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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of ROBERT SCHARFFENBERG, Respondent.	FPPC Case No.: 2024-00787 DEFAULT DECISION AND ORDER (Government Code Sections 11506 and 11520)

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

Pursuant to the California Administrative Procedure Act,[1] Robert Scharffenberg ("Scharffenberg") has been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

1. An Order Finding Probable Cause;
2. An Accusation;
3. A Notice of Defense (Two Copies per Respondent);
4. A Statement to Respondent; and

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

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

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

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

Dated: _____

_____
Kendall L.D. Bonebrake, Chief of Enforcement
Fair Political Practices Commission

ORDER

The Commission issues this Default Decision and Order and imposes a total administrative penalty of $18,000 upon Robert Scharffenberg, payable to the "General Fund of the State of California."

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

Dated: _____

_____
Adam Silver, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent, Robert Scharffenberg ("Scharffenberg"), is a Physician and Surgeon for the California Correctional Health Care Services ("CCHCS"), which works in conjunction with the California Department of Corrections and Rehabilitation ("CDCR").

The Political Reform Act (the "Act")[1] 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 stemmed from a filing officer referral from the CDCR ("Filing Officer").

Scharffenberg, a designated employee, violated the Act by failing to timely file a 2021 Annual SEI by the April 1, 2022 due date; a 2022 Annual SEI by the April 3, 2023 due date; a 2023 Annual SEI by the April 2, 2024 due date; and a 2024 Annual SEI by the April 1, 2025 due date.

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.[2] Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the "APA").[3] 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.[4]

Included among the rights afforded a respondent under the APA, is the right to file the Notice of Defense with the Commission within 15 days after service of the accusation, by which the respondent may (1) request a hearing; (2) object to the accusation 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

[1] The Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission ("Commission") are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

[2] Section 83116.

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

[4] Section 11503.

circumstances, compliance with a Commission regulation would result in a material violation of another department's regulation affecting substantive rights.[5]

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

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.[8]

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.[9] 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.[10]

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.[11]

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith as Exhibit 1, A-1 through A-6, and A-10 through A-11, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Scharffenberg in this matter by serving them with a Report in Support of a Finding of Probable Cause (the "Report") by certified mail.[12] (Certification, Exhibit A-1.) Since the registered mail receipt was not signed, service was deemed effective on June 9,

[5] Section 11506, subd. (a)(1)–(6).
[6] Section 11506, subd. (c).
[7] Section 11520, subd. (a).
[8] Section 91000.5, subd. (a).
[9] Section 83115.5.
[10] Section 83115.5.
[11] Section 91000.5.
[12] Section 83115.5.

2025, the date the Report was returned by the post office.[13] (Certification, Exhibit A-2.) The administrative action commenced on June 9, 2025, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Scharffenberg contained a cover letter and a memorandum describing probable cause proceedings, advising that they had 21 days in which to request a probable cause conference and/or to file a written response to the Report. Scharffenberg 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 Scharffenberg 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 August 4, 2025. (Certification, Exhibit A-3.)

On August 11, 2025, the Hearing Officer, Legal Division, John Feser, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Scharffenberg. (Certification, Exhibit A-4.)

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.[14]

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 their 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 their 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.

[13] *Id*.
[14] Regulation 18361.4, subd. (g).

Upon the filing of the accusation, the agency must 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense that, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.[15] The APA also sets forth the language required in the accompanying statement to the respondent.[16]

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.[17]

On August 22, 2025, the Commission's Assistant Chief of Enforcement, Angela J. Brereton, issued an Accusation against Scharffenberg. (Certification, Exhibit A-5.) 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 Scharffenberg by personal service on August 31, 2025. (Certification, Exhibit A-6.)

Along with the Accusation, the Enforcement Division served Scharffenberg with a "Statement to Respondent," which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, they would be deemed to have waived the right to a hearing. Scharffenberg did not file a Notice of Defense within the statutory time period, which ended on September 15, 2025.

As a result, on April 1, 2026, the Enforcement Division sent a letter to Scharffenberg informing them that a Default Decision and Order would appear on the agenda for the April 16, 2026 Commission meeting as a notice item, and would be presented at the May 14, 2026 meeting for Commission action. (Certification, Exhibit A-10.)

