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Enforcement Division of the Fair Political Practices Commission  
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA

10  
11 In the Matter of ) FPPC No. 18/501  
12 )  
13 KINIKO WILLINGHAM, ) DEFAULT DECISION AND ORDER  
14 )  
15 Respondent. ) (Gov. Code Sections 11506 and 11520)  
16

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

20 Pursuant to the California Administrative Procedure Act,<sup>1</sup> Kiniko Willingham (“Willingham”)  
21 has been served with all of the documents necessary to conduct an administrative hearing regarding the  
22 above-captioned matter, including the following:

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

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

1 4. A Statement to Respondent; and

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

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

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

15  
16 Dated: 16October2020



Galena West, Chief of Enforcement  
Fair Political Practices Commission

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19  
20 **ORDER**

21 The Commission issues this Default Decision and Order and imposes a total administrative  
22 penalty of \$7,000 upon Kiniko Willingham, payable to the "General Fund of the State of California."

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

25  
26 Dated: \_\_\_\_\_

Richard C. Miadich, Chair  
Fair Political Practices Commission

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent, Kiniko Willingham (“Willingham”), was appointed as a Commissioner for the City of Long Beach Veteran Affairs Commission on September 26, 2016 and left office on February 1, 2019.

The Political Reform Act (the “Act”)<sup>1</sup> requires designated employees to disclose their reportable economic interests on a Statement of Economic Interests (“SEI”) at various times pursuant to their agency’s Conflict of Interest Code.

This matter arose out of a non-filer referral filed with the Fair Political Practices Commission’s (the “Commission”) Enforcement Division.

As a Commissioner, Willingham had a duty to file a 2017 annual SEI by the April 2, 2018 due date and a Leaving Office SEI by the March 4, 2019 due date for her position with the City of Long Beach Veteran Affairs Commission. Willingham failed to timely file a 2017 annual SEI and a Leaving Office SEI.

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

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

Included among the rights afforded a respondent under the APA, is the right to file the Notice of Defense with the Commission within 15 days after service of the accusation, by which the respondent may (1) request a hearing; (2) object to the accusation on the ground it does not state acts or omissions upon which the agency may proceed; (3) object to the form of the accusation on the ground that it is so indefinite or uncertain that the respondent cannot identify the transaction or prepare a defense; (4) admit the accusation in whole or in part; (5) present new matter by way of a defense; or (6) object to the accusation on the ground that, under the

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<sup>1</sup> The Political Reform Act – sometimes simply referred to as the Act – is contained in Government Code sections 81000 through 91014. All statutory references are to this code. 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 this source.

<sup>2</sup> Section 83116.

<sup>3</sup> The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code; Section 831116.

<sup>4</sup> Section 11503.

circumstances, compliance with a Commission regulation would result in a material violation of another department's regulation affecting substantive rights.<sup>5</sup>

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

## **PROCEDURAL REQUIREMENTS AND HISTORY**

### **A. Initiation of the Administrative Action**

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-18, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Willingham in this matter by serving her with a Report in Support of a Finding of Probable Cause (the "Report") by certified mail.<sup>12</sup> (Certification, Exhibit A-1). Willingham was served with the Report on January 29, 2020. (Certification Exhibit A-2). The administrative action commenced on January 29, 2020, and the five-year statute of limitations was effectively tolled on this date.

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

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

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

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

<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 83115.5.

<sup>11</sup> Section 91000.5.

<sup>12</sup> Section 83115.5.

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

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

Because Willingham failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served to the Hearing Officer of the Commission on March 27, 2020. (Certification, Exhibit A-4).

On April 2, 2020, the Hearing Officer, Legal Division, John M. Feser Jr., issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Willingham. (Certification, Exhibit A-5).

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

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

Section 11503 states:

A hearing to determine whether a right, authority, license, or privilege should be revoked, suspended, limited, or conditioned shall be initiated by filing an accusation or District Statement of Reduction in Force. The accusation or District Statement of Reduction in Force shall be a written statement of charges that shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his or her defense. It shall specify the statutes and rules that the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of those statutes and rules. The accusation or District Statement of Reduction in Force shall be verified unless made by a public officer acting in his or her official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

Upon the filing of the accusation, the agency must (1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); (2) include a post card or other form entitled Notice of Defense that, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; (3) include (i) a statement that respondent may request a hearing by filing a Notice of Defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a

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

hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.<sup>14</sup> The APA also sets forth the language required in the accompanying statement to the respondent.<sup>15</sup>

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

On April 29, 2020, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Willingham. (Certification, Exhibit A-6). In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon Willingham by personal service on June 11, 2020. (Certification, Exhibit A-7).

Along with the Accusation, the Enforcement Division served Willingham with a "Statement to Respondent," which notified her that she could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, she would be deemed to have waived the right to a hearing. (Certification, Exhibit A-8). Willingham did not file a Notice of Defense within the statutory time period, which ended on June 26, 2020.

As a result, on September 24, 2020, the Enforcement Division sent a letter to Willingham advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for November 19, 2020. (Certification, Exhibit A-17).

On October 20, 2020, the Enforcement Division sent another letter to Willingham advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for November 19, 2020. (Certification, Exhibit A-18). A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

## **SUMMARY OF THE LAW**

The Act and its regulations are amended from time to time. The violations in this case occurred in 2018 and 2019. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

A central purpose of the Act is to increase transparency and decrease conflicts of interest in the actions of public officials by requiring disclosure of their economic interests.<sup>17</sup> In furtherance of this purpose, in 2018 through 2019, the Act required every state and local agency to develop a

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

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

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

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

Conflict of Interest Code.<sup>18</sup> These codes must designate those officials who participate in making decisions which may foreseeably have a material financial effect on any financial interest belonging to that official and require those designated officials to disclose all reportable interests on SEIs.<sup>19</sup> Designated employees are required to file an original SEI with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>20</sup> The requirements of an agency's Conflict of Interest Code have the force of law, and any violation of those requirements is deemed a violation of the Act.<sup>21</sup>

The City of Long Beach's Conflict of Interest Code designated Commissioner's with the Veterans Affairs Commission as a position required to disclose all interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).<sup>22</sup> The City of Long Beach incorporated by reference Regulation 18730 into its Conflict of Interest Code. Regulation 18730 outlines the timing for disclosing the designated employees' economic interests as follows: all persons assuming designated positions shall file Assuming Office statements within 30 days after assuming the designated position;<sup>23</sup> all designated employees shall annually file statements no later than April 1;<sup>24</sup> and all persons who leave designated positions shall file Leaving Office statements within 30 days after leaving office.<sup>25</sup>

### **SUMMARY OF THE EVIDENCE**

Willingham assumed office as a Commissioner for the City of Long Beach Veteran Affairs Commission on September 26, 2016 and left office on February 1, 2019. (Certification, Exhibit A-10). The City of Long Beach's Conflict of Interest Code designated Commissioners with the Veteran's Affairs Commission as a position required to file SEIs. (Certification, Exhibit A-9).

As a designated official with the City of Long Beach Veterans Affairs Commission, Willingham was required to file a 2017 annual SEI by the April 2, 2018 due date. According to the City of Long Beach's Office of the City Clerk, Willingham did not timely file a 2017 annual SEI. (Certification, Exhibit A-10).

As a designated official with the City of Long Beach Veterans Affairs Commission, Willingham was required to file a Leaving Office SEI by the March 4, 2019 due date. According to the City of Long Beach's Office of the City Clerk, Willingham did not timely file a Leaving Office SEI. (Certification, Exhibit A-10).

Before referring the case to the Enforcement Division, the filing officer, the City of Long Beach's Office of the City Clerk, sent at least eight letters to Willingham between January 12,

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<sup>18</sup> Section 87300.

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

<sup>20</sup> Section 87500, subdivision (p).

<sup>21</sup> Section 87300.

<sup>22</sup> City of Long Beach Conflict of Interest Code.

<sup>23</sup> Regulation 18730, subdivision (b)(5)(B).

<sup>24</sup> Regulation 18730, subdivision (b)(5)(C).

<sup>25</sup> Regulation 18730, subdivision (b)(5)(D).

2018 and May 7, 2018 to remind her of her 2017 annual SEI filing obligation. (Certification, Exhibit A-11). On June 11, 2018, after not receiving compliance from Willingham regarding her outstanding 2017 annual SEI, the City of Long Beach's Office of the City Clerk referred the matter to the Enforcement Division. (Certification, Exhibit A-12). The City of Long Beach's Office of the City Clerk sent at least 13 letters to Willingham between January 16, 2019 and May 6, 2019 to remind her of her Leaving Office SEI filing obligation. (Certification, Exhibit A-11).

On October 10, 2019, Willingham completed the required SEIs and sent them via email to the Enforcement Division. (Certification, Exhibit A-13). Later that day, the Enforcement Division notified Willingham that the original forms were required to be submitted to the City of Long Beach for filing. (Certification, Exhibit A-14).

According to the City of Long Beach's Office of the City Clerk, by November 20, 2019, they received copies of Willingham's outstanding SEIs via mail. (Certification, Exhibit A-15).

On July 27, 2020, the filing officer, City of Long Beach's Office of the City Clerk, confirmed that the originals of Willingham's 2017 annual and Leaving Office SEIs have not been filed and remain outstanding. (Certification, Exhibit A-16).

#### Summary of Contact

The Enforcement Division contacted Willingham numerous times regarding her outstanding filings and possible settlement. At various points, Willingham engaged in the process but ultimately failed to complete the terms of the settlement offer.

Overall, the Enforcement Division contacted Willingham at least 19 times throughout this case, as follows:

- April 29, 2019: Letter sent via email
- April 30, 2019: Emails between Enforcement Division and Willingham
- May 30, 2019: Letter sent via email
- June 13, 2019: Letter sent via email
- July 10, 2019: Letter sent via email
- September 25, 2019: Email sent
- October 2, 2019: Telephone call; letter sent via email
- October 8, 2019: Telephone call
- October 9, 2019: Telephone call; email sent
- October 10, 2019: Received PDF copy of completed, not filed, Form 700s via email from Willingham; request for Willingham to mail original Form 700s to filing officer for filing sent via email
- October 15, 2019: Telephone call; letter sent via email
- November 5, 2019: Letter sent via email
- November 6, 2019: Email sent
- November 12, 2019: Telephone call
- November 20, 2019: Letter sent via email
- December 5, 2019: Email sent

- December 12, 2019: Telephone call; letter sent via email
- January 29, 2020: Report in Support of a Finding of Probable Cause served on Willingham via certified mail
- March 27, 2020: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served sent to Willingham via U.S. Mail
- May 15, 2020: Letter sent via U.S. Mail and email
- May 29, 2020: Letter sent via email
- June 11, 2020: Accusation personally served on Willingham
- September 24, 2020: letter sent via U.S. Mail and email to Willingham informing her that a Default Decision and Order would appear on the agenda for the October 15, 2020 Commission meeting as a notice item
- October 20, 2020: letter sent via U.S. Mail and email to Willingham regarding Notice of Intent to Enter Default Decision and Order informing her the Default Decision and Order would be presented at the November 19, 2020 meeting for Commission action

## **VIOLATIONS**

Willingham committed two violations of the Act as follows:

### COUNT 1

#### **Failure to Timely File 2017 Annual SEI**

Willingham failed to timely file her 2017 annual SEI by the April 2, 2018 due date, in violation of Government Code Section 87300.

### COUNT 2

#### **Failure to Timely File Leaving Office SEI**

Willingham failed to timely file her Leaving Office SEI by the March 4, 2019 due date, in violation of Government Code Section 87300.

## **CONCLUSION**

This matter consists of two counts of violating the Act, which carry a maximum total administrative penalty of \$10,000.<sup>26</sup>

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5, subdivision (d)(1) through (6): (1) The seriousness of the violation; (2) The presence or absence of any intention to conceal, deceive or

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<sup>26</sup> Section 83116, subdivision (c).

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

In this matter, Willingham failed to timely file her 2017 annual SEI and her Leaving Office SEI for her position as a Commissioner for the City of Long Beach Veteran Affairs Commission. Willingham is aware of her SEI filing obligations due to her position as Willingham successfully filed her Assuming Office and 2016 annual SEIs. The public harm inherent in SEI filing violations is that the public is deprived of important information about the assets and income of public officials. Here, the public has been denied information regarding economic interests Willingham held between January 1, 2017 and February 1, 2019.

Willingham has no prior record of violations of the Act. Also, Willingham is no longer in office as a Commissioner for the City of Long Beach Veteran Affairs Commission. On or around November 20, 2019, Willingham attempted to file her 2017 annual SEI and her Leaving Office SEI with the City of Long Beach's Office of the City Clerk by sending copies of the outstanding statements. However, original statements are required for filing. According to the copies of Willingham's outstanding SEIs, Willingham does not have any reportable interests to disclose on her 2017 annual or Leaving Office SEIs.

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

- *In the Matter of Lola Skelton*; FPPC No. 16/19779. (The Commission approved a default decision on February 15, 2018.) The respondent failed to timely file two annual SEIs despite being contacted several times regarding this matter. The respondent never filed these outstanding SEIs. At that time, respondent was still in office. The respondent had prior enforcement history for failing to timely file SEIs. The Commission imposed a penalty of \$5,000 per count, \$10,000 in total for these violations.

This case is distinguishable from the present matter as Willingham does not have prior enforcement history for failing to timely file SEIs and Willingham was no longer in office at the time she was contacted by the Enforcement Division.

- *In the Matter of Sam Ramirez*; FPPC No. 15/1169. (The Commission approved a default decision on November 21, 2017.) The respondent failed to timely file his Leaving Office SEI for his position with the Delano City Council (Count 1) and his 2014 Annual/Leaving Office SEI for his position with the California State Assembly (Count 2). The respondent eventually filed his Leaving Office SEI for his position with the Delano City Council but never filed his 2014 Annual/Leaving Office SEI for his position

with the California State Assembly. The Commission imposed a penalty of \$3,000 for Count 1 and \$4,000 for Count 2; \$7,000 in total for these violations.

### **PROPOSED PENALTY**

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$3,500 per count, for a total penalty of \$7,000, is recommended.



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

**CERTIFICATION OF RECORDS**

The undersigned declares and certifies as follows:

1. I am employed as an Associate Governmental Program Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 1102 Q St, Ste 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. 18/501; Kiniko Willingham* and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

EXHIBIT A-1: Report in Support of a Finding of Probable Cause, dated January 23, 2020

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated January 23, 2020, and accompanying certified mail receipts and USPS tracking

EXHIBIT A-3: Cover letter to the Respondents regarding the Report in Support of a Finding of Probable Cause, dated January 23, 2020, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated March 27, 2020

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated March 27, 2020, and accompanying proof of service

- EXHIBIT A-6: Accusation, dated April 29, 2020
- EXHIBIT A-7: Proof of Service for Accusation and accompanying documents from process server, dated June 11, 2020
- EXHIBIT A-8: Statement to Respondents, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated June 8, 2020
- EXHIBIT A-9: City of Long Beach’s Conflict of Interest Code, effective between September 26, 2016 and February 1, 2019
- EXHIBIT A-10: Email from City of Long Beach Office of the City Clerk, dated September 25, 2019
- EXHIBIT A-11: Letters from the City of Long Beach Office of the City Clerk and correspondence log
- EXHIBIT A-12: Referral from the City of Long Beach Office of the City Clerk, dated June 11, 2018
- EXHIBIT A-13: Email from Willingham with copy of SEIs attached, dated October 10, 2019
- EXHIBIT A-14: Email from Enforcement Division to Willingham, dated October 10, 2019
- EXHIBIT A-15: Email from City of Long Beach Office of the City Clerk with copy of SEIs attached, dated November 19, 2019
- EXHIBIT A-16: Email from City of Long Beach Office of the City Clerk, dated July 27, 2020
- EXHIBIT A-17: Notice of Default Decision and Order, dated September 24, 2020
- EXHIBIT A-18: Notice of Intent to Enter Default Decision and Order, dated October 16, 2020

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 16, 2020, at Sacramento, California.

**Dominika Wojenska** Digitally signed by  
 Dominika Wojenska  
 Date: 2020.10.16  
 14:39:47 -07'00'

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

**Exhibit A-1**

GALENA WEST  
Chief of Enforcement  
JENNA C. RINEHART  
Commission Counsel  
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Attorneys for Complainant  
Enforcement Division of the Fair Political Practices Commission

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of:

KINIKO WILLINGHAM,  
  
Respondent.

