26, 2015 through October 29, 2015. The second Pre-election statement for that election was due on October 22, 2015 so the Committee filed the statement a week late. The statement reported contributions totaling \$4,700 and expenditures totaling \$4,611.21. All of the reported contributions came from Bairos. The statement did not disclose Brichetto and Marci Bairos had made non-monetary contributions to the Committee by paying for a portion of the cost for the campaign signs purchased from Signature Signs discussed above. Nor did it disclose the expenditure made by the Committee for those signs.

The bulk of the expenditures reported on the Pre-election statement were for a mass mailing the Committee sent to voters. The Committee sent approximately 991 mailers at a total cost of \$3,574.43. The mailers included pictures of Bairos and his family as well as a summary of the Board's recent accomplishments. The mailers were sent on or about October 2, 2015. The mailers did not include the phrase "paid for by," nor did they include the name and address of the Committee.

1 Bairos lost the election. The Committee then failed to timely file a semi-annual statement for the
2 statement period ending on December 31, 2015. The Committee remained open but did not file semi-
3 annual statements for the statement periods ending on June 30, 2016, December 31, 2016, and June 30,
4 2017.

5 VIOLATIONS

6 Count 1: Failure to timely file a statement of organization

7 Bairos and the Committee failed to timely file a Statement of Organization upon qualifying as a
8 committee in violation of section 84101, subdivision (a).

9 Count 2: Failure to disclose contributions and an expenditure

10 Bairos and the Committee failed to disclose on a campaign statement nonmonetary contributions
11 from John Brichetto and Marci Bairos totaling \$990.20, and an expenditure of \$1,799.20 to Signature
12 Signs in violation of section 84211, subdivisions (a)(b)(c)(f)(i) and (k).

13 Count 3: Failure to file a semi-annual campaign statement

14 Bairos and the Committee failed to timely file a Semi-annual statement for the period ending
15 December 31, 2015 in violation of section 84200, subdivision (a).

16 Count 4: Failure to file a semi-annual campaign statement

17 Bairos and the Committee failed to timely file a Semi-annual statement for the period ending
18 June 30, 2016 in violation of section 84200, subdivision (a).

19 Count 5: Failure to file a semi-annual campaign statement

20 Bairos and the Committee failed to timely file a Semi-annual statement for the period ending
21 December 31, 2016 in violation of section 84200, subdivision (a).

22 Count 6: Failure to file a semi-annual campaign statement

23 Bairos and the Committee failed to timely file a Semi-annual statement for the period ending
24 June 30, 2017 in violation of section 84200, subdivision (a).

25 Count 7: Failure to include proper disclaimer on mass mailing

26 Bairos and the Committee failed to include proper disclosure on a mass mailing in violation of
27 section 84305, subdivision (a), and regulation 18435, subdivision (d).

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OTHER RELEVANT MATERIAL

None.

MITIGATING OR EXCULPATORY INFORMATION

None.

CONCLUSION

Probable cause exists to believe Bairos and the Committee violated the Act as detailed above. The Enforcement Division respectfully requests an order finding probable cause pursuant to section 83115.5 and regulation section 18361.4.

Dated: 9/15/17

Respectfully submitted,

FAIR POLITICAL PRACTICES COMMISSION
Galena West
Chief of Enforcement



By: Dave Bainbridge
Assistant Chief
Enforcement Division

EXHIBIT B

AFFIDAVIT OF SERVICE

STATE OF CALIFORNIA
Before the Fair Political Practices Commission

*In the Matter of Al Bairos and Committee to Re-elect Al D. Bairos
OID Director District #4 2015, Respondent*

FPPC No. 15/1876

(FPPC COL: Galena West & David Bainbridge, FPPC, 428 J St., #620, Sacramento, CA 95814)


I, Richard Berberian, Registered California Process Server, state the following:

I am over the age of eighteen (18) years and not a party to the action indicated above.

I received for service of process a Report in Support of a Finding of Probable Cause (w/Probable Cause Fact Sheet & Probable Cause Statutes attached) issued by the FPPC in Sacramento and a copy of a September 15, 2017 Certified letter (return receipt requested) addressed to Al Bairos for service on AL BAIROS.

On October 30, 2017 at 7:50pm, I served the above-referenced documents on AL Bairos, Respondent, personally and in-person by hand, at his residence: [REDACTED]

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


Richard Berberian/Stanislaus County No. 07-005
Berberian Legal Service, P.O. Box 5303
Modesto, CA 95352 (209) 526-6517
richardberberian@sbcglobal.net

November 4, 2017

EXHIBIT A-4

Default Decision and Order

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3
4 In the Matter of) FPPC No. 15/1876
5)
6 AL BAIROS and COMMITTEE TO RE-) FINDING OF PROBABLE CAUSE AND
7 ELECT AL D. BAIROS OID DIRECTOR) ORDER TO PREPARE AND SERVE AN
8 DISTRICT #4 2015,) ACCUSATION
9 Respondents.) Gov. Code § 83115.5
10)

11 By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an
12 Accusation be Prepared and Served ("Ex Parte Request"), the Enforcement Division submitted the above-
13 entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte
14 Request, the Enforcement Division served a Report in Support of a Finding of Probable Cause (PC Report)
15 on respondents Al Bairos and Committee to Re-elect Al D. Bairos OID Director District #4 2015
16 ("Committee") on October 30, 2017, by personal service. Accompanying the PC Report was a packet of
17 materials that informed Bairos and the Committee of their right to file a written response to the PC Report
18 and to request a probable cause conference within 21 days following service of the PC Report. During the
19 21 days that followed service of the PC Report, neither Bairos nor the Committee filed a response to the
20 PC Report or request a probable cause conference. Pursuant to California Code of Regulations title 2,
21 section 18361.4, determination of probable cause may be made solely on papers submitted when the
22 respondent does not request a probable cause conference.¹

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

27 ¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of
28 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 sufficient
2 to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion that the
3 proposed respondent(s) committed or caused a violation.”²

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

6 Count 1: Failure to timely file a statement of organization

7 Bairos and the Committee failed to timely file a Statement of Organization upon qualifying as a
8 committee in violation of section 84101, subdivision (a).