On November 10, 2026, the Enforcement Division sent another letter to Scharffenberg advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for December 3, 2026. (Certification, Exhibit A-11.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

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[15] Section 11505, subd. (a).
[16] Section 11505, subd. (b).
[17] Section 11505, subd. (c).

SUMMARY OF THE LAW

The Act and its regulations are amended from time to time. The violations in this case occurred between 2021 and 2025. For this reason, all legal references and discussions of law pertain to the Act's provisions as they existed at that time.

An express purpose of the Act is to promote transparency by ensuring that assets and income of public officials which may be materially affected by their official actions be disclosed so that conflicts of interest may be avoided.[18] Another purpose is to provide adequate enforcement mechanisms so that the Act will be "vigorously enforced."[19]

The Act requires every state and local agency to develop a Conflict of Interest Code.[20] 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.[21] The requirements of an agency's Conflict of Interest Code have the force of law, and any violations of those requirements is deemed a violation of the Act.[22]

Regulation 18730 outlines the timing for disclosing the designated employees' economic interests as follows: all designated employees shall annually file statements no later than April 1.[23] If the filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for the statement shall be extended to the next regular business day.[24] Any person who violates any provision of the Act is liable for administrative penalties up to $5,000 per violation.[25]

Since CCHCS works in conjunction with the CDCR, CCHCS uses the disclosure categories in the CDCR's Conflict of Interest Code for CCHCS's designated positions.[26] The designated position of Physician and Surgeon falls under a Category 3 disclosure obligation.[27] They must disclose investments and business positions in business entities and sources of income, including gifts, loans and travel payments, that may contract with the Physician and Surgeon's immediate office, division, or branch to provide goods, equipment, machinery or services, including training or consulting services, of the type utilized by the CCHCS or CDCR. The CDCR incorporated by reference into its conflict of interest code the provisions of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission.

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[18] Section 81002, subd. (c).
[19] Section 81002, subd. (f).
[20] Section 87300.
[21] Section 87302, subd. (a).
[22] Section 87300.
[23] Regulation 18730, subd. (b)(5)(C).
[24] Section 81005.
[25] Section 83116 and 83116.5.
[26] Email from Dara Slivka, Conflict of Interest Filing Officer for CCHCS.
[27] Appendix B, Designated Positions – California Correctional Health Care Services.

SUMMARY OF THE EVIDENCE

Documents supporting the summary of the evidence are included in the attached Certification of Records ("Certification") filed herewith as Certified, Exhibit 1, A-7 through A-9 and incorporated herein by reference.

At all relevant times, Scharffenberg was a designated employee in CDCR's Conflict of Interest Code.

As a designated employee, Scharffenberg was required to timely file the 2021 Annual SEI by the April 1, 2022 due date.

As a designated employee, Scharffenberg was required to timely file the 2022 Annual SEI by the April 3, 2023 due date.

On or around April 3, 2023 and May 10, 2023, the Filing Officer contacted Scharffenberg in writing to remind Scharffenberg of their duty to file the 2022 Annual SEI (Certification, Exhibit A-7.) After not receiving compliance from Scharffenberg, the Filing Officer referred the matter to the Commission's Enforcement Division on September 7, 2023.

As a designated employee, Scharffenberg was required to timely file the 2023 Annual SEI by the April 2, 2024 due date.

On or around April 3, 2024, May 1, 2024, and May 24, 2024, the Filing Officer contacted Scharffenberg in writing to remind Scharffenberg of their duty to file the 2023 Annual SEI (Certification, Exhibit A-8.) After not receiving compliance from Scharffenberg, the Filing Officer referred the matter to the Commission's Enforcement Division on August 2, 2024.

As a designated employee, Scharffenberg was required to timely file the 2024 Annual SEI by the April 1, 2025 due date. The filing Officer referred the matter to the Commission's Enforcement Division on July 2, 2025.

Between June 10, 2026 and October 27, 2026, the Enforcement Division engaged in further communication with Scharffenberg regarding their outstanding SEIs and ongoing case. The Enforcement Division made at least one phone call, left at least two voicemails, and sent at least 14 emails to Scharffenberg. Scharffenberg sent emails on June 12, 2026; July 2, 2026, July 8, 2026; August 13, 2026; August 24, 2026; and October 27, 2026. (Certification, Exhibit A-9.)

To date, Scharffenberg has not filed any of the outstanding SEIs.