FPPC Case No. 18/501

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

Hearing Date: TBA  
Hearing Time: TBA  
Hearing Location: Commission Offices  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

**INTRODUCTION**

Respondent, Kiniko Willingham (“Willingham”), was appointed as a Commissioner for the City of Long Beach Veteran Affairs Commission on September 26, 2016 and left office on February 1, 2019.

The Political Reform Act (the “Act”)<sup>1</sup> requires designated employees to disclose their reportable economic interests on a Statement of Economic Interests (“SEI”) at various times pursuant to their agency’s Conflict of Interest Code. Willingham, a designated employee, violated the Act by failing to timely file a 2017 annual SEI by the April 2, 2018 due date and a Leaving Office SEI by the March 4, 2019 due date for her position with the City of Long Beach Veteran Affairs Commission.

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<sup>1</sup> The Political Reform Act – sometimes simply referred to as the Act – is contained in Government Code sections 81000 through 91014. All statutory references are to this code. 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 this source.

1 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. The discussion below regarding  
3 jurisdiction, the standard for finding probable cause, and the contents of the probable cause report  
4 includes references to current law. Unless otherwise noted, all other legal references and discussions of  
5 law pertain to the Act’s provisions as they existed at the time of the violations in this case.

6 **Jurisdiction**

7 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to  
8 enforce the provisions of the Act.<sup>2</sup>

9 **Probable Cause Proceedings**

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

15 **Standard for Finding Probable Cause**

16 To make a finding of probable cause, the hearing officer must be presented with sufficient  
17 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,  
18 that a respondent committed or caused a violation.<sup>6</sup>

19 **Contents of the Probable Cause Report**

20 The probable cause report is required to contain a summary of the law and evidence gathered in  
21 connection with the investigation, including any exculpatory and mitigating information of which the  
22 staff has knowledge and any other relevant material and arguments. The evidence recited in the probable  
23 cause report may include hearsay.<sup>7</sup>

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27 <sup>2</sup> Section 83116.  
<sup>3</sup> Section 83115.5 and Regulations 18361 and 18361.4.  
<sup>4</sup> Section 11500, et seq.  
<sup>5</sup> Section 83116 and Regulation 18361.4, subdivision (e).  
<sup>6</sup> Section 18361.4, subdivision (e).  
<sup>7</sup> Regulation 18361.4, subdivision (a).

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

2 When enacting the Act, the people of California found and declared that previous laws regulating  
3 political practices suffered from inadequate enforcement by state and local authorities.<sup>8</sup> Thus, it was  
4 decreed the Act “should be liberally construed to accomplish its purposes.”<sup>9</sup>

5 One central purpose of the Act is to increase transparency and decrease conflicts of interest in the  
6 actions of public officials by requiring disclosure of their economic interests.<sup>10</sup> Another is to provide  
7 adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>11</sup>

8 **Conflict of Interest Codes**

9 The Act requires every state and local agency to develop a Conflict of Interest Code.<sup>12</sup> These  
10 codes must designate those officials who participate in making decisions which may foreseeably have a  
11 material financial effect on any financial interest belonging to that official and require those designated  
12 officials to disclose all reportable interests on SEIs.<sup>13</sup> The requirements of an agency’s Conflict of  
13 Interest Code have the force of law, and any violation of those requirements is deemed a violation of the  
14 Act.<sup>14</sup>

15 **Conflict of Interest Code for City of Long Beach Veteran Affairs Commission**

16 The City of Long Beach’s Conflict of Interest Code designated Commissioner’s with the  
17 Veterans Affairs Commission as a position required to disclose all interests in real property located in  
18 Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as  
19 investments, business positions and sources of income (including gifts, loans and travel payments).<sup>15</sup>

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

26 <sup>9</sup> Section 81003.

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

28 <sup>11</sup> Section 81002, subdivision (f).

<sup>12</sup> Section 87300.

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

<sup>14</sup> Section 87300.

<sup>15</sup> City of Long Beach Conflict of Interest Code.

1 **Regulation 18730**

2 The City of Long Beach incorporated by reference Regulation 18730 into its Conflict of Interest  
3 Code. Regulation 18730 outlines the timing for disclosing the designated employees' economic interests  
4 as follows: all persons assuming designated positions shall file Assuming Office statements within 30  
5 days after assuming the designated position;<sup>16</sup> all designated employees shall annually file statements no  
6 later than April 1;<sup>17</sup> and all persons who leave designated positions shall file Leaving Office statements  
7 within 30 days after leaving office.<sup>18</sup>

8 **Liability for Violations**

9 Any person who violates any provision of the Act, who purposely or negligently causes any  
10 other person to violate any provision of the Act, or who aids and abets any other person in the violation  
11 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>19</sup>

12 **SUMMARY OF THE EVIDENCE**

13 Willingham served as a Commissioner for the City of Long Beach Veteran Affairs Commission  
14 from September 26, 2016 to February 1, 2019. For her position as a Commissioner, Willingham filed  
15 two SEIs including her Assuming Office and 2016 annual SEI. Willingham failed to timely file her 2017  
16 annual SEI by the April 2, 2018 due date and Leaving Office SEI by the March 4, 2019 due date.

17 The City Clerk Specialist for the City of Long Beach contacted Willingham eight times in  
18 writing between January 12, 2018 and May 7, 2018 to remind her of her 2017 annual SEI filing  
19 obligations. The City Clerk Specialist for the City of Long Beach contacted Willingham 13 times in  
20 writing between January 16, 2019 and May 6, 2019 to remind her of her Leaving Office SEI filing  
21 obligations. After not receiving compliance from Willingham regarding her outstanding SEIs, the City  
22 of Long Beach referred the matter to the Enforcement Division.

23 The Enforcement Division contacted Willingham at least eight times in writing and three times  
24 via telephone between April 29, 2019 and October 9, 2019 regarding her filing obligations. On October  
25 10, 2019, Willingham completed the required SEIs and emailed them to the Enforcement Division. Later  
26

27 <sup>16</sup> Regulation 18730, subdivision (b)(5)(B).

28 <sup>17</sup> Regulation 18730, subdivision (b)(5)(C).

<sup>18</sup> Regulation 18730, subdivision (b)(5)(D).

<sup>19</sup> Sections 83116 and 83116.5.

1 that day, Willingham was notified that the original forms had to be submitted to the City of Long Beach  
2 for filing. By November 20, 2019, the City of Long Beach received copies of Willingham's outstanding  
3 SEIs via mail. Willingham's original SEIs were not included in the mail received by the City of Long  
4 Beach. The Enforcement Division contacted Willingham in writing on two different occasions between  
5 November 20, 2019 and December 12, 2019 to inform her of the requirement that originals must be  
6 submitted to the City of Long Beach for filing.

7 As of the date of this Report, Willingham has not filed her 2017 annual SEI or her Leaving  
8 Office SEI.

### 9 VIOLATIONS

#### 10 Count 1: Failure to Timely File a 2017 Annual SEI

11 Willingham failed to timely file her 2017 annual SEI by the April 2, 2018 due date, in violation  
12 of Government Code Section 87300.

#### 13 Count 2: Failure to Timely File a Leaving Office SEI

14 Willingham failed to timely file her Leaving Office SEI by the March 4, 2019 due date, in  
15 violation of Government Code Section 87300.

### 16 EXCULPATORY AND MITIGATING INFORMATION

17 On or around November 20, 2019, Willingham attempted to file her 2017 annual SEI and her  
18 Leaving Office SEI with the City of Long Beach by sending copies of the outstanding statements.  
19 However, original statements are required for filing.

20 Willingham has no prior enforcement history.

### 21 OTHER RELEVANT MATERIAL AND ARGUMENTS

22 Willingham is aware of her filing obligations due to her position as Commissioner for the City of  
23 Long Beach Veteran Affairs Commission as Willingham successfully filed her Assuming Office SEI  
24 and 2016 annual SEI. Further, Willingham was notified of her filing obligations on at least 29 different  
25 communications. To date, Willingham has not filed her 2017 annual SEI or her Leaving Office SEI.

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1 **CONCLUSION**

2 Probable cause exists to believe Willingham violated the Act as detailed above. The Enforcement  
3 Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and  
4 Regulation 18361.4.

5 Respectfully Submitted,

6 Dated: 01/23/2020

**FAIR POLITICAL PRACTICES COMMISSION**  
Galena West  
Enforcement Chief

7  
8 

9 \_\_\_\_\_  
10 By: Jenna C. Rinehart  
11 Commission Counsel  
12 Enforcement Division  
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**Exhibit A-2**

**PROOF OF SERVICE**

At the time of service, I was over 18 years of age and not a party to this action. My business address is: Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On January 23, 2020, I served the following document(s):

1. Letter dated January 23, 2020 from Jenna C. Rinehart;
2. FPPC Case No. 18/501 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 personal service. At \_\_\_\_\_ a.m./p.m.: \_\_\_\_\_

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

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

By United States Postal Service. I enclosed the documents in a sealed envelope or package addressed to the person at the address 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, with postage fully prepaid.

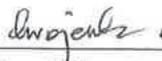
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Sacramento County, California.

**SERVICE LIST**

**Kiniko Willingham**



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 23, 2020.

  
\_\_\_\_\_  
Dominika Wojenska

USPS TRACKING



9590 9402 4740 8344 7635 65

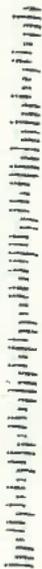
United States Postal Service

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

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

FPPC  
Attn: Jenna Pinehart  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

95811-658150



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Kiniko Willingham



9590 9402 4740 8344 7635 65

2. Article Number (Transfer from service label)

7018 2290 0001 9166 4688

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Addressee

Agent

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  No

If YES, enter delivery address below:

JAN 30 PM 2:22  
RECEIVED  
FAIR POLITICAL  
PRACTICES COM

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt



[FAQs >](#)

**Track Another Package +**

**Tracking Number:** 70182290000191664688

[Remove X](#)

Your item was delivered to an individual at the address at 11:06 am on January 29, 2020 in



**Delivered**

January 29, 2020 at 11:06 am  
Delivered. Left with Individual



Feedback

**Get Updates**

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**Text & Email Updates**



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**Tracking History**



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**Product Information**



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**See Less**

**Can't find what you're looking for?**

Go to our [FAQs](#) section to find answers to your tracking questions.

**Exhibit A-3**



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

January 23, 2020

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

**Kiniko Willingham**

**In the Matter of Kiniko Willingham; FPPC Case No. 18/501**

Dear Ms. Kiniko Willingham:

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"). The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office, which is located at 1102 Q Street, Suite 3000, Sacramento, CA 95811. You may appear at the conference in person or by telephone and you are entitled to be represented by counsel. ***If you wish to submit a written response or request a probable cause conference, it must be filed with the Commission Assistant at the address listed above within 21 days from the date of service of this letter.*** You can reach the Commission Assistant at (916) 327-8269.

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested in reaching a settlement in this matter, please contact me at (916) 323-6302 or JRinehart@fppc.ca.gov.***

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

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

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

Sincerely,

*Jenna C. Rinehart*

Jenna C. Rinehart  
Commission Counsel  
Enforcement Division

*Enclosures: Report in Support of a Finding of Probable Cause; Probable Cause Proceedings fact sheet; Relevant Probable Cause statutes and regulations*

## **PROBABLE CAUSE FACT SHEET**

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### **INTRODUCTION**

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

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

### **THE LAW**

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

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

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

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

### **THE PROCEDURE**

#### **Probable Cause Report**

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

## **Discovery**

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

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

## **Response to Probable Cause Report**

Within 21 calendar days following the service of the probable cause report (or, if you timely requested discovery, within 21 calendar days from the service of the evidence) you may submit a response to the Report. By regulation, the written response may contain, "... a summary of evidence, legal arguments, and any mitigating or exculpatory information."<sup>2</sup>

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 1102 Q Street, Suite 3000, Sacramento, CA 95811. 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 Political Reform Act was violated. Anyone who wishes to discuss settlement with the Enforcement

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<sup>1</sup> But see 2 CCR § 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.).

<sup>2</sup> 2 CCR § 18361.4, subd. (c).

Division may do so before or after the probable cause conference but not during the conference.

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.”<sup>3</sup>

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.

### **Settlements**

Settlement discussions may take place at any time between a proposed respondent (or his or her counsel or representative) and the Enforcement Division except during the probable cause conference. The Hearing Officer will not participate in any settlement negotiations.

### **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.*

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<sup>3</sup> 2 CCR §18361.4, subd. (e).

## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

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

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

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

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

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

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

**Probable Cause Regulations**

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

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

**§ 18361.4. Probable Cause Proceedings**

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

#### **§ 18362. Access to Enforcement Records**

(a) Production of Enforcement Records. The Commission will make complaints, investigative files, and related records available to the public and members of the media in accordance with the Public Records Act (Government Code Section 6250, et seq.) Enforcement records requests should specifically identify the documents sought.

(b) Format of Enforcement Records. The Commission will make records available for inspection at its office during office hours. The Commission may provide copies of requested records either in paper or electronic format to the person that requested the records in lieu of inspecting the records at the Commission offices. Any person requesting paper copies of records must reimburse the Commission ten cents (\$0.10) per page to pay the cost of copying, or supply copying equipment and make copies in the offices of the Commission. Original records of the Commission may not be removed from the offices of the Commission.

(c) Complaint Notice Period. The Commission may not provide or make available complaints or related records until after the disclosure periods provided in Regulation 18360.

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

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

(b) The Commission shall review the memorandum at an executive session. The General

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

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

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

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

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

**Exhibit A-4**

1 GALENA WEST  
Chief of Enforcement  
2 JENNA C. RINEHART  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 323-6302  
5 Email: JRinehart@fppc.ca.gov

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

7  
8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

9 **STATE OF CALIFORNIA**

10 In the Matter of ) FPPC No. 18/501  
11 )  
12 KINIKO WILLINGHAM, ) EX PARTE REQUEST FOR A FINDING OF  
13 ) PROBABLE CAUSE AND AN ORDER THAT  
14 Respondent. ) AN ACCUSATION BE PREPARED AND  
15 ) SERVED  
16 ) Gov. Code § 83115.5  
17 )

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

19 Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)<sup>1</sup> and Regulation 18361.4,  
20 Respondent, Kiniko Willingham (“Willingham”), was served with a copy of a Report in Support of a  
21 Finding of Probable Cause (“PC Report”) in the above-entitled matter.<sup>2</sup> The PC Report, attached as  
22 “Exhibit A,” was part of a packet of materials, including a cover letter and a memorandum describing  
23 probable cause proceedings, which was sent to Willingham on January 23, 2020, by certified mail, with a  
24 return receipt requested. The USPS Tracking, attached as “Exhibit B”, confirms the PC Report was  
25 received by Willingham on January 29, 2020. A copy of the cover letter and memorandum describing

26 <sup>1</sup> 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.

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

1 probable cause proceedings is attached as “Exhibit C.” A copy of the return receipt is attached as “Exhibit  
2 D.”

3 In the cover letter dated January 23, 2020, and the attached materials, Willingham was advised she  
4 could respond in writing to the PC Report and orally present the case to the Hearing Officer at a probable  
5 cause conference to be held in Sacramento. Willingham was further advised that in order to have a  
6 probable cause conference, she needed to make a written request for one on or before 21 days of the date  
7 she was served with the PC Report. Additionally, Willingham was advised that if she did not request a  
8 probable cause conference, such a conference would not be held and probable cause would be determined  
9 based solely on the PC Report and any written response that she submitted within 21 days of the date she  
10 was served with the PC Report. To date, Willingham has not submitted a written response or requested a  
11 probable cause conference.

12 WHEREFORE, based on the attached PC Report, the Enforcement Division requests a finding by  
13 the Hearing Officer that probable cause exists to believe that Willingham committed two violations of the  
14 Act, stated as follows:

15 Count 1: Willingham failed to timely file her 2017 annual Statement of Economic Interests (“SEI”)  
16 by the April 2, 2018 due date, in violation of Government Code Section 87300.

17 Count 2: Willingham failed to timely file her Leaving Office SEI by the March 4, 2019 due date, in  
18 violation of Government Code Section 87300.

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

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27 <sup>3</sup> Gov. Code § 11503.