9 Count 2: Failure to disclose contributions and an expenditure

10 Bairos and the Committee failed to disclose on a campaign statement nonmonetary contributions
11 from John Brichetto and Marci Bairos totaling \$990.20, and an expenditure of \$1,799.20 to Signature
12 Signs in violation of section 84211, subdivisions (a)(b)(c)(f)(i) and (k).

13 Count 3: Failure to file a semi-annual campaign statement

14 Bairos and the Committee failed to timely file a semi-annual statement for the period ending
15 December 31, 2015 in violation of section 84200, subdivision (a).

16 Count 4: Failure to file a semi-annual campaign statement

17 Bairos and the Committee failed to timely file a semi-annual statement for the period ending
18 June 30, 2016 in violation of section 84200, subdivision (a).

19 Count 5: Failure to file a semi-annual campaign statement

20 Bairos and the Committee failed to timely file a semi-annual statement for the period ending
21 December 31, 2016 in violation of section 84200, subdivision (a).

22 Count 6: Failure to file a semi-annual campaign statement

23 Bairos and the Committee failed to timely file a semi-annual statement for the period ending
24 June 30, 2017 in violation of section 84200, subdivision (a).

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28 ² Cal. Code Reg., tit. 2, § 18361.4, subd. (e).

1 Count 7: Failure to include proper disclaimer on mass mailing


2 Bairos and the Committee failed to include proper disclosure on a mass mailing in violation
3 of section 84305, subdivision (a), and regulation 18435, subdivision (d).

4 Based on the Ex Parte Request given to me, I find that notice has been given to Bairos and the
5 Committee.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause
6 to believe Bairos and the Committee violated the Political Reform Act as alleged in Counts 1-7, as
7 identified above.

8 I therefore direct that the Enforcement Division issue an accusation against Garza and Kyllonen
9 in accordance with this finding.

10 IT IS SO ORDERED.

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13 Dated: 12/8/17



Sukhi Brar, Hearing Officer
Fair Political Practices Commission

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

**FPPC No. 15/1876, In the matter of Al Bairos and Committee to Re-Elect Al. D. Bairos OID
Director District #4 2015**

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, 1102 Q Street, Suite 3000, Sacramento, CA 95811. On the date below, I served the following document:

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

MANNER OF SERVICE

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

SERVICE LIST

Mr. Al Bairos


(By Personal Service) On Friday, December 8, 2017, at approximately 2:45 p.m., I personally served:

Dave Bainbridge, Assistant Chief of Enforcement, at 1102 Q Street, Suite 3000, Sacramento, CA 95811.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on December 8, 2017.



Sasha Linker

EXHIBIT A-5

Default Decision and Order

1 GALENA WEST
Chief of Enforcement
2 DAVE BAINBRIDGE
Assistant Chief of Enforcement
3 FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
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. 15/1876
12)
13 AL BAIROS and COMMITTEE TO RE-) ACCUSATION
14 ELECT AL D. BAIROS OID DIRECTOR)
DISTRICT #4 2015,)
15) (Gov. Code §11503)
16 Respondents.)
17)

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

20 JURISDICTION

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

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

28

1 **B. Campaign Statements**

2 11. A controlled committee must file two semi-annual campaign statements each year no later
3 than July 31 for the period ending June 30 and no later than January 31 for the period ending December
4 31.⁶ Whenever the deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for a
5 statement shall be extended to the next regular business day.⁷ Additionally, a committee controlled by a
6 candidate on the ballot in an upcoming election must file pre-election statements.⁸ For the 2015 general
7 election, a pre-election statement covering July 1 through September 19, 2015 was due September 24,
8 2015 and a second pre-election for the period of September 20 through October 17, 2015 was due October
9 22, 2015.⁹

10 **C. Disclosure of Contributions and Expenditures on Campaign Statements**

11 12. A committee must disclose on campaign statements the total amount of all contributions
12 received and expenditures made. For contributions and expenditures of \$100 or more, the statements must
13 provide certain identifying information about the source of a contribution and the recipient of an
14 expenditure.¹⁰ Contributions include payments made by third parties on behalf of the candidate or
15 committee.¹¹ These contributions are commonly known as “non-monetary” contributions.

16 **D. Mass Mailing Disclosure**

17 13. A “mass mailing” is 200 or more substantially similar pieces of mail sent within one
18 calendar month.¹²

19 14. A mass mailing supporting a candidate that is paid for by the committee controlled by that
20 candidate must display the phrase “paid for by” adjacent to the name and address of the committee.¹³

21 **E. Factors to be Considered by the Fair Political Practices Commission**

22 15. In framing a proposed order following a finding of a violation pursuant to section 83116,
23 the Fair Political Practices Commission (“Commission”) and the administrative law judge shall consider
24

25 ⁶ §84200, subd. (a).

26 ⁷ Reg. §18116, subd. (a).

27 ⁸ §84200.5, subd. (a).

28 ⁹ §84200.8.

¹⁰ §84211, subds. (a)(b)(c)(f)(i) and (k).