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Relevant to this Default, Scharffenberg failed to timely file the following SEIs:

Type of SEI	Due Date	Date Filed
2021 Annual	4/1/2022	Not filed
2022 Annual	4/3/2023	Not filed
2023 Annual	4/2/2024	Not filed
2024 Annual	4/1/2025	Not filed

Summary of Contact

Overall, the Commission contacted Scharffenberg at least 15 times throughout this case, as follows:

- May 3, 2024: email from Commission staff regarding outstanding SEIs
- May 9, 2024: Commission staff left voicemail for respondent regarding outstanding SEIs
- May 17, 2024: email from Commission staff regarding outstanding SEIs
- May 17, 2024: Commission staff left voicemail for respondent regarding outstanding SEIs
- May 22, 2024: email from Commission staff regarding outstanding SEIs
- August 6, 2024: email from Enforcement Division regarding outstanding SEIs
- December 19, 2024: email from Enforcement Division regarding outstanding SEIs
- December 20, 2024: email from Enforcement Division regarding outstanding SEIs
- January 2, 2025: email from Enforcement Division regarding outstanding SEIs
- January 14, 2025: email from Enforcement Division regarding outstanding SEIs
- May 6, 2025: Report in Support of a Finding of Probable Cause was sent to Scharffenberg via certified mail and was returned unclaimed to the Commission on June 9, 2025
- August 4, 2025: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served sent to Scharffenberg via U.S. Mail
- August 31, 2025: personal service of Accusation was completed
- April 1, 2026: letter to Scharffenberg informing them that a Default Decision and Order would appear on the agenda for the April 16, 2026 Commission meeting as a notice item, and would be presented at the May 14, 2026 meeting for Commission action
- November 10, 2026: Notice of Intent to Enter Default Decision and Order was sent to Scharffenberg informing them that the Default Decision and Order would be presented at the December 3, 2026 meeting for Commission action

VIOLATIONS

Scharffenberg committed four violations of the Act as follows:

COUNT 1

Failure to Timely File 2021 Annual SEI

Scharffenberg had a duty to timely file the 2021 Annual SEI by the April 1, 2022 due date. By failing to timely file the 2021 Annual SEI, Scharffenberg violated Government Code Section 87300.

COUNT 2

Failure to Timely File 2022 Annual SEI

Scharffenberg had a duty to timely file the 2022 Annual SEI by the April 3, 2023 due date. By failing to timely file the 2022 Annual SEI, Scharffenberg violated Government Code Section 87300.

COUNT 3

Failure to Timely File 2023 Annual SEI

Scharffenberg had a duty to timely file the 2023 Annual SEI by the April 2, 2024 due date. By failing to timely file the 2023 Annual SEI, Scharffenberg violated Government Code Section 87300.

COUNT 4

Failure to Timely File 2024 Annual SEI

Scharffenberg had a duty to timely file the 2024 Annual SEI by the April 1, 2025 due date. By failing to timely file the 2024 Annual SEI, Scharffenberg violated Government Code Section 87300.

CONCLUSION

This matter consists of four counts of violating the Act, which carry a maximum total administrative penalty of $20,000.[28]

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 (e)(1) through (8): (1) The extent and gravity of the public harm caused by the specific violation; (2) The level of

[28] Section 83116, subd. (c).

experience of the violator with the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (7) 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 (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.[29]

In this matter, Scharffenberg failed to timely file the four Annual SEIs for their position as Physician and Surgeon for CCHCS.

Here, failure to file annual SEIs deprives the public of important information about a public official's economic interests which could lead to a potential conflict of interest regarding decisions they make in their official capacity. Despite numerous notifications and contact attempts by the filing officer and Commission staff, all four SEIs remain outstanding. Scharffenberg's violations deprived the public of important and timely information regarding Scharffenberg's economic interests.

Scharffenberg has no prior record of violations of the Act for SEI violations. Scharffenberg has a history of previously filing their SEIs, from their 2015 Annual SEI to their 2020 Annual SEI, so they are well aware of their filing obligations.

The Enforcement Division also considers previous cases approved by the Commission in determining penalties. In this matter, the following case was used as a guideline.

Counts 1-4

- *In the Matter of Jeffrey Williams,* FPPC No. 22/007. (The Commission approved a default decision on February 13, 2025). The respondent failed to timely file five SEIs. At the time of the default, respondent was still in office and all of the SEIs remained outstanding. The respondent did not have any prior enforcement history. The Commission imposed a penalty of $4,500 per count, $22,500 in total for these violations.