1 A copy of this Request was mailed via U.S. Mail to Willingham on  
2 March 27, 2020 at the last known address, as follows:

3 Kiniko Willingham  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 Dated: 03/27/2020

Respectfully Submitted,

8 **FAIR POLITICAL PRACTICES COMMISSION**  
9 Galena West  
10 Chief of Enforcement

11 *Jenna Rinehart*

12 \_\_\_\_\_  
13 By: Jenna C. Rinehart  
14 Commission Counsel  
15 Enforcement Division  
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27

**EXHIBIT A**

1 GALENA WEST  
2 Chief of Enforcement  
3 JENNA C. RINEHART  
4 Commission Counsel  
5 **FAIR POLITICAL PRACTICES COMMISSION**  
6 1102 Q Street, Suite 3000  
7 Sacramento, CA 95811  
8 Telephone: (916) 323-6302  
9 Email: JRinehart@fppc.ca.gov

10 Attorneys for Complainant  
11 Enforcement Division of the Fair Political Practices Commission

12 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

13 **STATE OF CALIFORNIA**

14 In the Matter of:

15 KINIKO WILLINGHAM,

16 Respondent.

FPPC Case No. 18/501

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

Hearing Date: TBA

Hearing Time: TBA

Hearing Location: Commission Offices  
1102 Q Street, Suite 3000  
Sacramento, CA 95811

17 **INTRODUCTION**

18 Respondent, Kiniko Willingham (“Willingham”), was appointed as a Commissioner for the City  
19 of Long Beach Veteran Affairs Commission on September 26, 2016 and left office on February 1, 2019.

20 The Political Reform Act (the “Act”)<sup>1</sup> requires designated employees to disclose their reportable  
21 economic interests on a Statement of Economic Interests (“SEI”) at various times pursuant to their  
22 agency’s Conflict of Interest Code. Willingham, a designated employee, violated the Act by failing to  
23 timely file a 2017 annual SEI by the April 2, 2018 due date and a Leaving Office SEI by the March 4,  
24 2019 due date for her position with the City of Long Beach Veteran Affairs Commission.

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26  
27 <sup>1</sup> The Political Reform Act – sometimes simply referred to as the Act – is contained in Government Code sections  
28 81000 through 91014. All statutory references are to this code. 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  
this source.

1 **SUMMARY OF THE LAW**

2 The Act and its regulations are amended from time to time. The discussion below regarding  
3 jurisdiction, the standard for finding probable cause, and the contents of the probable cause report  
4 includes references to current law. Unless otherwise noted, all other legal references and discussions of  
5 law pertain to the Act’s provisions as they existed at the time of the violations in this case.

6 **Jurisdiction**

7 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to  
8 enforce the provisions of the Act.<sup>2</sup>

9 **Probable Cause Proceedings**

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

15 **Standard for Finding Probable Cause**

16 To make a finding of probable cause, the hearing officer must be presented with sufficient  
17 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,  
18 that a respondent committed or caused a violation.<sup>6</sup>

19 **Contents of the Probable Cause Report**

20 The probable cause report is required to contain a summary of the law and evidence gathered in  
21 connection with the investigation, including any exculpatory and mitigating information of which the  
22 staff has knowledge and any other relevant material and arguments. The evidence recited in the probable  
23 cause report may include hearsay.<sup>7</sup>

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27 <sup>2</sup> Section 83116.  
<sup>3</sup> Section 83115.5 and Regulations 18361 and 18361.4.  
<sup>4</sup> Section 11500, et seq.  
<sup>5</sup> Section 83116 and Regulation 18361.4, subdivision (e).  
<sup>6</sup> Section 18361.4, subdivision (e).  
<sup>7</sup> Regulation 18361.4, subdivision (a).

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

2 When enacting the Act, the people of California found and declared that previous laws regulating  
3 political practices suffered from inadequate enforcement by state and local authorities.<sup>8</sup> Thus, it was  
4 decreed the Act “should be liberally construed to accomplish its purposes.”<sup>9</sup>

5 One central purpose of the Act is to increase transparency and decrease conflicts of interest in the  
6 actions of public officials by requiring disclosure of their economic interests.<sup>10</sup> Another is to provide  
7 adequate enforcement mechanisms so that the Act will be “vigorously enforced.”<sup>11</sup>

8 **Conflict of Interest Codes**

9 The Act requires every state and local agency to develop a Conflict of Interest Code.<sup>12</sup> These  
10 codes must designate those officials who participate in making decisions which may foreseeably have a  
11 material financial effect on any financial interest belonging to that official and require those designated  
12 officials to disclose all reportable interests on SEIs.<sup>13</sup> The requirements of an agency’s Conflict of  
13 Interest Code have the force of law, and any violation of those requirements is deemed a violation of the  
14 Act.<sup>14</sup>

15 **Conflict of Interest Code for City of Long Beach Veteran Affairs Commission**

16 The City of Long Beach’s Conflict of Interest Code designated Commissioner’s with the  
17 Veterans Affairs Commission as a position required to disclose all interests in real property located in  
18 Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as  
19 investments, business positions and sources of income (including gifts, loans and travel payments).<sup>15</sup>

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25 <sup>8</sup> Section 81001, subdivision (h).  
26 <sup>9</sup> Section 81003.  
27 <sup>10</sup> Section 81002, subdivision (c).  
28 <sup>11</sup> Section 81002, subdivision (f).  
<sup>12</sup> Section 87300.  
<sup>13</sup> Section 87302, subdivision (a).  
<sup>14</sup> Section 87300.  
<sup>15</sup> City of Long Beach Conflict of Interest Code.

1 **Regulation 18730**

2 The City of Long Beach incorporated by reference Regulation 18730 into its Conflict of Interest  
3 Code. Regulation 18730 outlines the timing for disclosing the designated employees' economic interests  
4 as follows: all persons assuming designated positions shall file Assuming Office statements within 30  
5 days after assuming the designated position;<sup>16</sup> all designated employees shall annually file statements no  
6 later than April 1;<sup>17</sup> and all persons who leave designated positions shall file Leaving Office statements  
7 within 30 days after leaving office.<sup>18</sup>

8 **Liability for Violations**

9 Any person who violates any provision of the Act, who purposely or negligently causes any  
10 other person to violate any provision of the Act, or who aids and abets any other person in the violation  
11 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>19</sup>

12 **SUMMARY OF THE EVIDENCE**

13 Willingham served as a Commissioner for the City of Long Beach Veteran Affairs Commission  
14 from September 26, 2016 to February 1, 2019. For her position as a Commissioner, Willingham filed  
15 two SEIs including her Assuming Office and 2016 annual SEI. Willingham failed to timely file her 2017  
16 annual SEI by the April 2, 2018 due date and Leaving Office SEI by the March 4, 2019 due date.

17 The City Clerk Specialist for the City of Long Beach contacted Willingham eight times in  
18 writing between January 12, 2018 and May 7, 2018 to remind her of her 2017 annual SEI filing  
19 obligations. The City Clerk Specialist for the City of Long Beach contacted Willingham 13 times in  
20 writing between January 16, 2019 and May 6, 2019 to remind her of her Leaving Office SEI filing  
21 obligations. After not receiving compliance from Willingham regarding her outstanding SEIs, the City  
22 of Long Beach referred the matter to the Enforcement Division.

23 The Enforcement Division contacted Willingham at least eight times in writing and three times  
24 via telephone between April 29, 2019 and October 9, 2019 regarding her filing obligations. On October  
25 10, 2019, Willingham completed the required SEIs and emailed them to the Enforcement Division. Later  
26

27 <sup>16</sup> Regulation 18730, subdivision (b)(5)(B).

28 <sup>17</sup> Regulation 18730, subdivision (b)(5)(C).

<sup>18</sup> Regulation 18730, subdivision (b)(5)(D).

<sup>19</sup> Sections 83116 and 83116.5.

1 that day, Willingham was notified that the original forms had to be submitted to the City of Long Beach  
2 for filing. By November 20, 2019, the City of Long Beach received copies of Willingham's outstanding  
3 SEIs via mail. Willingham's original SEIs were not included in the mail received by the City of Long  
4 Beach. The Enforcement Division contacted Willingham in writing on two different occasions between  
5 November 20, 2019 and December 12, 2019 to inform her of the requirement that originals must be  
6 submitted to the City of Long Beach for filing.

7 As of the date of this Report, Willingham has not filed her 2017 annual SEI or her Leaving  
8 Office SEI.

9 **VIOLATIONS**

10 Count 1: Failure to Timely File a 2017 Annual SEI

11 Willingham failed to timely file her 2017 annual SEI by the April 2, 2018 due date, in violation  
12 of Government Code Section 87300.

13 Count 2: Failure to Timely File a Leaving Office SEI

14 Willingham failed to timely file her Leaving Office SEI by the March 4, 2019 due date, in  
15 violation of Government Code Section 87300.

16 **EXCULPATORY AND MITIGATING INFORMATION**

17 On or around November 20, 2019, Willingham attempted to file her 2017 annual SEI and her  
18 Leaving Office SEI with the City of Long Beach by sending copies of the outstanding statements.  
19 However, original statements are required for filing.

20 Willingham has no prior enforcement history.

21 **OTHER RELEVANT MATERIAL AND ARGUMENTS**

22 Willingham is aware of her filing obligations due to her position as Commissioner for the City of  
23 Long Beach Veteran Affairs Commission as Willingham successfully filed her Assuming Office SEI  
24 and 2016 annual SEI. Further, Willingham was notified of her filing obligations on at least 29 different  
25 communications. To date, Willingham has not filed her 2017 annual SEI or her Leaving Office SEI.

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1 **CONCLUSION**

2 Probable cause exists to believe Willingham violated the Act as detailed above. The Enforcement  
3 Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and  
4 Regulation 18361.4.

5 Respectfully Submitted,

6 Dated: 01/23/2020

**FAIR POLITICAL PRACTICES COMMISSION**  
Galena West  
Enforcement Chief

8 

9 \_\_\_\_\_  
By: Jenna C. Rinehart  
Commission Counsel  
Enforcement Division

**EXHIBIT B**



[FAQs >](#)

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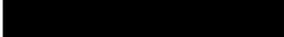
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January 29, 2020 at 11:06 am

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**EXHIBIT C**



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

January 23, 2020

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

**Kiniko Willingham**



**In the Matter of Kiniko Willingham; FPPC Case No. 18/501**

Dear Ms. Kiniko Willingham:

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"). The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office, which is located at 1102 Q Street, Suite 3000, Sacramento, CA 95811. You may appear at the conference in person or by telephone and you are entitled to be represented by counsel. ***If you wish to submit a written response or request a probable cause conference, it must be filed with the Commission Assistant at the address listed above within 21 days from the date of service of this letter.*** You can reach the Commission Assistant at (916) 327-8269.

Please note that probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested in reaching a settlement in this matter, please contact me at (916) 323-6302 or JRinehart@fppc.ca.gov.***

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

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

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

Sincerely,

*Jenna C. Rinehart*

Jenna C. Rinehart  
Commission Counsel  
Enforcement Division

*Enclosures: Report in Support of a Finding of Probable Cause; Probable Cause Proceedings fact sheet; Relevant Probable Cause statutes and regulations*

## PROBABLE CAUSE FACT SHEET

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### INTRODUCTION

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

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

### THE LAW

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

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

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

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

### THE PROCEDURE

#### Probable Cause Report

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

## **Discovery**

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

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

## **Response to Probable Cause Report**

Within 21 calendar days following the service of the probable cause report (or, if you timely requested discovery, within 21 calendar days from the service of the evidence) you may submit a response to the Report. By regulation, the written response may contain, "... a summary of evidence, legal arguments, and any mitigating or exculpatory information."<sup>2</sup>

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 1102 Q Street, Suite 3000, Sacramento, CA 95811. 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 Political Reform Act was violated. Anyone who wishes to discuss settlement with the Enforcement

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<sup>1</sup> But see 2 CCR § 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.).

<sup>2</sup> 2 CCR § 18361.4, subd. (c).

Division may do so before or after the probable cause conference but not during the conference.

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.”<sup>3</sup>

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.

### **Settlements**

Settlement discussions may take place at any time between a proposed respondent (or his or her counsel or representative) and the Enforcement Division except during the probable cause conference. The Hearing Officer will not participate in any settlement negotiations.

### **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.*

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<sup>3</sup> 2 CCR §18361.4, subd. (c).

## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

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

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

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

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

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

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

**Probable Cause Regulations**

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

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

**§ 18361.4. Probable Cause Proceedings**

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

#### **§ 18362. Access to Enforcement Records**

(a) Production of Enforcement Records. The Commission will make complaints, investigative files, and related records available to the public and members of the media in accordance with the Public Records Act (Government Code Section 6250, et seq.) Enforcement records requests should specifically identify the documents sought.

(b) Format of Enforcement Records. The Commission will make records available for inspection at its office during office hours. The Commission may provide copies of requested records either in paper or electronic format to the person that requested the records in lieu of inspecting the records at the Commission offices. Any person requesting paper copies of records must reimburse the Commission ten cents (\$0.10) per page to pay the cost of copying, or supply copying equipment and make copies in the offices of the Commission. Original records of the Commission may not be removed from the offices of the Commission.

(c) Complaint Notice Period. The Commission may not provide or make available complaints or related records until after the disclosure periods provided in Regulation 18360.

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

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

(b) The Commission shall review the memorandum at an executive session. The General

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

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

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

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

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

**EXHIBIT D**

USPS TRACKING



9590 9402 4740 8344 7635 65

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

United States  
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box.\*  
FPPC  
Attn: Jenna Rinehart  
1102 Q Street, Suite 3000  
Sacramento, CA 95811



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Kiaiko Williamson

COMPLETE THIS SECTION ON DELIVERY

- A. Signature  
 Agent  
 Addressee
- B. Received by (Printed Name)
- C. Date of Delivery
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

RECEIVED  
FAR POLICE  
OFFICES COMM  
JAN 30 PM



9590 9402 4740 8344 7635 65

2. Article Number (Transfer from service label)

7018 2290 0001 9166 4688

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

- 3. Service Type
  - Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect or Delivery
  - Collect or Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

**Exhibit A-5**

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3  
4 In the Matter of ) FPPC No. 18/501  
) )  
5 KINIKO WILLINGHAM, ) FINDING OF PROBABLE CAUSE AND  
) ORDER TO PREPARE AND SERVE AN  
6 ) ACCUSATION  
Respondent. )  
7 ) Gov. Code § 83115.5  
8 )

9 By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation  
10 be Prepared and Served (“Ex Parte Request”), the Enforcement Division submitted the above-entitled  
11 matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request,  
12 the Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC Report”) on  
13 Respondent, Kiniko Willingham (“Willingham”), concerning this matter on January 23, 2020, by certified  
14 mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed  
15 Willingham of her right to file a written response to the PC Report and to request a probable cause  
16 conference within 21 days following service of the PC Report. During the 21 days that followed service  
17 of the PC Report, Willingham did not file a response to the PC Report or request a probable cause  
18 conference. Pursuant to California Code of Regulations Title 2, Section 18361.4, determination of  
19 probable cause may be made solely on papers submitted when the respondent does not request a probable  
20 cause conference.<sup>1</sup>

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

25 ///

26 \_\_\_\_\_  
27 <sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. The regulations of the  
28 Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of  
Regulations.

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

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

6 Count 1: Willingham failed to timely file her 2017 annual Statement of Economic Interests (“SEI”)  
7 by the April 2, 2018 due date, in violation of Government Code Section 87300.

8 Count 2: Willingham failed to timely file her Leaving Office SEI by the March 4, 2019 due date, in  
9 violation of Government Code Section 87300.

10 Based on the Ex Parte Request given to me, I find that notice has been given to Willingham.<sup>3</sup> I  
11 further find, based on the PC Report and the Ex Parte Request, that there is probable cause to believe  
12 Willingham violated the Political Reform Act as alleged in Counts 1 through 2, as identified above.

13 I therefore direct that the Enforcement Division issue an accusation against Willingham in  
14 accordance with this finding.

15 IT IS SO ORDERED.

16  
17 Dated: March 27, 2020

  
\_\_\_\_\_

Hearing Officer  
Fair Political Practices Commission

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

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

**FPPC No. 18/501, In the matter of Kiniko Willingham**

**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**

Kiniko Willingham

(By Personal Service) On Thursday, April 02, 2020, at approximately 9:30 a.m., I personally served:

Jenna Rinehart, Commission Counsel 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 April 2, 2020.



\_\_\_\_\_  
Sasha Linker



**Exhibit A-6**

1 GALENA WEST  
Chief of Enforcement  
2 JENNA C. RINEHART  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 323-6302  
5 Email: JRinehart@fppc.ca.gov

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

8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

9 **STATE OF CALIFORNIA**

10  
11 In the Matter of ) FPPC No. 18/501  
12 )  
13 KINIKO WILLINGHAM, ) **ACCUSATION**  
14 )  
15 Respondent. )  
16 ) (Gov. Code § 11503)  
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  
22 (“Commission”) and 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.