¹¹ §82015, subd. (a).

¹² §82041.5 and Reg. 18435, subd. (a).

¹³ §84305, subd. (a) and Reg. §18435, subd. (d).

1 all the 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 under
5 Section 83114(b); (5) whether the violation was isolated or part of a pattern and whether the violator has
6 a prior record of violations of the Act or similar laws; and (6) whether the violator, upon learning of a
7 reporting violation, voluntarily filed amendments to provide full disclosure.¹⁴

8 GENERAL FACTS

9 16. Bairos was appointed to the Board in 2006.

10 17. Bairos was elected for another term in 2011.

11 18. Bairos ran for re-election in the November 3, 2015 General Election. For that election,
12 Bairos filed a Candidate Intention Statement on August 4, 2015. At the same time, he also filed a
13 Campaign Short Form (Form 470) because he did not anticipate receiving contributions and making
14 expenditures of \$1,000 or more for the election.

15 19. In September of 2015, Bairos hired Signature Signs to produce campaign signs for him.
16 The signs cost \$1,799.20. The signs were paid for by three separate checks; one from Bairos for \$800
17 dated September 17, 2015, one from his wife, Marci Bairos, for \$249.20 dated September 24, 2015, and
18 one from John Brichetto, a local rancher, for \$750 dated September 18, 2015.

19 20. As a result of the signs, Bairos was required to form the Committee. Bairos opened a
20 campaign bank account on September 26, 2015. But he did not file a Statement of Organization for the
21 Committee until October 28, 2015. The Statement of Organization identified September 26, 2015 as the
22 qualifying date for the Committee so the Statement of Organization should have been filed on or before
23 October 6, 2015.

24 21. On October 29, 2015, the Committee filed its first campaign statement. The statement
25 purported to cover the period from September 26, 2015 through October 29, 2015. The second Pre-election
26 statement for that election was due on October 22, 2015 so the Committee filed the statement a week late.
27 The statement reported contributions totaling \$4,700 and expenditures totaling \$4,611.21. All of the

28 ¹⁴ Reg. 18361.5, subd. (d).

1 reported contributions came from Bairos. The statement did not disclose Bricchetto and Marci Bairos had
2 made non-monetary contributions to the Committee by paying for a portion of the cost for the campaign
3 signs purchased from Signature Signs. Nor did a campaign statement disclose the expenditure made by
4 the Committee for those signs.

5 22. The bulk of the expenditures reported on the pre-election statement were for a mass mailing
6 the Committee sent to voters. The Committee sent approximately 991 mailers at a total cost of \$3,574.43.
7 The mailers included pictures of Bairos and his family as well as a summary of the Board's recent
8 accomplishments. The mailers were sent on or about October 2, 2015. The mailers did not include the
9 phrase "paid for by," nor did they include the name and address of the Committee.

10 23. Bairos lost the election. The Committee then failed to timely file a semi-annual statement
11 for the statement period ending on December 31, 2015.

12 24. The Committee remained open but did not file semi-annual statements for the statement
13 periods ending on June 30, 2016, December 31, 2016, and June 30, 2017.

14 PROCEDURAL HISTORY

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

20 26. Bairos was served with the PC Report individually and on behalf of the Committee by
21 personal service on October 30, 2017. The information contained in the PC Report packet advised Bairos
22 that he had 21 days in which to request a probable cause hearing and/or to file a written response to the
23 PC Report. As of the date of this Accusation, Bairos has not requested a probable cause hearing or filed a
24 written response.

25 27. By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that
26 an Accusation be Prepared and Served, dated December 8, 2017, the Enforcement Division submitted the
27 matter to the Hearing Officer for a determination of probable cause.

28

28. On December 8, 2017, the Hearing Officer found, based on the PC Report and Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served, that there was probable cause to believe Bairos and the Committee violated the Act and directed the Enforcement Division to issue an accusation against Bairos and the Committee in accordance with the finding.

VIOLATIONS

29. Bairos and the Committee committed seven violations of the Act, as follows:

Count 1

Failure to Timely File Statement of Organization

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

31. Bairos and the Committee had a duty to file a Statement of Organization within 10 days of qualifying as a committee.

32. As a result of receiving contributions of \$1,000 or more, the Committee qualified on or about September 26, 2015.

33. The Committee failed to file a Statement of Organization within 10 days of qualifying as a committee.

34. By failing to timely file a Statement of Organization, Bairos and the Committee violated section 84101, subdivision (a).

Count 2

Failure to Disclose Contributions and an Expenditure

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

36. The Committee received non-monetary contributions from John Bricetto and Marci Bairos of \$100 or more, and made an expenditure of \$1,799.20 to Signature Signs.

37. The Committee failed to disclose the two contributions and expenditure on a campaign statement for the applicable reporting period.

1 38. By failing to disclose on a campaign statement the non-monetary contributions from John
2 Brichetto and Marci Bairos, and the expenditure paid to Signature Signs, Bairos and the Committee
3 violated section 84211, subdivisions (a)(b)(c)(f)(i) and (k).

4 **Count 3**

5 Failure to File a Semi-annual Campaign statement

6 39. Complainant incorporates paragraphs 1 – 38 of this Accusation, as though completely set
7 forth herein.

8 40. The Committee was required to file a semi-annual campaign statement for the reporting
9 period ending December 31, 2015 by February 1, 2016.

10 41. The Committee failed to timely file the semi-annual campaign statement.

11 42. By failing to timely file the semi-annual campaign statement, Bairos and the Committee
12 violated section 84200, subdivision (a).