Here, just as in *Williams*, Scharffenberg failed to timely file four SEIs and all SEIs remain outstanding. Scharffenberg is also still in office, and Scharffenberg does not have prior enforcement history. Therefore, a similar penalty amount of $4,500 per count is recommended.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of $4,500 per count, for a total penalty of $18,000, is recommended.

[29] Regulation 18361.5, subd. (e).

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 3050, 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. 2024-00787; Robert Scharffenberg* 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 May 6, 2025

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated May 6, 2025, certified mail receipt, USPS tracking history, and returned envelope

EXHIBIT A-3: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated August 4, 2025

EXHIBIT A-4: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated August 11, 2025

EXHIBIT A-5: Accusation, dated August 22, 2025

EXHIBIT A-6: Proof of Service for Accusation and accompanying documents on August 31, 2025 from process server, dated September 2, 2025

EXHIBIT A-7: Notifications from Filing Officer regarding 2022 Annual Statement of Economic Interests

EXHIBIT A-8: Notifications from Filing Officer regarding 2023 Annual Statement of Economic Interests

EXHIBIT A-9: Emails exchanged between Enforcement Division and Scharffenberg from June 12, 2026 through October 27, 2026

EXHIBIT A-10: Notice of Default Decision and Order, dated April 1, 2026

EXHIBIT A-11: Notice of Intent to Enter Default Decision and Order, dated November 10, 2026

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 10, 2026, at Sacramento, California.

Joselyne Soto
Associate Governmental Program Analyst
Enforcement Division
Fair Political Practices Commission

Exhibit A-1

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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of ROBERT SCHARFFENBERG, Respondent.	FPPC No. 2024-00787 **REPORT IN SUPPORT OF A FINDING OF PROBABLE CAUSE** Conference Date: TBA Conference Time: TBA Conference Location: Commission Offices 1102 Q Street, Suite 3050 Sacramento, CA 95811

INTRODUCTION

Respondent Robert Scharffenberg ("Scharffenberg") is a Physician and Surgeon with the California Correctional Health Care Services ("CCHCS"), which works in conjunction with the California Department of Corrections and Rehabilitation.

The Political Reform Act (the "Act")[1] requires every agency to adopt and promulgate a Conflict of Interest Code for designated employees, including a Physician and Surgeon, 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 and the Fair Political Practices Commission's regulations.

[1] The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

Scharffenberg, a designated official, violated the Act by failing to timely file a 2021 Annual SEI by the April 1, 2022 deadline; a 2022 Annual SEI by the April 3, 2023 deadline; a 2023 Annual SEI by the April 2, 2024 deadline; and a 2024 Annual SEI by the April 1, 2025 deadline.

SUMMARY OF THE LAW

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

Jurisdiction

The Fair Political Practices Commission (the "Commission") has primary responsibility for the impartial, effective administration and implementation of the Act.[2] This includes enforcement through administrative prosecution.[3] However, before the Commission's Enforcement Division ("Enforcement Division") may commence administrative prosecution by filing/serving an Accusation, a hearing officer (either the General Counsel of the Commission or another attorney in the Commission's Legal Division) must determine whether there is probable cause that supports a reasonable belief or strong suspicion that one or more violations of the Act occurred.[4] Any finding of probable cause is required by law to be announced publicly, which includes the posting of a summary of the allegations on the Commission's website.[5] After a finding of probable cause, the Commission may then hold a hearing to determine what violations have occurred—and levy an administrative penalty of up to $5,000 for each violation.[6]

Standard for Finding Probable Cause

For the hearing officer to make a finding of probable cause, it is only necessary that he or she be presented with evidence that sufficiently supports a reasonable belief or strong suspicion that the Act has

[2] Section 83111.
[3] Section 83116.
[4] Sections 83115.5 and 83116; Regulations 18361, subd. (b), and 18361.4.
[5] Regulation 18361.4, subd. (g).
[6] Section 83116; Regulation 18361.4, subd. (g).

been violated.[7] Probable cause may only be found if the Respondents were notified of the violations at least 21 days prior to the hearing officer's consideration of the alleged violations.[8]