1 9. Designated employees are required to file an original SEI with the agency or with the code  
2 reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>6</sup>

3 10. The requirements of an agency's Conflict of Interest Code have the force of law, and any  
4 violation of those requirements is deemed a violation of the Act.<sup>7</sup>

5 **B. City of Long Beach Conflict of Interest Code**

6 11. The City of Long Beach's Conflict of Interest Code designated Commissioners with the  
7 Veterans Affairs Commission as a position required to disclose all interests in real property located in  
8 Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as  
9 investments, business positions and sources of income (including gifts, loans and travel payments).<sup>8</sup>

10 12. The City of Long Beach incorporated by reference Regulation 18730 into its Conflict of  
11 Interest Code.<sup>9</sup>

12 13. Regulation 18730 outlines the timing for disclosing the designated employees' economic  
13 interests as follows: all persons assuming designated positions shall file Assuming Office statements  
14 within 30 days after assuming the designated position;<sup>10</sup> all designated employees shall annually file  
15 statements no later than April 1;<sup>11</sup> and all persons who leave designated positions shall file Leaving Office  
16 statements within 30 days after leaving office.<sup>12</sup>

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

18 14. In framing a proposed order following a finding of a violation pursuant to Section 83116,  
19 the Commission and the administrative law judge shall consider all the surrounding circumstances  
20 including but not limited to: (1) The seriousness of the violation; (2) The presence or absence of any  
21 intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or  
22 inadvertent; (4) Whether the violator demonstrated good faith by consulting the Commission staff or any  
23

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24 <sup>6</sup> Section 87500, subdivision (p).

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

26 <sup>8</sup> City of Long Beach Conflict of Interest Code.

27 <sup>9</sup> *Id.*

28 <sup>10</sup> Regulation 18730, subd. (b)(5)(B).

<sup>11</sup> Regulation 18730, subd. (b)(5)(C).

<sup>12</sup> Regulation 18730, subd. (b)(5)(D).

1 other government agency in a manner not constituting a complete defense under Section 83114(b); (5)  
2 Whether the violation was isolated or part of a pattern and whether the violator has a prior record of  
3 violations of the Act or similar laws; and (6) Whether the violator, upon learning of a reporting violation,  
4 voluntarily filed amendments to provide full disclosure.<sup>13</sup>

5 **GENERAL FACTS**

6 15. According to the City of Long Beach, Willingham assumed office as a Commissioner with  
7 the City of Long Beach Veteran Affairs Commission on September 26, 2016.

8 16. The City of Long Beach's Conflict of Interest Code designated Commissioners with the  
9 Veterans Affairs Commission as a position required to file SEIs.

10 17. As a designated official for the City of Long Beach Veteran Affairs Commission,  
11 Willingham was required to file a 2017 Annual SEI by the April 2, 2018 due date. According to the City  
12 of Long Beach, Willingham did not timely file a 2017 Annual SEI.

13 18. As a designated official for the City of Long Beach Veteran Affairs Commission,  
14 Willingham was required to file a Leaving Office SEI by the March 4, 2019 due date. According to the  
15 City of Long Beach, Willingham did not timely file a Leaving Office SEI.

16 19. According to the City of Long Beach, Willingham has failed to file her 2017 Annual and  
17 Leaving Office SEIs.

18 **PROCEDURAL HISTORY**

19 20. Before referring the case to the Enforcement Division, the City Clerk Specialist for the  
20 City of Long Beach contacted Willingham at least eight times in writing between January 12, 2018 and  
21 May 7, 2018 to remind her of her 2017 Annual SEI filing obligation due April 2, 2018.

22 21. On June 12, 2018, after not receiving compliance from Willingham regarding her  
23 outstanding 2017 Annual SEI, the City of Long Beach referred the matter to the Enforcement Division.

24 22. The City Clerk Specialist for the City of Long Beach contacted Willingham at least 13  
25 times in writing between January 16, 2019 and May 6, 2019 to remind her of her Leaving Office SEI  
26 filing obligation due March 4, 2019.

27 

---

<sup>13</sup> Regulation 18361.5, subd. (d).

1           23.     The Enforcement Division contact Willingham at least eight times in writing and at least  
2 three times via telephone between April 29, 2019 and October 9, 2019 regarding her outstanding SEIs.

3           24.     On October 10, 2019, Willingham completed the required SEIs and sent them via email  
4 to the Enforcement Division. Later that day, the Enforcement Division notified Willingham that the  
5 original forms were required to be submitted to the City of Long Beach for filing.

6           25.     According to the City of Long Beach, by November 20, 2019, they received copies of  
7 Willingham’s outstanding SEIs via mail. Willingham’s original SEIs were not included in the mail  
8 received by the City of Long Beach. The Enforcement Division contacted Willingham in writing twice  
9 on November 20, 2019 and December 12, 2019 to remind her of the requirement that originals must be  
10 submitted to the City of Long Beach for filing.

11          26.     The Enforcement Division initiated the administrative action against Willingham in this  
12 matter by serving her with a packet containing a cover letter, a Report in Support of a Finding of Probable  
13 Cause (“PC Report”), a fact sheet regarding probable cause proceedings, selected Sections of the  
14 Government Code regarding probable cause proceedings for the Commission, and selected regulations  
15 of the Commission regarding probable cause proceedings.

16          27.     Willingham was served with the PC Report on January 29, 2020. The information  
17 contained in the PC Report packet advised Willingham that she had 21 days in which to request a probable  
18 cause conference, file a written response to the PC Report, or both.

19          28.     During the 21 days that followed service of the PC Report packet, Willingham did not file  
20 a response to the PC Report or request a probable cause conference.

21          29.     By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an  
22 Accusation Be Prepared and Served (“Ex Parte Request”), dated March 27, 2020, the Enforcement  
23 Division submitted the matter to the Hearing Officer for a determination of probable cause.

24          30.     On April 2, 2020, the Hearing Officer issued an order finding, based on the Ex Parte  
25 Request and the PC Report, that there was probable cause to believe Willingham violated the Act, and  
26 directed the Enforcement Division to issue an Accusation against Willingham in accordance with the  
27 finding.

31. To date, Willingham has failed to file her 2017 Annual and Leaving Office SEIs.

**VIOLATIONS**

32. Willingham committed two violations of the Act, as follows:

**Count 1**

**Failure to Timely File 2017 Annual SEI**

33. Complainant incorporates paragraphs 1-32 of this Accusation, as though completely set forth here.

34. As a Commissioner with the City of Long Beach Veteran Affairs Commission, Willingham had a duty under the Act to file a 2017 Annual SEI by the April 2, 2018 due date.

35. Willingham failed to timely file her 2017 Annual SEI.

36. By failing to timely file a 2017 Annual SEI, Willingham violated Section 87300 of the Act.

**Count 2**

**Failure to Timely File Leaving Office SEI**

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

38. As a Commissioner with the City of Long Beach Veteran Affairs Commission, Willingham had a duty under the Act to file a Leaving Office SEI by the March 4, 2019 due date.

39. Willingham failed to timely file her Leaving Office SEI.

40. By failing to timely file a Leaving Office SEI, Willingham violated Section 87300 of the Act.

**EXCULPATORY OR MITIGATING FACTORS**

41. According to the City of Long Beach, on or around November 20, 2019, Willingham attempted to file her 2017 Annual and Leaving Office SEIs by sending copies of the outstanding statements. However, original statements are required for filing.

42. According to the copies of Willingham's outstanding SEIs, Willingham does not have any reportable interests to disclose on her 2017 Annual or Leaving Office SEIs.

1           43.     According to the City of Long Beach, Willingham left her position as a Commissioner for  
2 the City of Long Beach Veteran Affairs Commission on February 1, 2019.

3           44.     Willingham has no prior enforcement history.

4                           **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

5           45.     Willingham is aware of her SEI filing obligations due to her position as a Commissioner  
6 for the City of Long Beach Veteran Affairs Commission as Willingham successfully filed her Assuming  
7 Office and 2016 Annual SEIs.

8           46.     Willingham was notified of her SEI filing obligations on at least 29 different  
9 communications.

10          47.     To date, Willingham has not filed her 2017 Annual or Leaving Office SEIs, so the public  
11 has been denied information regarding economic interests she had between January 1, 2017 and February  
12 1, 2019.

13                           **PRAYER**

14 WHEREFORE, Complainant prays as follows:

- 15           1.     That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and  
16 Regulation 18361.5, and at such hearing find that Willingham violated the Act as alleged  
17 herein;
- 18           2.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
19 order Willingham to pay a monetary penalty of up to Five Thousand Dollars (\$5,000) for  
20 the violation of the Political Reform Act alleged in **Count 1**;
- 21           3.     That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),  
22 order Willingham to pay a monetary penalty of up to Five Thousand Dollars (\$5,000) for  
23 the violation of the Political Reform Act alleged in **Count 2**;
- 24           4.     That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision  
25 (d), consider the following factors in framing a proposed order following a finding of a  
26 violation pursuant to Section 83116: (1) the seriousness of the violation; (2) the presence  
27 or absence of any intention to conceal, deceive or mislead; (3) whether the violation was  
28

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

- 7 5. That the Fair Political Practices Commission grant such other and further relief as it deems  
8 just and proper.

9  
10 Dated: 29 April 20

*GWest*

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

**Exhibit A-7**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Galena West COE; Jenna C. Rinehart-Commission Counsel California Fair Political Practices Commission 1102 Q St Ste 3000 Sacramento, CA 958116539  TELEPHONE NO.: (916) 322-8165   FAX NO.:   E-MAIL ADDRESS (Optional): sgevorkeyan@fppc.ca.gov ATTORNEY FOR (Name): Petitioner: Enforcement Division of the Fair Political Practices Commission	FOR COURT USE ONLY
<b>Fair Political Practices Commission</b>  STREET ADDRESS: 1102 Q Street, Suite 3000 MAILING ADDRESS: CITY AND ZIP CODE: Sacramento, CA 95811 BRANCH NAME: Sacramento	
PLAINTIFF: Enforcement Division of the Fair Political Practices Commission  DEFENDANT: In The Matter Of Kiniko Willingham	CASE NUMBER: 18/501
<b>PROOF OF SERVICE</b>	Ref. No. or File No.: KINIKO WILLINGHAM

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION  
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

**Accusation; Notice Of Defense; Proof Of Service**

PARTY SERVED: **Kiniko Willingham**

DATE & TIME OF DELIVERY: **6/11/2020**  
**12:27 PM**

ADDRESS, CITY, AND STATE: [REDACTED]

PHYSICAL DESCRIPTION: **Age: 41-45      Weight: 161-180      Hair: Black**  
**Sex: Female      Height: 5'7"-6'0"      Eyes: Brown**  
**Skin: African American      Marks:**

**MANNER OF SERVICE:**

Personal Service - By personally delivering copies.

**WITNESS FEES:**

Were offered or demanded and paid: \$ .00.

Fee for Service: \$ 75.00  
 County: **San Bernardino**  
 Registration No.: **1653**  
**Legal Lawgic, Inc.**  
**2910 S. Archibald Avenue, Suite A**  
**#236**  
**Ontario, CA 91761**  
**(909) 360-8163**  
 Ref: **KINIKO WILLINGHAM**

I declare under penalty of perjury under the laws of the United States that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **June 11, 2020**

Signature: \_\_\_\_\_

**KRISTIN SHABINAW**

**PROOF OF SERVICE**

**Exhibit A-8**



## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

### STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

***Kiniko Willingham***

***FPPC Case No. 18/501***

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 Jenna C. Rinehart, Commission Counsel, Enforcement Division, at (916) 323-6302 or at [jrinehart@fppc.ca.gov](mailto:jrinehart@fppc.ca.gov).

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

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

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



*Before the Fair Political Practices Commission*

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**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
KINIKO WILLINGHAM,	)	FPPC Case No. 18/501
	)	
	)	
Respondent.	)	
	)	
	)	
	)	
	)	

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

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

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

**GROUND FOR NOTICE OF DEFENSE**

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

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

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

\_\_\_\_\_  
Respondent

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

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

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



*Before the Fair Political Practices Commission*

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**State of California**

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
	)	
KINIKO WILLINGHAM,	)	FPPC Case No. 18/501
	)	
	)	
Respondent.	)	
	)	
	)	
	)	
	)	

---

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

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

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

**GROUND FOR NOTICE OF DEFENSE**

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

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

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

\_\_\_\_\_  
Respondent

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

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

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

## **California Government Code sections 11506 through 11508**

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

#### **§ 11507.3. Consolidated proceedings; Separate hearings**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811. On 6/8/2020, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 18/501: Accusation;
3. Notice of Defense (Two Copies);
4. Selected Sections of the California Government Code, Administrative Procedure Act.

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

By personal service. At 1:20 a.m./p.m.:

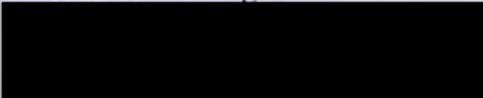
I personally delivered the document(s) listed above to the person(s) at the address(es) as shown on the service list below.

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

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

### SERVICE LIST

Kiniko Willingham



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 6/8/2020.

A handwritten signature in blue ink, appearing to read 'Suzanna Gevorkyan', written over a horizontal line.

Suzanna Gevorkyan

**Exhibit A-9**



# Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**

**Agency: Airport Advisory Commission - LBA**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Belmont Shore Parking & Business Improvement Area Advisory Commission - CD**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Bixby Knolls Parking & Business Improvement Area Association - CD**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Board of Examiners, Appeals and Condemnation**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**



## Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**

**Agency: Board of Health and Human Services - HHS**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Citizen Police Complaint Commission - CM**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Citizens Advisory Commission on Disabilities - HR**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**



## Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**  
**Agency: City Officials - Planning Commission**

Position	Disclosure Category	Files With

**Total: 0**

### OFFICIALS WHO ARE SPECIFIED IN GOVERNMENT CODE SECTION 87200

Officials who are specified in Government Code section 87200 (including officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701 (b)), are NOT subject to the Agency’s Conflict of Interest Code, but are subject to the disclosure requirements of the Political Reform Act, Government Code section 87100, et seq. Gov’t Code § 87203. These positions are listed here for informational purposes only.

The positions listed below are officials who are specified in Government Code section 87200:

Planning Commissioner Files with FPPC

The disclosure requirements for these positions are set forth in Government Code section 87200, et. seq. They require the disclosure of interests in real property in the agency’s jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity: Boards and Commissions**  
**Agency: Civil Service Commission - CS**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**  
**Agency: Commission on Youth & Families**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**



## Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**

**Agency: Community Investment Company**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Cultural Heritage Commission**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk
Consultant	LBC-01	City Clerk

**Total: 2**

**Entity: Boards and Commissions**

**Agency: Downtown Long Beach Associates - CC**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Economic Development Commission**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**



## Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**

**Agency: Ethics Commission**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Harbor Commission - HD**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Homeless Services Advisory Commission - HHS**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Housing Authority of the City of Long Beach, California**

Position	Disclosure Category	Files With
Commissioner/Board Member (except councilmembers)	LBC-01	City Clerk

**Total: 1**



## Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**

**Agency: Human Relations Commission - CD**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Long Beach Area Convention and Visitor's Bureau - CC**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Long Beach Transit Board of Directors - LBT**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Magnolia Industrial Group Property & Business Improvement District - CC**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**



## Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**

**Agency: Marine Advisory Commission - PRM**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Midtown Property and Business Owners Association**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Long Beach**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Parks and Recreation Commission - PRM**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**



## Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**

**Agency: Pedestrian Safety Advisory Committee - CM**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Port of Long Beach Community Grants Advisory Committee**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Public Corporation for the Arts (aka Arts Council for Long Beach)**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Senior Citizen Advisory Commission - PRM**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**



## Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**

**Agency: Sustainable City Commission - CM**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Technology and Innovation Commission - TS**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Transactions and Use Tax Citizens' Advisory Committee**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**

**Agency: Uptown Property and Community Association**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**



## Conflict of Interest Code EXHIBIT A

**Entity: Boards and Commissions**  
**Agency: Veterans Affairs Commission**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: Boards and Commissions**  
**Agency: Water Commission - WD**

Position	Disclosure Category	Files With
Commissioner/Board Member	LBC-01	City Clerk

**Total: 1**

**Entity: City of Long Beach**  
**Agency: City Auditor Department**

Position	Disclosure Category	Files With
Assistant City Auditor	LBC-01	City Clerk
City Auditor	LBC-01	City Clerk
Deputy City Auditor	LBC-01	City Clerk

**Total: 3**



## Conflict of Interest Code EXHIBIT A

**Entity:** City of Long Beach

**Agency:** City Clerk Department

Position	Disclosure Category	Files With
Administrative Officer	LBC-01	City Clerk
Assistant City Clerk	LBC-01	City Clerk
Bureau Manager	LBC-01	City Clerk
City Clerk	LBC-01	City Clerk
Operations Manager	LBC-01	City Clerk

**Total: 5**



# Conflict of Interest Code EXHIBIT A

**Entity: City of Long Beach**

**Agency: City Manager Department**

Position	Disclosure Category	Files With
Administrative Assistant - City Manager	LBC-01	City Clerk
Assistant City Manager	LBC-01	City Clerk
Assistant to the City Manager	LBC-01	City Clerk
Capital Projects Coordinator	LBC-01	City Clerk
Consultant	LBC-01	City Clerk
Deputy City Manager	LBC-01	City Clerk
Manager - Cannabis Oversight	LBC-01	City Clerk
Manager - Citizens Police Complaint Commission	LBC-01	City Clerk
Manager - Government Affairs	LBC-01	City Clerk
Manager - Office of Civic Innovation	LBC-01	City Clerk
Manager - Special Events	LBC-01	City Clerk
Public Affairs Officer	LBC-01	City Clerk
Public Affairs Officer - City Manager	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk
Tidelands Development Officer	LBC-01	City Clerk

**Total: 15**

### OFFICIALS WHO ARE SPECIFIED IN GOVERNMENT CODE SECTION 87200

Officials who are specified in Government Code section 87200 (including officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701 (b)), are NOT subject to the Agency's Conflict of Interest Code, but are subject to the disclosure requirements of the Political Reform Act, Government Code section 87100, et seq. Gov't Code § 87203. These positions are listed here for informational purposes only.