13 **Count 4**

14 Failure to File a Semi-annual Campaign statement

15 43. Complainant incorporates paragraphs 1 – 42 of this Accusation, as though completely set
16 forth herein.

17 44. The Committee was required to file a semi-annual campaign statement for the reporting
18 period ending June 30, 2016 by August 1, 2016.

19 45. The Committee failed to timely file the semi-annual campaign statement. By failing to
20 timely file the semi-annual campaign statement, Bairos and the Committee violated section 84200,
21 subdivision (a).

22 **Count 5**

23 Failure to File a Semi-annual Campaign statement

24 46. Complainant incorporates paragraphs 1 – 45 of this Accusation, as though completely set
25 forth herein.

26 47. The Committee was required to file a semi-annual campaign statement for the reporting
27 period ending December 31, 2016 by January 31, 2017.

28 48. The Committee failed to timely file the semi-annual campaign statement.

PRAYER

WHEREFORE, Complainant prays as follows:

1. That the Commission hold a hearing pursuant to section 83116 and regulation 18361.5, and at such hearing find that the Bairos and the Committee violated the Act as alleged herein;

2. That the Commission, pursuant to section 83116, subdivision (c), order Bairos and the Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in Count 1;

3. That the Commission, pursuant to section 83116, subdivision (c), order Bairos and the Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in Count 2;

4. That the Commission, pursuant to section 83116, subdivision (c), order Bairos and the Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in Count 3;

5. That the Commission, pursuant to section 83116, subdivision (c), order Bairos and the Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in Count 4;

6. That the Commission, pursuant to section 83116, subdivision (c), order Bairos and the Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in Count 5;

7. That the Commission, pursuant to section 83116, subdivision (c), order Bairos and the Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in Count 6;

8. That the Commission, pursuant to section 83116, subdivision (c), order Bairos and the Committee to pay a monetary penalty of up to \$5,000 for the violation of the Act alleged in Count 7;

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

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

Dated: 10 Jan 18

Galena West
Galena West
Chief of Enforcement
Fair Political Practices Commission



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

STATEMENT TO RESPONDENTS

[Government Code Section 11505, subdivision (b)]

Al Bairos and Committee to Re-elect Al D. Bairos OID Director District #4 2015
FPPC Case No. 15/1876

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

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

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

If you desire a list of the names and addresses of witnesses against you, or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code that are in the possession, custody, or control of this agency, or if you wish to discuss the possibility of resolving this matter without a formal hearing, you may contact Dave Bainbridge, Assistant Chief, at (916) 323-6302 or dbainbridge@fppc.ca.gov, 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

State of California

In the Matter of)
) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
)
) AL BAIROS and COMMITTEE TO
) RE-ELECT AL D. BAIROS OID
) DIRECTOR DISTRICT #4 2015
)
)
) Respondents.
)

Al Bairos, and Committee to Re-elect Al D. Bairos OID Director District #4 2015, respondents named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of)	NOTICE OF DEFENSE
)	(Pursuant to Gov. Code § 11506)
)	
AL BAIROS and COMMITTEE TO)	FPPC Case No. 15/1876
RE-ELECT AL D. BAIROS OID)	
DIRECTOR DISTRICT #4 2015)	
)	
)	
Respondents.)	
)	

Al Bairos, and Committee to Re-elect Al D. Bairos OID Director District #4 2015, respondents named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

HISTORY: Added Stats 1945 ch 867 § 1. Amended Stats 2013 ch 90 § 6 (SB 546), effective January 1, 2014; Stats 2014 ch 71 § 69 (SB 1304), effective January 1, 2015.

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

EXHIBIT A-6

Default Decision and Order

AFFIDAVIT OF SERVICE

STATE OF CALIFORNIA
Before the Fair Political Practices Commission

*In the Matter of Al Bairos and Committee to Re-elect AL D. Bairos
OID Director District #4 2015, Respondent*

FPPC No. 15/1876

(FPPC COL: Galena West & David Bainbridge, 1102 "Q" St., #3000, Sacramento, CA 95811)


I, Richard Berberian, Registered California Process Server, state the following:

I am over the age of eighteen (18) years and not a party to the action indicated above.

I received for service of process a Statement to Respondents, Accusation, Notice of Defense, and California Government Code sections 11506 through 11508, for service on AL BAIROS.

On January 18, 2018 at 8:50pm, I served the above-referenced documents on AL Bairos, Respondent, by substitute service on Marci Bairos/spouse & co-occupant, at their residence: [REDACTED]

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


Richard Berberian/Stanislaus County No. 07-005
Berberian Legal Service, P.O. Box 5303
Modesto, CA 95352 (209) 526-6517
richardberberian@sbcglobal.net

January 19, 2018

AFFIDAVIT OF DUE DILIGENCE

STATE OF CALIFORNIA
Before the Fair Political Practices Commission

*In the Matter of Al Bairos and Committee to Re-elect Al D. Bairos
OID Director District #4 2015, Respondent*

FPPC No. 15/1876

(FPPC COL: Galena West & David Bainbridge, FPPC, 428 J St., #620, Sacramento, CA 95814)

I, Richard Berberian, Registered California Process Server, state the following:

I am over the age of eighteen (18) years and not a party to the action indicated above.


On January 10, 2018, I received for service of process a Statement to Respondents, Accusation, Notice of Defense, and California Government Code sections 11506 through 11508 on indicated Respondent by substitute service on Marci Bairos, spouse & co-occupant, at their residence in Modesto.