Contents of the Probable Cause Report

The probable cause report is required to contain a summary of the law and evidence that supports a finding of probable cause that each alleged violation of the Act has occurred, as well as a description of any exculpatory evidence indicating a violation alleged in the report did not occur. The evidence recited in the probable cause report may include hearsay.[9]

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

When enacting the Act, the people of California found and declared that previous laws regulating political practices suffered from inadequate enforcement by state and local authorities.[10] For this reason, the Act is to be construed liberally to accomplish its purposes.[11]

One 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.[12] Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be "vigorously enforced."[13]

Conflict of Interest Codes

The Act requires every state and local agency to develop a Conflict of Interest Code.[14] 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.[15] The requirements of an agency's Conflict of Interest Code have the force of law, and any violations of those requirements is deemed a violation of the Act.[16]

[7] Regulation 18361.4, subd. (a).
[8] Section 83115.5.
[9] Regulation 18361.4, subd. (b).
[10] Section 81001, subd. (h).
[11] Section 81003.
[12] Section 81002, subd. (c).
[13] Section 81002, subd. (f).
[14] Section 87300.
[15] Section 87302, subd. (a).
[16] Section 87300.

Regulation 18730 and Liability for Violation

Regulation 18730 outlines the timing for disclosing the designated employees' economic interests as follows: All persons assuming designated positions shall file statements within 30 days of assuming the designated positions[17]; all designated employees shall annually file statements no later than April 1[18]; and all designated employees who leave the designated positions shall file statements within 30 days after leaving office.[19] Any person who violates any provision of the Act is liable for administrative penalties up to $5,000 per violation.[20]

Filing Deadline on Weekend or Holiday

If this title requires that a statement or report be filed before or on a specified date or during or within a specified period, and the filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline for the statement or report shall be extended to the next regular business day.[21]

California Department of Corrections and Rehabilitation and California Correctional Health Care Services Conflict of Interest Code

Since CCHCS works in conjunction with the CDCR, CCHCS uses the disclosure categories in the CDCR's Conflict of Interest Code for CCHCS's designated positions.[22] The designated position of Physician and Surgeon falls under a Category 3 disclosure obligation.[23] They must disclose investments and business in business entities and sources of income, including gifts, loans and travel payments, that may contract with the Physician and Surgeon's immediate office, division, or branch to provide goods, equipment, machinery or services, including training or consulting services, of the type utilized by the CCHCS or CDCR.[24]

/ / /

[17] Regulation 18730, subd. (b)(5)(B).
[18] Regulation 18730, subd. (b)(5)(C).
[19] Regulation 18730, subd. (b)(5)(D).
[20] Sections 83116 and 83116.5.
[21] Section 81005.
[22] Email from Dara Slivka, Conflict of Interest Filing Officer for CCHCS.
[23] Appendix B, Designated Positions – California Correctional Health Care Services.
[24] California Department of Corrections and Rehabilitation Conflict of Interest Code.

The CDCR incorporated by reference into its conflict of interest code the provisions of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission.[25]

SUMMARY OF THE EVIDENCE

According to records maintained by the CCHCS, Scharffenberg, as a Physician and Surgeon, is a designated official required to timely file a 2021 Annual SEI by the April 1, 2022 deadline; a 2022 Annual SEI by the April 3, 2023 deadline; a 2023 Annual SEI by the April 2, 2024 deadline; and a 2024 Annual SEI by the April 1, 2025.

On April 3, 2023, the CCHS sent Scharffenberg a First Non-Filer Notification letter, reminding Scharffenberg that his 2022 Annual SEI was due on April 3, 2023. The letter informed Scharffenberg he may file through eDisclosure and of the penalties incurred for late filing, and notified Scharffenberg that failure to timely may result in Scharffenberg being referred to the FPPC or the Attorney General or district attorney for investigation and possible prosecution.

On May 10, 2023, the CCHCS sent Scharffenberg a Final Non-Filer Notification letter, reminding Scharffenberg that his 2022 Annual SEI was due on April 3, 2023. The letter directed Scharffenberg to file through eDisclosure and provide an explanation for the late filing, informed him of the penalties incurred for late filing, and notified Scharffenberg that failure to file within 30 days of receipt of the letter will result in Scharffenberg being referred to the FPPC or other appropriate enforcement agency.