The positions listed below are officials who are specified in Government Code section 87200:

City Manager

Files with

FPPC

The disclosure requirements for these positions are set forth in Government Code section 87200, et. seq. They require the disclosure of interests in real property in the agency's jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



# Conflict of Interest Code EXHIBIT A

**Entity:** City of Long Beach

**Agency:** City Officials - City Council

Position	Disclosure Category	Files With

**Total: 0**

**OFFICIALS WHO ARE SPECIFIED IN GOVERNMENT CODE SECTION 87200**

Officials who are specified in Government Code section 87200 (including officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701 (b)), are NOT subject to the Agency’s Conflict of Interest Code, but are subject to the disclosure requirements of the Political Reform Act, Government Code section 87100, et seq. Gov’t Code § 87203. These positions are listed here for informational purposes only.

The positions listed below are officials who are specified in Government Code section 87200:

Councilmember - 1st District	Files with	FPPC
Councilmember - 2nd District	Files with	FPPC
Councilmember - 3rd District	Files with	FPPC
Councilmember - 4th District	Files with	FPPC
Councilmember - 5th District	Files with	FPPC
Councilmember - 6th District	Files with	FPPC
Councilmember - 7th District	Files with	FPPC
Councilmember - 8th District	Files with	FPPC
Councilmember - 9th District	Files with	FPPC
Mayor	Files with	FPPC

The disclosure requirements for these positions are set forth in Government Code section 87200, et. seq. They require the disclosure of interests in real property in the agency’s jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Conflict of Interest Code EXHIBIT A

**Entity: City of Long Beach**

**Agency: City Prosecutor Department**

Position	Disclosure Category	Files With
Assistant City Prosecutor	LBC-01	City Clerk
Chief Assistant City Prosecutor	LBC-01	City Clerk
City Prosecutor	LBC-01	City Clerk
Deputy City Prosecutor	LBC-01	City Clerk
Deputy City Prosecutor - NC	LBC-01	City Clerk
Deputy City Prosecutor I-IV	LBC-01	City Clerk

**Total: 6**

**Entity: City of Long Beach**

**Agency: Civil Service Department**

Position	Disclosure Category	Files With
Administrative Officer	LBC-01	City Clerk
Executive Assistant	LBC-01	City Clerk
Executive Director	LBC-01	City Clerk
Recruitment & Selection Officer	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk

**Total: 5**

**Entity: City of Long Beach**

**Agency: Development Services Department**

Position	Disclosure Category	Files With
Administrative Analyst	LBC-01	City Clerk
Administrative Analyst - NC	LBC-01	City Clerk
Administrative Officer	LBC-01	City Clerk
Advance Planning Officer	LBC-01	City Clerk
Building Inspection Officer	LBC-01	City Clerk



## Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Chief Building Inspector	LBC-01	City Clerk
Civil Engineer	LBC-01	City Clerk
Code Enforcement Officer	LBC-01	City Clerk
Combination Building Inspector	LBC-01	City Clerk
Combination Building Inspector Aide	LBC-01	City Clerk
Community Development Analyst	LBC-01	City Clerk
Community Development Specialist	LBC-01	City Clerk
Community Information Officer	LBC-01	City Clerk
Consultant	LBC-01	City Clerk
Current Planning Officer	LBC-01	City Clerk
Deputy Director of Development Services	LBC-01	City Clerk
Development Project Manager	LBC-01	City Clerk
Director of Development Services	LBC-01	City Clerk
Engineering and Development Services Officer	LBC-01	City Clerk
Environmental Health Specialist	LBC-01	City Clerk
Executive Assistant	LBC-01	City Clerk
Financial Services Officer	LBC-01	City Clerk
General Supt - Development Services	LBC-01	City Clerk
Housing Development Officer	LBC-01	City Clerk
Housing Rehabilitation Counselor	LBC-01	City Clerk
Manager - Admin & Financial Services	LBC-01	City Clerk
Manager - Code Enforcement	LBC-01	City Clerk
Manager - Housing and Neighborhood Services	LBC-01	City Clerk
Manager - Planning	LBC-01	City Clerk
Neighborhood Improvement Officer	LBC-01	City Clerk
Neighborhood Resources Officer	LBC-01	City Clerk
Permit Center Officer	LBC-01	City Clerk
Plan Checker - Electrical	LBC-01	City Clerk
Plan Checker - Fire Prevention	LBC-01	City Clerk
Plan Checker - Mechanical	LBC-01	City Clerk
Plan Checker - Plumbing	LBC-01	City Clerk
Planner	LBC-01	City Clerk
Principal Building Inspector	LBC-01	City Clerk



## Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Real Estate Project Coordinator	LBC-01	City Clerk
Senior Civil Engineer	LBC-01	City Clerk
Senior Combination Building Inspector	LBC-01	City Clerk
Senior Electrical Inspector	LBC-01	City Clerk
Senior Mechanical Inspector	LBC-01	City Clerk
Senior Plumbing Inspector	LBC-01	City Clerk
Senior Structural Engineer	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk
Superintendent of Building and Safety	LBC-01	City Clerk

**Total: 47**

**Entity: City of Long Beach**

**Agency: Disaster Preparedness and Emergency Communications**

Position	Disclosure Category	Files With
Communications Center Officer	LBC-01	City Clerk
Director	LBC-01	City Clerk
Manager - Administration	LBC-01	City Clerk
Manager - Disaster Management	LBC-01	City Clerk

**Total: 4**



## Conflict of Interest Code EXHIBIT A

**Entity:** City of Long Beach

**Agency:** Economic Development

Position	Disclosure Category	Files With
Administrative Officer	LBC-01	City Clerk
Assistant Administrative Analyst	LBC-01	City Clerk
CD Analyst	LBC-01	City Clerk
Community Development Specialist	LBC-01	City Clerk
Deputy Director	LBC-01	City Clerk
Development Project Manager	LBC-01	City Clerk
Director	LBC-01	City Clerk
Economic Development Officer	LBC-01	City Clerk
Executive Assistant	LBC-01	City Clerk
Executive Director - Regional Workforce Investment Network	LBC-01	City Clerk
Program Assistant	LBC-01	City Clerk
Program Manager	LBC-01	City Clerk
Program Specialist	LBC-01	City Clerk
Project Analyst	LBC-01	City Clerk
Project Manager	LBC-01	City Clerk
Property Services Officer	LBC-01	City Clerk
Workforce Development Officer	LBC-01	City Clerk

**Total: 17**



## Conflict of Interest Code EXHIBIT A

**Entity: City of Long Beach**

**Agency: Energy Resources Department**

Position	Disclosure Category	Files With
Administrative Analyst I-III	LBC-01	City Clerk
Administrative Officer	LBC-01	City Clerk
Chief Construction Inspector	LBC-01	City Clerk
Construction Inspector II	LBC-01	City Clerk
Consultant	LBC-01	City Clerk
Customer Services Officer	LBC-01	City Clerk
Department Safety Officer	LBC-01	City Clerk
Director	LBC-01	City Clerk
Division Engineer - Oil Properties	LBC-01	City Clerk
Energy Services Officer	LBC-01	City Clerk
Executive Assistant	LBC-01	City Clerk
Financial Services Officer	LBC-01	City Clerk
Gas Distribution Supervisor II	LBC-01	City Clerk
Gas Maintenance Supervisor II	LBC-01	City Clerk
Gas Pipeline Compliance Officer	LBC-01	City Clerk
Manager - Business Operations	LBC-01	City Clerk
Manager - Construction & Pipeline Maintenance	LBC-01	City Clerk
Manager - Electric Generation	LBC-01	City Clerk
Manager - Engineering & Regulatory Compliance	LBC-01	City Clerk
Manager - Gas Services	LBC-01	City Clerk
Manager - Oil Planning & Operations	LBC-01	City Clerk
Principal Construction Inspector	LBC-01	City Clerk
Senior Mechanical Engineer	LBC-01	City Clerk
SERFF Operations Officer	LBC-01	City Clerk
Superintendent - Engineering	LBC-01	City Clerk
Superintendent - Operations	LBC-01	City Clerk
Superintendent - Pipeline Construction & Maintenance	LBC-01	City Clerk

**Total: 27**



## Conflict of Interest Code EXHIBIT A

**Entity:** City of Long Beach

**Agency:** Financial Management Department

Position	Disclosure Category	Files With
Accounting Operations Officer	LBC-01	City Clerk
Administrative Officer	LBC-01	City Clerk
Assistant City Controller	LBC-01	City Clerk
Asst. Director - Financial Management	LBC-01	City Clerk
Budget Analysis Officer	LBC-01	City Clerk
Budget Management Officer	LBC-01	City Clerk
Business Services Officer	LBC-01	City Clerk
Buyer	LBC-01	City Clerk
City Controller	LBC-01	City Clerk
Controls Operations Officer	LBC-01	City Clerk
Customer Services Officer	LBC-01	City Clerk
Director of Financial Management	LBC-01	City Clerk
Financial Services Officer	LBC-01	City Clerk
Financial Systems Officer	LBC-01	City Clerk
Fleet Finance Officer	LBC-01	City Clerk
Labor Compliance Officer	LBC-01	City Clerk
License Inspector	LBC-01	City Clerk
Manager - Budget & Performance Management Bureau	LBC-01	City Clerk
Manager - Business Relations	LBC-01	City Clerk
Manager - Commercial Services Bureau	LBC-01	City Clerk
Manager - Financial Controls Bureau	LBC-01	City Clerk
Manager - Fleet Services	LBC-01	City Clerk
Purchasing Agent	LBC-01	City Clerk
Revenue Management Officer	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk
Superintendent - Fleet Acquisition	LBC-01	City Clerk
Superintendent - Fleet Maintenance	LBC-01	City Clerk
Superintendent - Towing Operations/Lien Sales	LBC-01	City Clerk
Treasury Operations Officer	LBC-01	City Clerk

**Total: 29**



# Conflict of Interest Code EXHIBIT A

### OFFICIALS WHO ARE SPECIFIED IN GOVERNMENT CODE SECTION 87200

Officials who are specified in Government Code section 87200 (including officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701 (b)), are NOT subject to the Agency’s Conflict of Interest Code, but are subject to the disclosure requirements of the Political Reform Act, Government Code section 87100, et seq. Gov’t Code § 87203. These positions are listed here for informational purposes only.

The positions listed below are officials who are specified in Government Code section 87200:

Treasurer Files with FPPC

The disclosure requirements for these positions are set forth in Government Code section 87200, et. seq. They require the disclosure of interests in real property in the agency’s jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity: City of Long Beach**

**Agency: Fire Department**

Position	Disclosure Category	Files With
Administrative Officer	LBC-01	City Clerk
Assistant Fire Chief	LBC-01	City Clerk
Combination Building Inspector Aide - Fire Prevention	LBC-01	City Clerk
Deputy Fire Chief	LBC-01	City Clerk
Deputy Fire Marshal	LBC-01	City Clerk
Emergency Medical Education Coordinator	LBC-01	City Clerk
Fire Chief	LBC-01	City Clerk
Fire Prevention Battalion Chief	LBC-01	City Clerk
Fire Prevention Captain	LBC-01	City Clerk
Fire Prevention Fire Engineer	LBC-01	City Clerk
Fire Prevention Firefighter	LBC-01	City Clerk
Hazardous Materials Specialist	LBC-01	City Clerk
Manager - Fire Administration	LBC-01	City Clerk
Marine Safety Chief	LBC-01	City Clerk
Plan Checker - Fire Prevention	LBC-01	City Clerk

**Total: 15**

**Entity: City of Long Beach**



# Conflict of Interest Code EXHIBIT A

**Agency: Harbor Department**

Position	Disclosure Category	Files With
Account Executive	LBC-01	City Clerk
Assistant Director of Communications and Community Relations	LBC-01	City Clerk
Assistant Director of Construction Management	LBC-01	City Clerk
Assistant Director of Engineering Design	LBC-01	City Clerk
Assistant Director of Environmental Planning	LBC-01	City Clerk
Assistant Director of Finance	LBC-01	City Clerk
Assistant Director of Human Resources	LBC-01	City Clerk
Assistant Director of Information Systems	LBC-01	City Clerk
Assistant Director of Program Management	LBC-01	City Clerk
Assistant Director of Real Estate	LBC-01	City Clerk
Assistant Director of Security - Homeland	LBC-01	City Clerk
Assistant Director of Security Support	LBC-01	City Clerk
Assistant Director of Trade Development	LBC-01	City Clerk
Assistant Director, Business Development	LBC-01	City Clerk
Assistant Executive Officer to the Board	LBC-01	City Clerk
Assistant Managing Director	LBC-01	City Clerk
Assistant Marketing Manager I	LBC-01	City Clerk
Assistant Marketing Manager II	LBC-01	City Clerk
Assistant Marketing Manager III	LBC-01	City Clerk
Assistant Terminal Services Manager	LBC-01	City Clerk
Assistant to Executive Director	LBC-01	City Clerk
Assistant Traffic Manager	LBC-01	City Clerk
Capital Programs Executive	LBC-01	City Clerk
Capital Projects Coordinator	LBC-01	City Clerk
Chief Construction Inspector	LBC-01	City Clerk
Chief Executive	LBC-01	City Clerk
Chief Surveyor	LBC-01	City Clerk
Chief Wharfinger/Terminal Services Manager	LBC-01	City Clerk
Construction Inspector I	LBC-01	City Clerk
Construction Inspector II	LBC-01	City Clerk
Consultant	LBC-01	City Clerk
Deputy Chief Harbor Engineer I	LBC-01	City Clerk



## Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Deputy Chief Harbor Engineer II	LBC-01	City Clerk
Deputy Executive Director - Harbor	LBC-01	City Clerk
Deputy Executive Officer to the Board of Harbor Commission	LBC-01	City Clerk
Director of Alternate Project Delivery	LBC-01	City Clerk
Director of Business Development	LBC-01	City Clerk
Director of Communications and Community Relations	LBC-01	City Clerk
Director of Construction Management	LBC-01	City Clerk
Director of Engineering Design	LBC-01	City Clerk
Director of Environmental Planning	LBC-01	City Clerk
Director of Finance	LBC-01	City Clerk
Director of Governmental Affairs	LBC-01	City Clerk
Director of Human Resources - Harbor	LBC-01	City Clerk
Director of Information Management	LBC-01	City Clerk
Director of Maintenance	LBC-01	City Clerk
Director of Marketing	LBC-01	City Clerk
Director of Master Planning	LBC-01	City Clerk
Director of Program Management	LBC-01	City Clerk
Director of Project Controls	LBC-01	City Clerk
Director of Real Estate	LBC-01	City Clerk
Director of Risk Management	LBC-01	City Clerk
Director of Security	LBC-01	City Clerk
Director of Surveys	LBC-01	City Clerk
Director of Team Development	LBC-01	City Clerk
Director of Transportation Planning	LBC-01	City Clerk
Director, Tenant Services & Operations	LBC-01	City Clerk
Executive Director - Harbor	LBC-01	City Clerk
Executive Officer to the Board	LBC-01	City Clerk
Executive Secretary - Harbor	LBC-01	City Clerk
Financial Reporting/Control Officer	LBC-01	City Clerk
Harbor Marine Manager	LBC-01	City Clerk
Manager - Engineer Technology	LBC-01	City Clerk
Manager - Intermodal Operations	LBC-01	City Clerk
Manager - Utilities and Fleet	LBC-01	City Clerk



## Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Manager of Accounting	LBC-01	City Clerk
Manager of Air Quality Practices	LBC-01	City Clerk
Manager of Business Applications	LBC-01	City Clerk
Manager of Business Continuity/Safety	LBC-01	City Clerk
Manager of Business Development	LBC-01	City Clerk
Manager of Business Development - Free Trade Zone	LBC-01	City Clerk
Manager of CEQA/NEPA Practices	LBC-01	City Clerk
Manager of Commercial Trade - Import Cargo	LBC-01	City Clerk
Manager of Commercial Trade - Ocean Carrier	LBC-01	City Clerk
Manager of Contract Compliance	LBC-01	City Clerk
Manager of Cyber Security	LBC-01	City Clerk
Manager of Emergency Management	LBC-01	City Clerk
Manager of Environmental Remediation	LBC-01	City Clerk
Manager of Facilities Maintenance	LBC-01	City Clerk
Manager of Financial Planning and Analysis	LBC-01	City Clerk
Manager of Grants Administration	LBC-01	City Clerk
Manager of Infrastructure	LBC-01	City Clerk
Manager of Labor Compliance	LBC-01	City Clerk
Manager of Maritime Services	LBC-01	City Clerk
Manager of Master Planning	LBC-01	City Clerk
Manager of Network Operations	LBC-01	City Clerk
Manager of Port Projects	LBC-01	City Clerk
Manager of Procurement	LBC-01	City Clerk
Manager of Project Controls	LBC-01	City Clerk
Manager of Rail Transportation Systems	LBC-01	City Clerk
Manager of Security Operations	LBC-01	City Clerk
Manager of Strategic Planning	LBC-01	City Clerk
Manager of Sustainable Practices	LBC-01	City Clerk
Manager of Technical Security	LBC-01	City Clerk
Manager of Transportation Development	LBC-01	City Clerk
Manager of Water Quality Practices	LBC-01	City Clerk
Managing Director	LBC-01	City Clerk
Market Research Economist	LBC-01	City Clerk



## Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Marketing Manager	LBC-01	City Clerk
Port Administrative Officer	LBC-01	City Clerk
Port Commercial Appraisal	LBC-01	City Clerk
Port Communications Officer	LBC-01	City Clerk
Port Financial Analyst I	LBC-01	City Clerk
Port Financial Analyst II	LBC-01	City Clerk
Port Financial Analyst III	LBC-01	City Clerk
Port Leasing Sales Officer I	LBC-01	City Clerk
Port Leasing Sales Officer II	LBC-01	City Clerk
Port Leasing Sales Officer III	LBC-01	City Clerk
Port Leasing Sales Officer IV	LBC-01	City Clerk
Port Leasing Sales Officer V	LBC-01	City Clerk
Principal Construction Inspector	LBC-01	City Clerk
Revenue Manager	LBC-01	City Clerk
Senior Civil Engineer	LBC-01	City Clerk
Senior Director	LBC-01	City Clerk
Senior Electrical Inspector	LBC-01	City Clerk
Senior Executive Supply Chain Optimization	LBC-01	City Clerk
Senior Port Leasing Officer	LBC-01	City Clerk
Senior Program Manager	LBC-01	City Clerk
Senior Structural Engineer	LBC-01	City Clerk
Senior Traffic Engineer	LBC-01	City Clerk
Supervisor of Store & Property	LBC-01	City Clerk
Terminal Services Manager	LBC-01	City Clerk
Traffic Manager	LBC-01	City Clerk
Transportation Development Manager	LBC-01	City Clerk

**Total: 124**



## Conflict of Interest Code EXHIBIT A

**Entity: City of Long Beach**

**Agency: Health and Human Services Department**

Position	Disclosure Category	Files With
Administrative Analyst	LBC-01	City Clerk
Administrative Officer	LBC-01	City Clerk
City Health Officer	LBC-01	City Clerk
Clinical Services Officer	LBC-01	City Clerk
Collective Impact & Operations Bureau Manager	LBC-01	City Clerk
Community Health Bureau Manager	LBC-01	City Clerk
Community Program Specialist V	LBC-01	City Clerk
Director of Health & Human Services	LBC-01	City Clerk
Environmental Health Bureau Manager	LBC-01	City Clerk
Environmental Health Operations Officer	LBC-01	City Clerk
Environmental Health Specialist IV	LBC-01	City Clerk
Financial Services Officer	LBC-01	City Clerk
Funding Development Specialist	LBC-01	City Clerk
Homeless Services Officer	LBC-01	City Clerk
Housing Administrative Programs Officer	LBC-01	City Clerk
Housing Assistance Coordinator	LBC-01	City Clerk
Housing Operations Program Officer	LBC-01	City Clerk
Human Services Bureau Manager	LBC-01	City Clerk
Laboratory Services Officer	LBC-01	City Clerk
Manager- Housing Authority	LBC-01	City Clerk
Nursing Services Officer	LBC-01	City Clerk
Nutrition Services Officer	LBC-01	City Clerk
Physician Assistant	LBC-01	City Clerk
Public Health Physician	LBC-01	City Clerk
Public Health Professional III	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk

**Total: 26**



## Conflict of Interest Code EXHIBIT A

**Entity:** City of Long Beach

**Agency:** Human Resources Department

Position	Disclosure Category	Files With
City Safety Officer	LBC-01	City Clerk
Consultant	LBC-01	City Clerk
Deputy Director-Human Resources	LBC-01	City Clerk
Director of Human Resources	LBC-01	City Clerk
Employee Benefits and Services Officer	LBC-01	City Clerk
Equal Opportunity/ADA Officer	LBC-01	City Clerk
Human Resource Officer	LBC-01	City Clerk
Manager - Administration	LBC-01	City Clerk
Manager - Labor Relations	LBC-01	City Clerk
Manager - Personnel Operations	LBC-01	City Clerk
Manager - Risk and Occupational Health Services	LBC-01	City Clerk
Occupational Health Services Officer	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk

**Total: 13**



# Conflict of Interest Code EXHIBIT A

**Entity: City of Long Beach**

**Agency: Law Department**

Position	Disclosure Category	Files With
Assistant City Attorney	LBC-01	City Clerk
Deputy City Attorney	LBC-01	City Clerk
Legal Administrator	LBC-01	City Clerk
Manager - Worker's Compensation	LBC-01	City Clerk
Principal Deputy City Attorney	LBC-01	City Clerk
Senior Deputy City Attorney	LBC-01	City Clerk

**Total: 6**

**OFFICIALS WHO ARE SPECIFIED IN GOVERNMENT CODE SECTION 87200**

Officials who are specified in Government Code section 87200 (including officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701 (b)), are NOT subject to the Agency's Conflict of Interest Code, but are subject to the disclosure requirements of the Political Reform Act, Government Code section 87100, et seq. Gov't Code § 87203. These positions are listed here for informational purposes only.

The positions listed below are officials who are specified in Government Code section 87200:

City Attorney Files with FPPC

The disclosure requirements for these positions are set forth in Government Code section 87200, et. seq. They require the disclosure of interests in real property in the agency's jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Conflict of Interest Code EXHIBIT A

**Entity:** City of Long Beach

**Agency:** Legislative Department

Position	Disclosure Category	Files With
Administrative Aide	LBC-01	City Clerk
Administrative Analyst	LBC-01	City Clerk
Chief of Staff - City Council	LBC-01	City Clerk
Chief of Staff - Office of the Mayor	LBC-01	City Clerk
Legislative Assistant	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk

**Total: 6**

**Entity:** City of Long Beach

**Agency:** Library Services Department

Position	Disclosure Category	Files With
Accounting Clerk	LBC-01	City Clerk
Administrative Analyst	LBC-01	City Clerk
Administrative Officer	LBC-01	City Clerk
Department Librarian	LBC-01	City Clerk
Director of Library Services	LBC-01	City Clerk
General Librarian	LBC-01	City Clerk
Library Youth Services Officer	LBC-01	City Clerk
Manager - Automated Services Bureau	LBC-01	City Clerk
Manager - Branch Library Services Bureau	LBC-01	City Clerk
Manager - Main Library Services Bureau	LBC-01	City Clerk

**Total: 10**



## Conflict of Interest Code EXHIBIT A

**Entity:** City of Long Beach

**Agency:** Long Beach Airport Department

Position	Disclosure Category	Files With
Administrative Officer	LBC-01	City Clerk
Airport Engineering Officer	LBC-01	City Clerk
Consultant	LBC-01	City Clerk
Deputy Director	LBC-01	City Clerk
Director	LBC-01	City Clerk
Facilities Maintenance Officer	LBC-01	City Clerk
Financial Services Officer	LBC-01	City Clerk
Manager - Administration and Financial Services	LBC-01	City Clerk
Manager - Airport Operations	LBC-01	City Clerk
Noise Abatement Officer	LBC-01	City Clerk
Public Affairs Officer	LBC-01	City Clerk
Senior Civil Engineer	LBC-01	City Clerk
Special Projects Officer - Airport	LBC-01	City Clerk
Superintendent - Airport Operations	LBC-01	City Clerk
Superintendent - Safety and Security	LBC-01	City Clerk

**Total: 15**



## Conflict of Interest Code EXHIBIT A

**Entity:** City of Long Beach

**Agency:** Long Beach Transit

Position	Disclosure Category	Files With
Buyer	LBC-01	City Clerk
DBE Officer	LBC-01	City Clerk
Deputy Chief Executive Officer	LBC-01	City Clerk
Executive Director/Vice President - Financial Services	LBC-01	City Clerk
Executive Director/Vice President - Information Technology	LBC-01	City Clerk
Executive Director/VP - Employee & Labor Relations	LBC-01	City Clerk
Executive Director/VP - Maintenance & Infrastructure	LBC-01	City Clerk
Executive Director/VP - Transit Services Delivery & Planning	LBC-01	City Clerk
Manager - Infrastructure	LBC-01	City Clerk
Manager - Purchasing	LBC-01	City Clerk
President and Chief Executive Officer	LBC-01	City Clerk

**Total: 11**

**Entity:** City of Long Beach

**Agency:** My Own Private Agency change

Position	Disclosure Category	Files With
new position	LBC-01	City Clerk
new position x	LBC-01	City Clerk

**Total: 2**



## Conflict of Interest Code EXHIBIT A

**Entity:** City of Long Beach

**Agency:** Parks, Recreation and Marine Department

Position	Disclosure Category	Files With
Community Information Officer	LBC-01	City Clerk
Contract Management Officer	LBC-01	City Clerk
Department Safety Officer	LBC-01	City Clerk
Director	LBC-01	City Clerk
Executive Assistant	LBC-01	City Clerk
Financial Services Officer	LBC-01	City Clerk
Manager - Animal Care Services	LBC-01	City Clerk
Manager - Business Operations	LBC-01	City Clerk
Manager - Maintenance Operations	LBC-01	City Clerk
Manager - Marine Operations	LBC-01	City Clerk
Manager - Recreation Services	LBC-01	City Clerk
Park Development Officer	LBC-01	City Clerk
Recreation Superintendent	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk
Superintendent - Marina Operations	LBC-01	City Clerk
Superintendent - Park Maintenance	LBC-01	City Clerk
Superintendent - Personnel and Training	LBC-01	City Clerk

**Total: 17**



## Conflict of Interest Code EXHIBIT A

**Entity: City of Long Beach**

**Agency: Police Department**

Position	Disclosure Category	Files With
Administrative Officer	LBC-01	City Clerk
Assistant Chief of Police	LBC-01	City Clerk
Chief Financial Officer	LBC-01	City Clerk
Chief of Police	LBC-01	City Clerk
Deputy Chief of Police	LBC-01	City Clerk
Executive Assistant	LBC-01	City Clerk
Forensic Science Services Administrator	LBC-01	City Clerk
Jail Administrator	LBC-01	City Clerk
Police Admin Bureau Chief	LBC-01	City Clerk
Police Commander	LBC-01	City Clerk
Police Records Administrator	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk

**Total: 12**

**Entity: City of Long Beach**

**Agency: Public Works Department**

Position	Disclosure Category	Files With
Administrative Officer - Budget Services	LBC-01	City Clerk
Administrative Officer - Personnel Services	LBC-01	City Clerk
Assistant City Engineer	LBC-01	City Clerk
Assistant City Traffic Engineer	LBC-01	City Clerk
Capital Projects Coordinator	LBC-01	City Clerk
City Engineer	LBC-01	City Clerk
City Traffic Engineer	LBC-01	City Clerk
Community Projects Officer	LBC-01	City Clerk
Construction Services Officer	LBC-01	City Clerk
Consultant	LBC-01	City Clerk
Customer Relations Officer	LBC-01	City Clerk



## Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Department Safety Officer	LBC-01	City Clerk
Director	LBC-01	City Clerk
Environmental Compliance/Stormwater Officer	LBC-01	City Clerk
Executive Assistant	LBC-01	City Clerk
Facilities Management Officer	LBC-01	City Clerk
General Superintendent - Operations	LBC-01	City Clerk
Manager - Business Operations	LBC-01	City Clerk
Manager - Environmental Services	LBC-01	City Clerk
Manager - Project Management	LBC-01	City Clerk
Manager - Public Services	LBC-01	City Clerk
Mobility and Healthy Living Programs Officer	LBC-01	City Clerk
Recycling & Sustainability Officer	LBC-01	City Clerk
Senior Civil Engineer	LBC-01	City Clerk
Senior Traffic Engineer	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk
Superintendent - Refuse & Street Sweeping	LBC-01	City Clerk
Superintendent - Street Maintenance	LBC-01	City Clerk
Superintendent - Street Sweeping	LBC-01	City Clerk
Superintendent - Traffic Operations	LBC-01	City Clerk
Waste Management Officer	LBC-01	City Clerk

**Total: 31**



## Conflict of Interest Code EXHIBIT A

**Entity: City of Long Beach**

**Agency: Technology Services Department**

Position	Disclosure Category	Files With
Administrative Officer	LBC-01	City Clerk
Business Information Systems Officer	LBC-01	City Clerk
Business Information Technology Officer	LBC-01	City Clerk
Customer Services Officer	LBC-01	City Clerk
Cyber Security Officer	LBC-01	City Clerk
Director of Technology Services	LBC-01	City Clerk
Financial Services Officer	LBC-01	City Clerk
Manager, Business Information Services	LBC-01	City Clerk
Manager, Business Operations	LBC-01	City Clerk
Manager, Customer Services	LBC-01	City Clerk
Manager, Infrastructure Services	LBC-01	City Clerk
Technical Support Officer	LBC-01	City Clerk
Telecommunications Officer	LBC-01	City Clerk
Video Communications Officer	LBC-01	City Clerk
Wireless Communications Officer	LBC-01	City Clerk

**Total: 15**

**Entity: City of Long Beach**

**Agency: Test Agency for Training**

Position	Disclosure Category	Files With
super supe	LBC-01	City Clerk
Test - Form 800s	LBC-01	City Clerk
Test Position	LBC-01	City Clerk

**Total: 3**

**Entity: City of Long Beach**

**Agency: Water Department**



## Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Accounting Officer	LBC-01	City Clerk
Administrative Analyst III	LBC-01	City Clerk
Administrative Officer - Water	LBC-01	City Clerk
Assistant General Manager	LBC-01	City Clerk
Assistant to the General Manager	LBC-01	City Clerk
Business System Specialist VI	LBC-01	City Clerk
Business System Specialist VII	LBC-01	City Clerk
Buyer I	LBC-01	City Clerk
Buyer II	LBC-01	City Clerk
Chief Construction Inspector	LBC-01	City Clerk
Civil Engineer	LBC-01	City Clerk
Construction Inspector I	LBC-01	City Clerk
Construction Inspector II	LBC-01	City Clerk
Construction Services Officer	LBC-01	City Clerk
Contract Administrator I	LBC-01	City Clerk
Contract Administrator II	LBC-01	City Clerk
Deputy General Manager - Business	LBC-01	City Clerk
Deputy General Manager - Engineering	LBC-01	City Clerk
Deputy General Manager - Operations	LBC-01	City Clerk
Director of Administration	LBC-01	City Clerk
Director of Engineering	LBC-01	City Clerk
Director of Finance	LBC-01	City Clerk
Director of Government & Public Affairs	LBC-01	City Clerk
Director of Operations	LBC-01	City Clerk
Director of Planning and Water Conservation	LBC-01	City Clerk
Director of Water and Sewer Field Operations	LBC-01	City Clerk
Director of Water Quality and Process	LBC-01	City Clerk
Director of Water Resources	LBC-01	City Clerk
Division Engineer	LBC-01	City Clerk
Electrical and Instrumentation Supervisor	LBC-01	City Clerk
Electrical Supervisor	LBC-01	City Clerk
Executive Assistant to the Board of Water Commissioners	LBC-01	City Clerk
Executive Assistant to the General Manager	LBC-01	City Clerk



## Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Executive Secretary	LBC-01	City Clerk
Garage Supervisor I	LBC-01	City Clerk
Garage Supervisor II	LBC-01	City Clerk
General Manager - Water	LBC-01	City Clerk
Manager, Administration	LBC-01	City Clerk
Manager, Budget and Rates	LBC-01	City Clerk
Manager, Business Development	LBC-01	City Clerk
Manager, Engineering	LBC-01	City Clerk
Manager, Finance	LBC-01	City Clerk
Manager, Government & Public Affairs	LBC-01	City Clerk
Manager, Information Services	LBC-01	City Clerk
Manager, Planning	LBC-01	City Clerk
Manager, Security and Emergency Preparedness	LBC-01	City Clerk
Manager, Water Process	LBC-01	City Clerk
Manager, Water Quality	LBC-01	City Clerk
Manager, Water Quality & Process	LBC-01	City Clerk
Manager, Water Resources	LBC-01	City Clerk
Network Administrator	LBC-01	City Clerk
Office Administrator	LBC-01	City Clerk
Principal Construction Inspector	LBC-01	City Clerk
Procurement & Warehouse Officer	LBC-01	City Clerk
Public Information Officer	LBC-01	City Clerk
Safety Specialist I	LBC-01	City Clerk
Safety Specialist II	LBC-01	City Clerk
Senior Civil Engineer	LBC-01	City Clerk
Senior Program Manager - Water	LBC-01	City Clerk
Special Projects Officer	LBC-01	City Clerk
Superintendent of Sewer Operations	LBC-01	City Clerk
Superintendent of Support Services	LBC-01	City Clerk
Superintendent of Water Construction	LBC-01	City Clerk
Superintendent of Water Services	LBC-01	City Clerk
Superintendent of Water Treatment	LBC-01	City Clerk
Supervisor - Facilities Maintenance	LBC-01	City Clerk



## Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Supervisor - Stores & Property	LBC-01	City Clerk
Water Support Services Supervisor	LBC-01	City Clerk

**Total: 68**



## Disclosure Descriptions EXHIBIT B

**Entity:** Boards and Commissions  
**Agency:** Airport Advisory Commission - LBA

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Belmont Shore Parking & Business Improvement Area Advisory Commission - CD

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Bixby Knolls Parking & Business Improvement Area Association - CD

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Board of Examiners, Appeals and Condemnation

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Board of Health and Human Services - HHS

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:** Boards and Commissions  
**Agency:** Citizen Police Complaint Commission - CM

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Citizens Advisory Commission on Disabilities - HR

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** City Officials - Planning Commission

Disclosure Category	Disclosure Description
87200 Filers	Officials who manage public investments - Full Disclosure.

**Entity:** Boards and Commissions  
**Agency:** Civil Service Commission - CS

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Commission on Youth & Families

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:**            **Boards and Commissions**  
**Agency:**        **Community Investment Company**

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:**            **Boards and Commissions**  
**Agency:**        **Cultural Heritage Commission**

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:**            **Boards and Commissions**  
**Agency:**        **Downtown Long Beach Associates - CC**

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:**            **Boards and Commissions**  
**Agency:**        **Economic Development Commission**

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:**            **Boards and Commissions**  
**Agency:**        **Ethics Commission**

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:** Boards and Commissions  
**Agency:** Harbor Commission - HD

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Homeless Services Advisory Commission - HHS

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Housing Authority of the City of Long Beach, California

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Human Relations Commission - CD

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Long Beach Area Convention and Visitor's Bureau - CC

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:** Boards and Commissions  
**Agency:** Long Beach Transit Board of Directors - LBT

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Magnolia Industrial Group Property & Business Improvement District - CC

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Marine Advisory Commission - PRM

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Midtown Property and Business Owners Association

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Long Beach

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:** Boards and Commissions  
**Agency:** Parks and Recreation Commission - PRM

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Pedestrian Safety Advisory Committee - CM

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Port of Long Beach Community Grants Advisory Committee

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Public Corporation for the Arts (aka Arts Council for Long Beach)

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Senior Citizen Advisory Commission - PRM

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:** Boards and Commissions  
**Agency:** Sustainable City Commission - CM

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Technology and Innovation Commission - TS

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Transactions and Use Tax Citizens' Advisory Committee

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Uptown Property and Community Association

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** Boards and Commissions  
**Agency:** Veterans Affairs Commission

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:** Boards and Commissions  
**Agency:** Water Commission - WD

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** City Auditor Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** City Clerk Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** City Manager Department

Disclosure Category	Disclosure Description
87200 Filers	Officials who manage public investments - Full Disclosure.
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** City Officials - City Council

Disclosure Category	Disclosure Description
87200 Filers	Officials who manage public investments - Full Disclosure.



## Disclosure Descriptions EXHIBIT B

**Entity:** City of Long Beach  
**Agency:** City Prosecutor Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Civil Service Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Development Services Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Disaster Preparedness and Emergency Communications

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Economic Development

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:** City of Long Beach  
**Agency:** Energy Resources Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Financial Management Department

Disclosure Category	Disclosure Description
87200 Filers	Officials who manage public investments - Full Disclosure.
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Fire Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Harbor Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Health and Human Services Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:** City of Long Beach  
**Agency:** Human Resources Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Law Department

Disclosure Category	Disclosure Description
87200 Filers	Officials who manage public investments - Full Disclosure.
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Legislative Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Library Services Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Long Beach Airport Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

Entity: City of Long Beach  
Agency: Long Beach Transit

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

Entity: City of Long Beach  
Agency: My Own Private Agency change

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

Entity: City of Long Beach  
Agency: Parks, Recreation and Marine Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

Entity: City of Long Beach  
Agency: Police Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

Entity: City of Long Beach  
Agency: Public Works Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).



## Disclosure Descriptions EXHIBIT B

**Entity:** City of Long Beach  
**Agency:** Technology Services Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Test Agency for Training

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Entity:** City of Long Beach  
**Agency:** Water Department

Disclosure Category	Disclosure Description
LBC-01	All interests in real property located in Long Beach or within two miles of any land owned or used by the City of Long Beach, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**Exhibit A-10**

## Jenna Rinehart

---

**From:** Phillip McGowan <Phillip.McGowan@longbeach.gov>  
**Sent:** Wednesday, September 25, 2019 9:21 AM  
**To:** Jenna Rinehart  
**Subject:** RE: FPPC Case No. 18/501 referral

We have not received either of their outstanding filings.

**Phillip McGowan**  
City Clerk Specialist, CMC

**Office of the City Clerk**  
411 W. Ocean Blvd., 11<sup>th</sup> Floor | Long Beach, CA 90802  
Office: 562-570-5118 | Fax: 562-570-6789



**ADDRESS CHANGE:** Long Beach City Hall has moved! Please note that effective July 30, 2019, the address for City Hall will change from 333 W. Ocean Boulevard to 411 W. Ocean Boulevard, Long Beach, CA 90802

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**From:** Jenna Rinehart <jrinehart@fppc.ca.gov>  
**Sent:** Wednesday, September 25, 2019 8:30 AM  
**To:** Phillip McGowan <Phillip.McGowan@longbeach.gov>  
**Subject:** RE: FPPC Case No. 18/501 referral

Thank you.

Can you please confirm Willingham has not yet filed the **2017 annual SEI** or **Leaving Office SEI**?

Thanks,



**Jenna C. Rinehart**  
Commission Counsel  
Enforcement Division  
California Fair Political Practices Commission  
1102 Q Street, Suite 3000 | Sacramento, CA 95811  
[jrinehart@fppc.ca.gov](mailto:jrinehart@fppc.ca.gov) | 916.323.6302

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**From:** Phillip McGowan <[Phillip.McGowan@longbeach.gov](mailto:Phillip.McGowan@longbeach.gov)>  
**Sent:** Wednesday, September 25, 2019 8:28 AM  
**To:** Jenna Rinehart <[jrinehart@fppc.ca.gov](mailto:jrinehart@fppc.ca.gov)>  
**Subject:** RE: FPPC Case No. 18/501 referral

**Exhibit A-11**



## History Of Letters, Calls, E-mails and Notes

User Name	Date and Time	Comments	Type	Email
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**Filer - Willingham Kiniko**

### Commissioner/Board Member, Veterans Affairs Commission, Boards and Commissions

System	09/27/2016 01:57:19 PM	CONFLICT OF INTEREST FORM 700 – ASSUMING OFFICE	Auto Email	[REDACTED]
System	09/27/2016 02:14:21 PM	Reminder - Your Form 700 filed successfully	Auto Email	[REDACTED]
McGowan Phillip	01/26/2017 12:13:57 PM	Letter emailed - Annual Filing Notification - APRIL 3.	Letter Emailed	[REDACTED]
McGowan Phillip	03/07/2017 05:51:23 PM	Letter emailed - Annuals Yet to File Notification 2017 - 1st Notice.	Letter Emailed	[REDACTED]
McGowan Phillip	03/27/2017 01:31:29 PM	Letter emailed - Annuals Yet to File Notification 2017 - One Week to File.	Letter Emailed	[REDACTED]
System	04/04/2017 01:10:24 PM	Email a Filed Form to the Public	Auto Email	[REDACTED]
Austin Tamela	04/04/2017 03:05:50 PM	Spoke to filer. Stated she would complete annual. Re-submitted notificaiton to filer via email.	Call	
System	04/04/2017 07:46:14 PM	Notification - Your Submitted Form 700	Auto Email	[REDACTED]
McGowan Phillip	01/12/2018 05:16:23 PM	Letter emailed - Annual Filing Notification.	Letter Emailed	[REDACTED]
McGowan Phillip	03/02/2018 11:47:16 AM	Letter emailed - Annual Filing Notification - 2nd Reminder.	Letter Emailed	[REDACTED]
McGowan Phillip	03/19/2018 09:44:02 AM	Letter emailed - Annual Filing Notification - 3rd Reminder.	Letter Emailed	[REDACTED]
McGowan Phillip	03/26/2018 10:31:30 AM	Letter emailed - Annual Filing Notification - Last Week to File.	Letter Emailed	[REDACTED]
McGowan Phillip	04/02/2018 09:14:21 AM	Letter emailed - Annual Filing Notification - 5th Reminder - Final Notice.	Letter Emailed	[REDACTED]
McGowan Phillip	04/04/2018 09:59:22 AM	Letter emailed - Annual Filing Notification - Late Filing Notice - Past Due.	Letter Emailed	[REDACTED]
McGowan Phillip	04/24/2018 01:31:21 PM	Letter emailed - Annual Filing Notification - Late Filing Notice - Past Due.	Letter Emailed	[REDACTED]
McGowan Phillip	05/07/2018 07:34:37 AM	Letter emailed - Annual Filing Notification - Late Filing Notice - Past Due.	Letter Emailed	[REDACTED]
McGowan Phillip	06/11/2018 09:30:42 PM	Letter sent - FPPC Enforcement Referral.	Letter	
McGowan Phillip	01/16/2019 01:52:52 PM	Letter emailed - Annual Filing Notification.	Letter Emailed	[REDACTED]
McGowan Phillip	02/04/2019 07:57:47 AM	Letter emailed - Annual Filing Notification - 1st Reminder.	Letter Emailed	[REDACTED]
Austin Tamela	02/20/2019 12:04:40 PM	Letter emailed - Annual Filing Notification - 2nd Reminder.	Letter Emailed	[REDACTED]
System	03/14/2019 11:19:05 AM	CONFLICT OF INTEREST FORM 700 – LEAVING OFFICE	Auto Email	[REDACTED]



## History Of Letters, Calls, E-mails and Notes

User Name	Date and Time	Comments	Type	Email
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### Filer - Willingham Kiniko

McGowan Phillip	03/15/2019 07:49:10 AM	Letter emailed - Annual Filing Notification - 3rd Reminder.	Letter Emailed	[REDACTED]
McGowan Phillip	03/22/2019 10:29:47 AM	Letter emailed - Annual Filing Notification - 3rd Reminder.	Letter Emailed	[REDACTED]
McGowan Phillip	03/25/2019 01:34:15 PM	Letter emailed - Annual Filing Notification - 4th Reminder - Last Week to File.	Letter Emailed	[REDACTED]
McGowan Phillip	04/02/2019 07:27:23 AM	Letter emailed - Annual Filing Notification - 5th Reminder - Final Notice.	Letter Emailed	[REDACTED]
McGowan Phillip	04/04/2019 10:50:20 AM	Letter emailed - Annual Filing Notification - Late Filing Notice - Past Due.	Letter Emailed	[REDACTED]
McGowan Phillip	04/09/2019 09:33:58 AM	Letter emailed - Annual Filing Notification - Late Filing Notice - Past Due.	Letter Emailed	[REDACTED]
McGowan Phillip	04/09/2019 09:33:58 AM	Letter emailed - Leaving Office.	Letter Emailed	[REDACTED]
McGowan Phillip	04/12/2019 10:01:20 AM	Letter emailed - Annual Filing Notification - Late Filing Notice - Past Due.	Letter Emailed	[REDACTED]
McGowan Phillip	04/26/2019 10:51:49 AM	Letter emailed - Annual Filing Notification - Late Filing Notice - Past Due.	Letter Emailed	[REDACTED]
McGowan Phillip	05/06/2019 08:01:17 AM	Letter emailed - Annual Filing Notification - Late Filing Notice - Past Due.	Letter Emailed	[REDACTED]
McGowan Phillip	05/29/2019 07:41:17 AM	Letter emailed - Annual Filing Notification - Late Filing Notice - Past Due.	Letter Emailed	[REDACTED]
System	11/19/2019 11:43:03 AM	Reminder - Your Form 700 filed successfully	Auto Email	[REDACTED]
McGowan Phillip	09/25/2020 09:23:00 AM	Called, talked with Kiniko. Asked to file electronically and submit both filings.	Call	

**Grand Total: 34**



City of Long Beach  
Office of the City Clerk  
333 W. Ocean Blvd  
Long Beach, CA 90802  
(562)570-6101

**Reminder: Annual Filing - Form 700 Due April 2, 2018**

Dear Kiniko Willingham:

This is merely a reminder. You are a designated Conflict of Interest Filer and quickly approaching the due date on filing your Annual Form 700. The 2017 Annual Form 700 is due on the first business day of April. As of today, we have not received your Form 700 filing statement. This is a friendly reminder that you must file a Form 700 or you will be reported to the FPPC and face possible fines.

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You may also contact your department contact.

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Sincerely,

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1/12/2018 5:16:23 PM

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Login ID & Current Email on File:

[REDACTED]

(Please note the filing will be submitted electronically, therefore, printing & signing the Form is not necessary)

**6-Minute "How To" Video:**

<http://www.southtech-tutorials.com/eDisclosure/FilerDemo/tutorial.html>

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**Tamela Austin** at  
**562-570-5103** or **Tamela.Austin@longbeach.gov**

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Dear Kiniko Willingham:

This letter is being sent as an official notice to all electronic Statement of Economic Interests (Form 700) filers, that the 2018 annual filing is now required. The Political Reform Act requires certain officials and employees who serve in positions designated in an agency's conflict-of-interest code to file. This is a friendly reminder that you must file by the first business day of April. Failure to file on time will result in referral to the FPPC and possible fine.

Your Form 700 can be filed electronically in the privacy of your own home or office. To file quickly and satisfy your legal requirement, we ask you to use the secure eDisclosure system by following the below link:

<https://www.southtechhosting.com/LongBeachCity/eDisclosure/Default.aspx>

Login ID & Current Email on File:

[REDACTED]

(Please note the filing will be submitted electronically, therefore, printing & signing the Form is not necessary)

**6-Minute "How To" Video:**

<http://www.southtech-tutorials.com/eDisclosure/FilerDemo/tutorial.html>

Although online help is available to guide you through the filing process & reset your password, additional assistance can be provided by contacting:

**Phillip McGowan** at  
**(562)570-5118** or **Phillip.McGowan@Longbeach.gov**

You may also contact your department Filing Official.