I attempted service on the following dates, at the following times, with the following results:

January 13, 2018 at 12:15pm.-----No answer.
January 14, 2018 at 08:20am.-----No answer.
January 14, 2018 at 08:50pm.-----Father out of town until tomorrow per son.
January 17, 2018 at 07:50pm.-----Father not home per son.
January 18, 2018 at 08:50pm.-----Subserved Marci Bairos-spouse & co-resident.

Additionally, on January 19, 2018, I mailed from Modesto, via first class mail, postage prepaid, a second set of the same documents left with Marci Bairos (and as listed on the adjoining Proof of Service), to AL BAIROS, Defendant, at the same home address where I served the first set of documents: [REDACTED]

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


Richard Berberian/Stanislaus County No. 07-005
Berberian Legal Service, P.O. Box 5303
Modesto, CA 95352 (209) 526-6517
richardberberian@sbcglobal.net

January 19, 2018

EXHIBIT A-7

Default Decision and Order



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000 • Sacramento, CA 95811

June 5, 2018

Al Bairos
[REDACTED]

CORRECTED 2nd NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC No. 15/1876, In the Matter of AL BAIROS and COMMITTEE TO RE-ELECT AL D. BAIROS OID DIRECTOR DISTRICT #4 2015

Dear Mr. Bairos:

On January 18, 2018 you were served with an accusation in the above referenced matter. Pursuant to the Administrative Procedure Act, you were required to file a notice of defense within 15 days after service of the accusation to request an administrative hearing. You did not file a notice of defense. **As a result, you have waived your right to an administrative hearing.¹**

The Fair Political Practices Commission (the "Commission") will proceed with a default, decision and order ("default") against you. The initial notice of this default appeared on the published agenda for the Commission's public meeting on **May 17, 2018**. The Commission will be asked to adopt the default at its public meeting scheduled for **June 21, 2018** and impose an administrative penalty of \$16,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on June 21, 2018 is enclosed with this letter.

Following the issuance of the default, the Commission will obtain a judgment in superior court for the amount owed and then take action to collect the judgment. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings.

You may still resolve this matter informally by way of a stipulated settlement if an agreement can be reached prior to this matter appearing for consideration by the Commission. Please contact me at (916) 324-6302 or dbainbridge@fppc.ca.gov if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

Dave Bainbridge
Assistant Chief
Enforcement Division

¹ Government Code section 11505.

EXHIBIT A-8

Default Decision and Order

Candidate Intention Statement

Type or Print in Ink.

COPY

CANDIDATE INTENTION STATEMENT

CALLIFORNIA FORM

501

For Official Use Only

Date Stamp	2015 AUG -4 PM 2: 21
REGISTRATION AND ELECTIONS DIV	
CLERK-RECORDER	
STANISLAUS COUNTY	

Check One: Initial Amendment (Explain) _____

1. Candidate Information:

NAME OF CANDIDATE (Last, First, Middle Initial) Baires HZ DAYTIME TELEPHONE NUMBER 209, 3344663 FAX NUMBER (optional) _____ E-MAIL (optional) alvarez33@verbar.net

STREET ADDRESS 9503 Mines Rd Modesto CITY _____ STATE CA ZIP CODE 95357

OFFICE SOUGHT (POSITION TITLE) Director Dickdale Frigateon District DISTRICT NUMBER, if applicable. 4 NON-PARTISAN PARTY: _____

OFFICE JURISDICTION State (Complete Part 2) County Multi-County: _____ (Name of Multi-County Jurisdiction) _____ (Year of Election) 2015

2. State Candidate Expenditure Limit Statement:

(CalPERS and CalSTRS candidates, Judges, Judicial candidates, and candidates for local offices do not complete Part 2.)

Primary/general election (Year of Election) Special/runoff election (Year of Election)

- (Check one box)
- I accept the voluntary expenditure ceiling for the election stated above.
 - I do not accept the voluntary expenditure ceiling for the election stated above.
- Amendment:
- I did not exceed the expenditure ceiling in the primary or special election held on: _____ and I accept the voluntary expenditure ceiling for the general or special run-off election.

(Mark if applicable) On _____ I contributed personal funds in excess of the expenditure ceiling for the election stated above.

3. Verification:

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

Executed on 8-4-15 (month, day, year) Signature [Signature] (Candidate)

COPY

Officeholder and Candidate Campaign Statement - Short Form

Date of election if applicable: (Month, Day, Year) 11-3-15

Amendment (Explain Below)

REGISTRATION AND ELECTIONS DIV

2015 AUG -4 PM 2: 21

STANISLAUS COUNTY CLERK-RECORDER

CALIFORNIA FORM 470

For Official Use Only

1. Statement Covers Calendar Year 20 15.

2. Officeholder or Candidate Information

NAME OF OFFICEHOLDER OR CANDIDATE Al Barros

STREET ADDRESS 9503 Milnes Rd

CITY Modesto STATE Ca ZIP CODE 95357

AREA CODE/DAYTIME PHONE NUMBER 209 324 4663 OPTIONAL: FAX / E-MAIL ADDRESS

3. Office Sought or Held

OFFICE SOUGHT OR HELD At-large Tringation District

JURISDICTION (LOCATION) Stanislaus DISTRICT NUMBER (IF APPLICABLE) 4

4. Committee Information

List all committees of which you have knowledge that are primarily formed to receive contributions or to make expenditures on behalf of your candidacy.