On April 3, 2024, the CCHS sent Scharffenberg a First Non-Filer Notification letter, reminding Scharffenberg that his 2023 Annual SEI was due on April 2, 2024. The letter informed Scharffenberg he may file through eDisclosure and of the penalties incurred for late filing, and notified Scharffenberg that failure to timely may result in Scharffenberg being referred to the FPPC or the Attorney General or district attorney for investigation and possible prosecution.

On May 1, 2024, the CCHS sent Scharffenberg another First Non-Filer Notification letter, reminding Scharffenberg that his 2023 Annual SEI was due on April 2, 2024. The letter informed

[25] Ibid.

Scharffenberg he may file through eDisclosure and of the penalties incurred for late filing, and notified Scharffenberg that failure to timely may result in Scharffenberg being referred to the FPPC or the Attorney General or district attorney for investigation and possible prosecution.

On May 24, 2024, the CCHCS sent Scharffenberg a Final Non-Filer Notification letter, reminding Scharffenberg that his 2023 Annual SEI was due on April 2, 2024. The letter directed Scharffenberg to file through eDisclosure and provide an explanation for the late filing, informed him of the penalties incurred for late filing, and notified Scharffenberg that failure to file within 30 days of receipt of the letter will result in Scharffenberg being referred to the FPPC or other appropriate enforcement agency.

Scharffenberg was eventually referred to the Enforcement Division. Between May 3, 2024 and May 28, 2024, Commission staff sent at least two emails, made one phone call, and left one voice message for Scharffenberg regarding his outstanding 2021 Annual, 2022 Annual, and 2023 Annual SEIs. Scharffenberg emailed on May 22, 2024, stating it is inappropriate to require him to file SEIs as he makes no management or purchasing decisions for the CCHCS. On the same day, May 22, 2024, CCHCS responded via email to Scharffenberg's claim, explaining his designated position and the corresponding filing obligations, and Commission staff also responded via email to further emphasize that Scharffenberg does in fact have filing obligations and he is in violation of them.

Between August 6, 2024 and January 2, 2025, Enforcement Division staff sent at least four emails, to Scharffenberg regarding Scharffenberg's outstanding 2021 Annual, 2022 Annual, and 2023 Annual SEIs. Scharffenberg responded via email on December 26, 2024, reiterating his belief that he should not be obligated to file the outstanding SEIs. Scharffenberg continues to serve as a Physician and Surgeon for the CCHCS and his 2021 Annual, 2022 Annual, 2023 Annual, and 2024 Annual SEIs remain outstanding.

VIOLATIONS

Count 1: Failure to Timely File a 2021 Annual SEI

Scharffenberg failed to timely file a 2021 Annual SEI by the April 1, 2022 due date, in violation of Government Code Section 87300.

Count 2: Failure to Timely File a 2022 Annual SEI

Scharffenberg failed to timely file a 2022 Annual SEI by the April 3, 2023 due date, in violation of Government Code Section 87300.

Count 3: Failure to Timely File a 2023 Annual SEI

Scharffenberg failed to timely file a 2023 Annual SEI by the April 2, 2024 due date, in violation of Government Code Section 87300.

Count 4: Failure to Timely File a 2024 Annual SEI

Scharffenberg failed to timely file a 2024 Annual SEI by the April 1, 2025 due date, in violation of Government Code Section 87300.

EXCULPATORY INFORMATION

None currently known.

OTHER RELEVANT INFORMATION

Scharffenberg is aware of his filing obligations as he has previously timely filed all his Annual SEIs from his 2015 Annual SEI through his 2020 Annual SEI. On May 22, 2024, in an email to Commission Staff, Scharffenberg claimed it was "inappropriate" to require him to file SEIs as he makes no management or purchasing decisions for the CCHCS, but he provided no documentary evidence or legal justification to support this statement.

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CONCLUSION

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

Dated: May 6, 2025

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION
Angela J. Brereton
Assistant Chief of Enforcement

Kristin E. Goulet

By: Kristin E. Goulet
Commission Counsel
Enforcement Division

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 3050, Sacramento, California 95811. On May 6, 2025, I served the following document(s):

1. Letter dated May 7, 2025 from Kristin E. Goulet;
2. FPPC Case No. 2024-00787 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;
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings; and
6. Probable Cause Checklist.

☐ 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

Robert Scharffenberg
P.O. Box 1137
North Fork, CA 93643

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 6, 2025.