Sincerely,

Monique De La Garza  
City Clerk

Our records indicate that you are leaving your position with Veterans Affairs Commission.

All positions that you file for will be grouped together once you have selected a filing position in the eDisclosure System. If you are leaving more than one office you are required to file a leaving office Form 700 for each position.

Submit your completed Form 700 no later than 30 days after you have left your position.

Please contact Phillip McGowan at [Phillip.McGowan@Longbeach.gov](mailto:Phillip.McGowan@Longbeach.gov) for any additional issues.

Monique De La Garza,  
City Clerk

Program Location: <https://www.southtechhosting.com/LongBeachCity/eDisclosure/>



**City of Long Beach  
Office of the City Clerk  
333 W. Ocean Blvd  
Long Beach, CA 90802  
(562)570-6101**

---

Our records indicate that you are leaving your position with Veterans Affairs Commission.

All positions that you file for will be grouped together once you have selected a filing position in the eDisclosure System. If you are leaving more than one office you are required to file a leaving office Form 700 for each position.

The Form 700 & Instructions are available through the City Clerk web page and eDisclosure filing portal. The eDisclosure system may be accessed at:

<https://www.southtechhosting.com/LongBeachCity/eDisclosure/>

For additional assistance, you may contact:

**Phillip McGowan**

(562)570-5118 / [Phillip.McGowan@Longbeach.gov](mailto:Phillip.McGowan@Longbeach.gov)

Please note that the filing will be submitted electronically, therefore, printing and signing the Form 700 is not necessary. You may still need to submit a signed copy to your department contact.

Monique De La Garza  
City Clerk

**Exhibit A-12**



**City of Long Beach  
Office of the City Clerk  
333 W. Ocean Blvd  
Long Beach, CA 90802  
(562)570-6101**

---

June 11, 2018

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

**Subject: City of Long Beach Non-Filer Enforcement Referral**

Enclosed please find the enforcement referral packet for:

**Kiniko Willingham**

Please be advised that the City of Long Beach has declared the above filer as a non-filer for the following year:

**2017**

If you have any questions or need additional information, you may contact:

**Phillip McGowan at  
(562)570-5118 or [Phillip.McGowan@Longbeach.gov](mailto:Phillip.McGowan@Longbeach.gov)**

Sincerely,

Monique De La Garza  
City Clerk

Prepared By: Phillip McGowan  
Enclosures

**Exhibit A-13**

## Jenna Rinehart

---

**From:** Niko Willingham [REDACTED]  
**Sent:** Thursday, October 10, 2019 12:29 PM  
**To:** Jenna Rinehart  
**Subject:** Fwd: FW: FPPC - DEADLINE 10/16/2019  
**Attachments:** Willingham, Kiniko C-20191010082219.pdf

----- Forwarded message -----

**From:** Niko Willingham [REDACTED]  
**Date:** Thu, Oct 10, 2019 at 12:26 PM  
**Subject:** Re: FW: FPPC - DEADLINE 10/16/2019  
**To:** Willingham, Kiniko C <[kiniko.willingham2@va.gov](mailto:kiniko.willingham2@va.gov)>

On Thu, Oct 10, 2019 at 8:02 AM Niko Willingham [REDACTED] > wrote:

----- Forwarded message -----

**From:** Jenna Rinehart <[jrinehart@fppc.ca.gov](mailto:jrinehart@fppc.ca.gov)>  
**Date:** Wed, Oct 9, 2019 at 1:00 PM  
**Subject:** FW: FPPC - DEADLINE 10/16/2019  
**To:** [REDACTED]

Hello Ms. Willingham:

Please call me at 916-323-6302. See below for prior emails sent.

Thank you,



**Jenna C. Rinehart**  
Commission Counsel  
Enforcement Division

California Fair Political Practices Commission

[1102 Q Street, Suite 3000 | Sacramento, CA 95811](https://www.fppc.ca.gov/)

**STATEMENT OF ECONOMIC INTERESTS**  
**COVER PAGE**

Date Initial Filing Received  
*Official Use Only*

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)  
 Willingham Kiniko Cora

**1. Office, Agency, or Court**

Agency Name (Do not use acronyms)

Long Beach Veterans Commission

Division, Board, Department, District, if applicable

Veterans Commission

Your Position

Commissioner

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: \_\_\_\_\_ Position: \_\_\_\_\_

**2. Jurisdiction of Office (Check at least one box)**

- State
- Multi-County \_\_\_\_\_
- City of Long Beach
- Judge or Court Commissioner (Statewide Jurisdiction)
- County of \_\_\_\_\_
- Other: \_\_\_\_\_

**3. Type of Statement (Check at least one box)**

- Annual:** The period covered is January 1, 2017, through December 31, 2017.
- or-
- The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through December 31, 2017.
- Assuming Office:** Date assumed \_\_\_\_/\_\_\_\_/\_\_\_\_
- Candidate:** Date of Election \_\_\_\_\_ and office sought, if different than Part 1: \_\_\_\_\_
- Leaving Office:** Date Left \_\_\_\_/\_\_\_\_/\_\_\_\_ (Check one)
- The period covered is January 1, 2017, through the date of leaving office.
- or-
- The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through the date of leaving office.

**4. Schedule Summary (must complete) ► Total number of pages including this cover page: \_\_\_\_\_**

**Schedules attached**

- Schedule A-1 - Investments – schedule attached
- Schedule A-2 - Investments – schedule attached
- Schedule B - Real Property – schedule attached
- Schedule C - Income, Loans, & Business Positions – schedule attached
- Schedule D - Income – Gifts – schedule attached
- Schedule E - Income – Gifts – Travel Payments – schedule attached

-or-

**None - No reportable interests on any schedule**

**5. Verification**

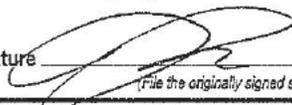
MAILING ADDRESS STREET CITY STATE ZIP CODE  
 (Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed 10/11/19  
 (month, day, year)

Signature   
 (File the originally signed statement with your filing official.)

**COVER PAGE**

**A PUBLIC DOCUMENT**

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)

**1. Office, Agency, or Court**

Agency Name *(Do not use acronyms)*

Long Beach Veterans Commission

Division, Board, Department, District, if applicable

Veterans Commission

Your Position

Commissioner

► If filing for multiple positions, list below or on an attachment. *(Do not use acronyms)*

Agency: \_\_\_\_\_ Position: \_\_\_\_\_

**2. Jurisdiction of Office *(Check at least one box)***

- State
- Multi-County \_\_\_\_\_
- City of Long Beach
- Judge or Court Commissioner *(Statewide Jurisdiction)*
- County of \_\_\_\_\_
- Other \_\_\_\_\_

**3. Type of Statement *(Check at least one box)***

- Annual:** The period covered is January 1, 2018, through December 31, 2018.  
-or- The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through December 31, 2018.
- Assuming Office:** Date assumed \_\_\_\_/\_\_\_\_/\_\_\_\_
- Candidate:** Date of Election \_\_\_\_\_ and office sought, if different than Part 1: \_\_\_\_\_
- Leaving Office:** Date Left 03 / 07 / 2019  
*(Check one circle.)*
- The period covered is January 1, 2018, through the date of leaving office.
- or- The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through the date of leaving office.

**4. Schedule Summary (must complete) ► Total number of pages including this cover page: 0**

**Schedules attached**

- Schedule A-1 - *Investments* – schedule attached
- Schedule A-2 - *Investments* – schedule attached
- Schedule B - *Real Property* – schedule attached
- Schedule C - *Income, Loans, & Business Positions* – schedule attached
- Schedule D - *Income – Gifts* – schedule attached
- Schedule E - *Income – Gifts – Travel Payments* – schedule attached

-or-  **None - No reportable interests on any schedule**

**5. Verification**

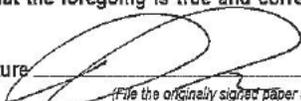
MAILING ADDRESS STREET CITY STATE ZIP CODE  
*(Business or Agency Address Recommended - Public Document)*

DAYTIME TELEPHONE NUMBER EMAIL ADDRESS

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed 10/11/19  
*(month, day, year)*

Signature   
*(File the originally signed paper statement with your filing official.)*

**Exhibit A-14**

## Jenna Rinehart

---

**From:** Jenna Rinehart  
**Sent:** Thursday, October 10, 2019 3:19 PM  
**To:** Niko Willingham  
**Subject:** RE: FW: FPPC - DEADLINE 10/16/2019  
**Attachments:** 2nd Stip FINAL.pdf; 2nd Cover Letter.pdf

Thank you for completing the forms.

Please mail the originals to your local filing officer for filing:  
Phillip McGowan  
411 W. Ocean Blvd., 11th Floor  
Long Beach, CA 90802

Next, there is a penalty for failing to timely file your Form 700. Right now, your penalty amount is \$400. If you can provide me with mitigating circumstances regarding your reasoning for not timely filing the form we can take that information into consideration.

As previously stated, the **deadline to accept this settlement offer is 10/16/2019.**

Please let me know if you have any questions or concerns.

Thank you,



**Jenna C. Rinehart**  
Commission Counsel  
Enforcement Division  
California Fair Political Practices Commission  
1102 Q Street, Suite 3000 | Sacramento, CA 95811  
[jrinehart@fppc.ca.gov](mailto:jrinehart@fppc.ca.gov) | 916.323.6302

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**From:** Niko Willingham [REDACTED]  
**Sent:** Thursday, October 10, 2019 12:29 PM  
**To:** Jenna Rinehart <jrinehart@fppc.ca.gov>  
**Subject:** Fwd: FW: FPPC - DEADLINE 10/16/2019

----- Forwarded message -----

**From:** Niko Willingham [REDACTED]  
**Date:** Thu, Oct 10, 2019 at 12:26 PM  
**Subject:** Re: FW: FPPC - DEADLINE 10/16/2019  
**To:** Willingham, Kiniko C [REDACTED]

**Exhibit A-15**

## Jenna Rinehart

---

**From:** Phillip McGowan <Phillip.McGowan@longbeach.gov>  
**Sent:** Tuesday, November 19, 2019 11:36 AM  
**To:** Jenna Rinehart  
**Subject:** RE: FPPC Case No. 18/501 referral  
**Attachments:** KWillingham.pdf

### EXTERNAL EMAIL

Good morning Jenna,

We received Kiniko's filing but it appears to be a copy (see attached).

**Phillip McGowan**  
*City Clerk Specialist, CMC*

**Office of the City Clerk**  
411 W. Ocean Blvd., 11<sup>th</sup> Floor | Long Beach, CA 90802  
Office: 562-570-5118 | Fax: 562-570-6789

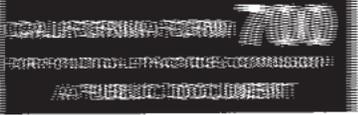


**ADDRESS CHANGE:** Long Beach City Hall has moved! Please note that effective July 30, 2019, the address for City Hall will change from 333 W. Ocean Boulevard to 411 W. Ocean Boulevard, Long Beach, CA 90802

---

**From:** Phillip McGowan  
**Sent:** Wednesday, November 13, 2019 8:50 AM  
**To:** 'Jenna Rinehart' <jrinehart@fppc.ca.gov>  
**Subject:** RE: FPPC Case No. 18/501 referral

The system shows no such activity. Only that she was repeatedly contacted. She never even logged in (you would see next to correspondence tab, an additional tab for electronic activity; see 2017 filing):



STATEMENT OF ECONOMIC INTERESTS

Disclosure of Financial Interests

COVER PAGE

#Reference number (if any):

NAME (Last, First, Middle Initial) (Printed) POSITION (Printed) OFFICE (Printed)
Williamson William Williamson

II. Office, Agency or District

Agency Name (If not a government agency)
Legislative Resources Commission
Position Held (Department, District, or Appellate)
Legislative Resources Commission
Agency Position
Agency Position

III. Qualification or Office (If not a candidate)

Title
Judge of Court Commission (If not a candidate)
County
City
Other

IV. Types of Positions (If not a candidate)

Annual Report Period covered by this report (2007) through (2007)
Annual Report Period covered by this report ( ) through ( )
Annual Report Period covered by this report ( ) through ( )
Reporting Office: District
Reporting Office:
Reporting Office:
Candidate: District

Section 4: Ethics Training Summary (Required for all)
Section 4(a) - Ethics Training
Section 4(b) - Ethics Training
Section 4(c) - Ethics Training

V. Verification

Home Address: (Printed) CITY: (Printed) STATE: (Printed) ZIP CODE: (Printed)

Work Address: (Printed) Home Address: (Printed)

I have read the instructions regarding preparation of this statement. I have sworn that the information furnished hereon is true and correct. I have signed this statement in the presence of the undersigned official.

Date Signed: 10/11/07

Signature: [Handwritten Signature]



**Exhibit A-16**

## Jenna Rinehart

---

**From:** Phillip McGowan <Phillip.McGowan@longbeach.gov>  
**Sent:** Monday, July 27, 2020 3:13 PM  
**To:** Jenna Rinehart  
**Subject:** RE: Kiniko Willingham Referral

### EXTERNAL EMAIL

We received nothing for Kiniko's leaving filing. They only sent a scanned copy of their 2017 filing. Everything I just emailed you is all we have.

**Phillip McGowan**  
*City Clerk Specialist, CMC*

**Office of the City Clerk**  
411 W. Ocean Blvd., 11<sup>th</sup> Floor | Long Beach, CA 90802  
Office: 562-570-5118 | Fax: 562-570-6789



---

**From:** Jenna Rinehart <jrinehart@fppc.ca.gov>  
**Sent:** Monday, July 27, 2020 2:54 PM  
**To:** Phillip McGowan <Phillip.McGowan@longbeach.gov>  
**Subject:** RE: Kiniko Willingham Referral

### -EXTERNAL-

Thank you for searching for those notices for me. I will make them work.

Last item I believe I need for this case is confirmation that Kiniko has not yet filed her 2017 annual SEI or her Leaving Office SEI. I understand you received scanned copies of these forms from Kiniko. I need confirmation that the City did not accept these forms.

Thank you,



**Jenna C. Rinehart**  
Commission Counsel  
Enforcement Division  
California Fair Political Practices Commission  
1102 Q Street, Suite 3000 | Sacramento, CA 95811  
[jrinehart@fppc.ca.gov](mailto:jrinehart@fppc.ca.gov) | 916.323.6302

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**Exhibit A-17**



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

September 24, 2020

Kiniko Willingham

[REDACTED]  
Via email: [REDACTED]

**NOTICE OF DEFAULT DECISION AND ORDER**

**Re: FPPC No. 18/501, In the Matter of Kiniko Willingham**

Dear Ms. Kiniko Willingham:

On June 11, 2020, you were personally 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.**<sup>1</sup>

The Fair Political Practices Commission (the “Commission”) will proceed with a default, decision and order (“default”) against you. The initial notice of this default will appear on the published agenda for the Commission’s public meeting on October 15, 2020. This agenda will be public, and you could be contacted by the media with questions. The Commission will be asked to adopt the default at the subsequent public meeting on November 19, 2020 and impose an administrative penalty of \$7,000 against you.

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) 323-6302 or [JRinehart@fppc.ca.gov](mailto:JRinehart@fppc.ca.gov) if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

*Jenna C. Rinehart*

Jenna C. Rinehart  
Commission Counsel  
Enforcement Division

---

<sup>1</sup> Government Code section 11505.

**Exhibit A-18**



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

October 16, 2020

Kiniko Willingham



Via email



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

**Re: FPPC No. 18/501  
In the Matter of Kiniko Willingham**

Dear Ms. Kiniko Willingham:

On June 11, 2020, you were personally 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.**<sup>1</sup>

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 October 15, 2020. The Commission will be asked to adopt the default at its public meeting scheduled for November 19, 2020 and impose an administrative penalty of \$7,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on November 19, 2020 is enclosed with this letter.

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

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

---

<sup>1</sup> Government Code section 11505.

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the November 19, 2020 meeting. Please contact me at (916) 323-6302 or [JRinehart@fppc.ca.gov](mailto:JRinehart@fppc.ca.gov) if you wish to enter into a negotiated settlement.

Sincerely,

*Jenna C. Rinehart*

Jenna C. Rinehart  
Commission Counsel  
Enforcement Division

*Enclosures: Default Decision and Order, Exhibit 1 and attachments*