COMMITTEE NAME AND I.D. NUMBER	COMMITTEE ADDRESS	NAME OF TREASURER

5. Verification

I declare under penalty of perjury that to the best of my knowledge I anticipate that I will receive less than \$1,000 and that I will spend less than \$1,000 during the calendar year and that I have used all reasonable diligence in preparing this statement. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 8-4-15 DATE

By Al Barros SIGNATURE OF OFFICEHOLDER OR CANDIDATE



EXHIBIT A-9

Default Decision and Order



Signature Signs

a diversified signs & services company

P 209 848.8880 F 209 848.8882
1872 Ackley Cir. #1, Oakdale, Ca 95361
Contractors State Lic # 906462

Invoice

Date	Invoice #
10/5/2015	11497

Bill To
BAIROS OID

Due Date
10/5/2015

Description	Amount
(8) 4 X 8" BANNERS	800.00T
(24) 16 X 24" SIGNS	600.00T
SETUP FEE	100.00
GRAPHIC DESIGN	185.45
Sales Tax	113.75

Please note finance charges will accrue at 2% per month if not paid within 30 days of the due date. The minimum finance charge will be \$25 per month.

Total \$1,799.20

EXHIBIT A-10

Default Decision and Order

Marci Bairos

90-781211
SECURITY Check
Serial Number

2872

Date 24 Sept 2015

Pay to the
order of

Signature Signs
Five Hundred Forty Nine and no/100

\$ 249.00

Dollars

BANK OF THE WEST
12719 BENTLEY AVE
WATERFORD, CA 95386

For

MBairos

✓
11497

ALFRED D. BAIROS, JR.
PH. 209 874-1960

90-4211/1211

1631

DATE

9-17-15

PAY TO
THE ORDER OF

Signature Signs
Eight Hundred

\$ 800.00

DOLLARS

OAK VALLEY COMMUNITY BANK
1200 J Street, Suite 2
Madras, CA 97554

MEMO

Al Bairos

✓
11497

CASH ONLY IF ALL CHEQUELINK™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

✓
#11497

John P. Bricetto



BANK OF STOCKTON
Oakdale Branch
Oakdale, CA 95361
90-103/1211

14246

Sept 18 2015

PAY TO THE
ORDER OF

Signature Signs

\$750⁰⁰

Seven hundred fifty ¹⁰/₁₀₀

DOLLARS

John P. Bricetto



© 2011 United Franchising, Inc. #002 1-800-850-1000

MEMO

EXHIBIT A-11

Default Decision and Order

1380896.

Statement of Organization
Recipient Committee

Type or print in Ink

RECEIVED AND FILED

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

STATEMENT OF ORGANIZATION

CALIFORNIA FORM 410

For Official Use Only

Statement Type Initial
Not yet qualified or

Amendment
List I.D. number: # _____

Termination - See Part 5
List I.D. number: # _____

OCT 28 2015

10 / 5 / 2015
Date qualified as committee

_____/_____/_____
Date qualified as committee (if applicable)

_____/_____/_____
Date of Termination

Hand Delivered, Sacramento

R/DH

1. Committee Information

2. Treasurer and Other Principal Officers

NAME OF COMMITTEE
OTD Director District #4
Committee to Reelect Al D. Barras 2015
STREET ADDRESS (NO PO. BOX)
9503 Milnes Rd
CITY STATE ZIP CODE AREA CODE/PHONE
Modesto Ca 95357 2093244663
MAILING ADDRESS (IF DIFFERENT)
OPTIONAL: FAX / E-MAIL ADDRESS
alzrocs33@velociter.net
COUNTY OF DOMICILE COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT THAN COUNTY OF DOMICILE
Stanislaus

NAME OF TREASURER
Al D. Barras
STREET ADDRESS
9503 Milnes Rd
CITY STATE ZIP CODE AREA CODE/PHONE
Modesto Ca 95357 2093244663
NAME OF ASSISTANT TREASURER, IF ANY
STREET ADDRESS
CITY STATE ZIP CODE AREA CODE/PHONE
NAME AND POSITION OF OTHER PRINCIPAL OFFICER(S), IF APPLICABLE
MAILING ADDRESS
CITY STATE ZIP CODE AREA CODE/PHONE

Attach additional information on appropriately labeled continuation sheets.

3. Verification

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

Executed on 10-5-2015 DATE
Executed on 11-5-2015 DATE
Executed on _____ DATE
Executed on _____ DATE

By Al D. Barras SIGNATURE OF TREASURER OR ASSISTANT TREASURER
By Al D. Barras SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT
By _____ SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT
By _____ SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

**Officeholder and Candidate
Campaign Statement -
Form 470 Supplement**

SEE INSTRUCTIONS ON REVERSE

This form is written notification that the officeholder/candidate listed below has received contributions totaling \$1,000 or more or has made expenditures of \$1,000 or more during the calendar year.

<input checked="" type="checkbox"/> Amendment (Explain Below) Spending over 1000	Data Stamp REGISTRATION AND ELECTIONS DIV
	2015 OCT 30 PM 3:44 SANISLAUS COUNTY CLFRK-REG/RRDFR

**CALIFORNIA
FORM 470**

For Official Use Only

1. Officeholder or Candidate Information

NAME OF OFFICEHOLDER OR CANDIDATE
Al D Barras

STREET ADDRESS
9503 Milnes Rd

CITY
Modesto STATE
Ca ZIP CODE
95357

AREA CODE/DAYTIME PHONE NUMBER
209 324-4663 OPTIONAL FAX / E-MAIL ADDRESS

2. Office Sought

OFFICE SOUGHT
OTD Director

DISTRICT NUMBER (IF APPLICABLE)
#4

DATE OF ELECTION (MONTH, DAY, YEAR)
Nov 3 2015

3. Date Contributions Totalling \$1,000 or More Were Received or Date Expenditures of \$1,000 or More Were Made

9-26-15
(MONTH, DAY, YEAR)



[Handwritten Signature]

EXHIBIT A-12

Default Decision and Order

COPY

REGISTRATION AND ELECTIONS DIV

2015 OCT 29 PM 3:03

STANISLAUS COUNTY CLERK-RECORDER

Recipient Committee Campaign Statement Cover Page

(Government Code Sections 84200-84216.5)

Type or print in ink.

COVER PAGE

Date Stamp	CALIFORNIA FORM 460
	Page _____ of _____
	For Official Use Only

Statement covers period from <u>9-26-15</u> through <u>10-29-15</u>	Date of election if applicable: (Month, Day, Year) <u>Nov 3 2015</u>
---	--

SEE INSTRUCTIONS ON REVERSE

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

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

2. Type of Statement:

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

3. Committee Information

I.D. NUMBER 1380896

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
Committee to Reelect AL D. Barrios
2015 OIA District #4

STREET ADDRESS (NO P.O. BOX)
9503 Milnes Rd
CITY Modesto STATE CA ZIP CODE 95357 AREA CODE/PHONE 2093244663

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX
CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

Treasurer(s)

NAME OF TREASURER
AL D. Barrios
MAILING ADDRESS
9503 Milnes Rd
CITY Modesto STATE Ca ZIP CODE 95357 AREA CODE/PHONE 2093244663
NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS
CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

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

Executed on 10-29-15
Date
Executed on 10-29-15
Date
Executed on _____
Date
Executed on _____
Date

By [Signature]
Signature of Treasurer or Assistant Treasurer
By [Signature]
Signature of Controlling Officeholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor
By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent
By _____
Signature of Controlling Officeholder, Candidate, State Measure Proponent

**Recipient Committee
Campaign Statement
Cover Page — Part 2**

Type or print in ink.

COVER PAGE - PART 2

CALIFORNIA FORM **460**

Page _____ of _____

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE
AL D. Baras

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)
OTD Director District #4 2015

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP
9503 Milnes Rd Modesto Ca 95357

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

COMMITTEE NAME I.D. NUMBER
Committee to reelect ALD Baras 1380896

NAME OF TREASURER CONTROLLED COMMITTEE?
ALD Baras YES NO

COMMITTEE ADDRESS STREET ADDRESS (NO P.O. BOX)
9503 Milnes Rd

CITY STATE ZIP CODE AREA CODE/PHONE
Modesto Ca 95357 2093244663

COMMITTEE NAME I.D. NUMBER

NAME OF TREASURER CONTROLLED COMMITTEE?
 YES NO

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

CITY STATE ZIP CODE AREA CODE/PHONE

6. Primarily Formed Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER	JURISDICTION	<input type="checkbox"/> SUPPORT
		<input type="checkbox"/> OPPOSE

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

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD	DISTRICT NO. IF ANY

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

NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT
		<input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT
		<input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT
		<input type="checkbox"/> OPPOSE
NAME OF OFFICEHOLDER OR CANDIDATE	OFFICE SOUGHT OR HELD	<input type="checkbox"/> SUPPORT
		<input type="checkbox"/> OPPOSE

Attach continuation sheets if necessary

**Campaign Disclosure Statement
Summary Page**

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

SUMMARY PAGE

Statement covers period from <u>9-26-15</u> through <u>10-29-15</u>	CALIFORNIA FORM 460
Page _____ of _____	I.D. NUMBER

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER

Contributions Received

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
1. Monetary Contributions Schedule A, Line 3	\$ <u>4700.⁰⁰</u>	\$ <u>4700.⁰⁰</u>
2. Loans Received Schedule B, Line 3	<u>—</u>	<u>—</u>
3. SUBTOTAL CASH CONTRIBUTIONS Add Lines 1 + 2	\$ <u>4700.⁰⁰</u>	\$ <u>4700.⁰⁰</u>
4. Nonmonetary Contributions Schedule C, Line 3	<u>—</u>	<u>—</u>
5. TOTAL CONTRIBUTIONS RECEIVED Add Lines 3 + 4	\$ <u>4700.⁰⁰</u>	\$ <u>4700.⁰⁰</u>

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

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

Expenditures Made

	Column A TOTAL THIS PERIOD (FROM ATTACHED SCHEDULES)	Column B CALENDAR YEAR TOTAL TO DATE
6. Payments Made Schedule E, Line 4	\$ <u>4611.21</u>	\$ <u>4611.21</u>
7. Loans Made Schedule H, Line 3	<u>—</u>	<u>—</u>
8. SUBTOTAL CASH PAYMENTS Add Lines 6 + 7	\$ <u>4611.21</u>	\$ <u>4611.21</u>
9. Accrued Expenses (Unpaid Bills) Schedule F, Line 3	<u>—</u>	<u>—</u>
10. Nonmonetary Adjustment Schedule G, Line 3	<u>—</u>	<u>—</u>
11. TOTAL EXPENDITURES MADE Add Lines 8 + 9 + 10	\$ <u>4611.21</u>	\$ <u>4611.21</u>

**Expenditure Limit Summary for State
Candidates**

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

Current Cash Statement

12. Beginning Cash Balance Previous Summary Page, Line 16	\$ <u>0</u>
13. Cash Receipts Column A, Line 3 above	<u>4700.⁰⁰</u>
14. Miscellaneous Increases to Cash Schedule I, Line 4	<u>0</u>
15. Cash Payments Column A, Line 8 above	<u>4611.21</u>
16. ENDING CASH BALANCE Add Lines 12 + 13 + 14, then subtract Line 15	\$ <u>88.79</u>

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

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

17. LOAN GUARANTEES RECEIVED Schedule B, Part 2 \$ —

Cash Equivalents and Outstanding Debts

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

**Schedule A
Monetary Contributions Received**

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

SCHEDULE A

Statement covers period
from 9-26-15
through 10-29-15

CALIFORNIA FORM **460**

Page _____ of _____

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Committee to Reelect AL D. Bairos

I.D. NUMBER

1380896

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
9-26 2015	AL D. Bairos 9503 Milnes Rd Modesto Ca 95357	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Self-employed AS Dairy Farm Farmer	1000. ⁰⁰	1000. ⁰⁰	
9-30 2015	AL D. Bairos 9503 Milnes Rd Modesto Ca 95357	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Self employed AS Dairy Farm Farmer	1000. ⁰⁰	2000. ⁰⁰	
10-29 2015	AL D. Bairos 9503 Milnes Rd Modesto Ca 95357	<input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC	Self employed AS Dairy Farm Farmer	2700. ⁰⁰	4700. ⁰⁰	
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				

SUBTOTAL \$ 4700.00

Schedule A Summary

- Amount received this period - itemized monetary contributions.
(Include all Schedule A subtotals.) \$ 4700.00
- Amount received this period - unitemized monetary contributions of less than \$100 \$ -
- Total monetary contributions received this period.
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) TOTAL \$ 4700.00

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

**Schedule E
Payments Made**

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

Statement covers period from <u>9-26-15</u>	CALIFORNIA FORM 460
through <u>10-29-15</u>	
Page _____ of _____	I.D. NUMBER <u>1380896</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

Committee to Reelect ALD. Barrios

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

CMP campaign paraphernalia/misc.	MER member communications	RAD radio airtime and production costs
CNS campaign consultants	MTG meetings and appearances	REF returned contributions
CTB contribution (explain nonmonetary)*	OFC office expenses	SAL campaign workers' salaries
CVC civic donations	PET petition circulating	TEL tv. or cable airtime and production costs
FL candidate filing/ballot fees	PHO phone banks	TRC candidate travel, lodging, and meals
FND fundraising events	POL polling and survey research	TRS staff/spouse travel, lodging, and meals
IND independent expenditure supporting/opposing others (explain)*	POS postage, delivery and messenger services	TSF transfer between committees of the same candidate/sponsor
LEG legal defense	PRO professional services (legal, accounting)	VOT voter registration
LIT campaign literature and mailings	PRT print ads	WEB information technology costs (internet, e-mail)

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
<u>Signature Signs 1572 Ackley Cir Oakdale CA 95361</u>	<u>CMP</u>	<u>Paid by check # 1002 to pay invoice 11498. "Campaign Signs"</u>	<u>1036.78</u>
<u>MHD Group 1127 12th St Modesto Ca 95254</u>	<u>LIT</u>	<u>Paid by check # 1003 to pay - invoice 6823. Campaign Material</u>	<u>3574.43</u>

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

SUBTOTAL \$ 4611.21

Schedule E Summary

1. Itemized payments made this period. (Include all Schedule E subtotals.)	\$ <u>4611.21</u>
2. Unitemized payments made this period of under \$100	\$ <u>—</u>
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).)	\$ <u>—</u>
4. Total payments made this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.)	TOTAL \$ <u>4611.21</u>

EXHIBIT A-13

Default Decision and Order



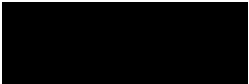
1127 12th Street Suite 203, Modesto CA 95354

INVOICE

6823

PAID
11/03/2015

BILL TO
Al Bairos



Invoice Date: 10/7/2015

Terms: Net 10

PROJECT: Mailer

Work Order#: 785

DESCRIPTION	AMOUNT
Design of Campaign mailer Copywriting	1,800.00 200.00
Printing of 1,100 mailers Mail service for 991 mailers Postage for 991 mailers	818.38T 398.23T 265.05

Office (209) 521-0388 Fax (209) 521-4748

Sales Tax	\$92.77
Total	\$3,574.43
Payments/Credits	-\$3,574.43
Balance Due	\$0.00

EXHIBIT A-14

Default Decision and Order



BAIROS
4 O.I.D.
Proven Success

BAIROS
4 O.I.D.
RE-ELECT AL BAIROS
DISTRICT 4

NOV. 3, THE CHOICE IS CLEAR
RE-ELECT AL BAIROS
DISTRICT 4



VOTE AL BAIROS 4 O.I.D. AGAIN

Al is a fourth-generation farmer and devoted husband and father with a deep commitment to the community. He has a legacy of integrity and responsibility during his nine years on the Oakdale Irrigation District board. Al listens to customers, values their ideas and approaches each decision with an open mind. He is a forceful advocate to protect the district's senior water rights.

Proven Success

Business

- **Responsibility:** OID's operating budget has grown just 1.7% per year, from \$10.1 million to \$11.7 million
- **Savings:** OID's reserves have risen from \$12.9 million to \$43.5 million

Water

- **Availability:** In the fourth year of drought, OID provided a 44-inch allotment — one of the highest in the state
- **Affordability:** OID's rates remain among the lowest in the state
- **Local assets:** OID expanded its agricultural service area by 10,500 acres since 2006, keeping more water in the local region

Infrastructure

- **Upgrades:** OID has invested more than \$50 million to modernize its delivery system and improve customer service

Environmental Stewardship

- **River science:** OID spends \$500,000 a year to advance fishery science on the Stanislaus River
- **Restoration:** OID invested \$1 million to restore salmon habitat at Honolulu Bar