Carlie Haug

Carlie Haug

7013 2630 0001 5484 7676

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Street, Apt. No.; or PO Box No. P.O. Box 1137

City, State, ZIP+4 North Fork, CA 93643

PS Form 3800, August 2006 — See Reverse for Instructions

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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement *"Restricted Delivery"*.
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 *(Reverse)* PSN 7530-02-000-9047

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Delivered

Delivered, To Original Sender
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June 9, 2025, 3:34 pm

Arrived at USPS Regional Facility
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June 7, 2025, 8:02 am

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June 6, 2025

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PASADENA, CA 91109
June 5, 2025, 11:16 am

Unclaimed/Being Returned to Sender
SAN JACINTO, CA 92583
June 4, 2025, 4:23 pm

Reminder to Schedule Redelivery of your item

May 25, 2025

Notice Left (Receptacle Full/Item Oversized)
SAN JACINTO, CA 92583
May 20, 2025, 11:08 am

Available for Pickup
SAN JACINTO
315 E ESPLANADE AVE
SAN JACINTO CA 92583-9998
M-F 0830-1700; SAT 0900-1200
May 20, 2025, 10:24 am

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Text & Email Updates

USPS Tracking Plus®

Product Information

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Track Another Package

Enter tracking or barcode numbers

Need More Help?

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FAQs

STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMM
1102 Q Street • Suite 3050 • Sacramento, CA 95811

May 7, 2025

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Robert Scharffenberg
P.O. Box 1137
North Fork, CA 93643

In the Matter of Robert Scharffenberg; FPPC Case No. 2024-

Dear Robert Scharffenberg:

The Enforcement Division of the Fair Political Practices Commis
proceeding with an administrative action against you, Robert Sch
file your 2021 Annual, 2022 Annual, 2023 Annual, and 2024 Ann
Interest in violation of the Political Reform Act (the "Act"). The e
Finding of Probable Cause (the "Report") contains a summary of
relevant law and evidence.

You have the right to file a written response to the Report. That re
information you think is relevant and that you wish to bring to the
Officer. In your response, please indicate whether you would like
determination of probable cause based on the written materials alo
response) or request a conference, during which you may orally pr
Officer. Probable cause conferences are held in our office, which i
3050, Sacramento, CA 95811. You may appear at the conference i
videoconference and you are entitled to be represented by counsel.
written response or request a probable cause conference, it must
Assistant at the address listed above, or at CommAsst@fppc.ca.g
date of service of this letter. You can also reach the Commission

Please note that probable cause conferences are not settlement con
a probable cause conference is to determine whether there is proba
Act was violated. However, settlement discussions are encouraged
take place at any time except during a probable cause conference. *I*
reaching a settlement in this matter, please contact me at (279) 2
kgoulet@fppc.ca.gov.

Finally, you have the right to request records of the evidence in pos
by, the Enforcement Division. ***This request must also be filed with***
mail at the address above or email at by email at CommAsst@fpp
the date of service of this letter. Should you request records, the E
provide such records by email or U.S. mail to all respondents, with

FAIR POLITICAL PRACTICES COMMISSION
1102 Q STREET, SUITE 3050
SACRAMENTO, CALIFORNIA 95811

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Robert Scharffenberg
P.O. Box 1137
North Fork, CA 93643

RA
5-20

1st NOTICE
2nd NOTICE
ATTEMPTED 6-4

NIXIE 910 DE 1 0006/05/25
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

Exhibit A-3

ANGELA J. BRERETON
Assistant Chief of Enforcement
KRISTIN E. GOULET
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050
Sacramento, CA 95811
Telephone: (279) 237-5986
Email: kgoulet@fppc.ca.gov

Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of	) FPPC Case No. 2024-00787
	)
	) **EX PARTE REQUEST FOR A FINDING OF**
ROBERT SCHARFFENBERG,	) **PROBABLE CAUSE AND AN ORDER**
	) **THAT AN ACCUSATION BE PREPARED**
	) **AND SERVED**
Respondent.	)
	) Gov. Code § 83115.5
	)

TO THE HEARING OFFICER OF THE FAIR POLITICAL PRACTICES COMMISSION:

Pursuant to Section 83115.5 of the Political Reform Act (the "Act")[1] and Regulation 18361.4, Respondent Robert Scharffenberg ("Scharffenberg") was served with copies of a Report in Support of a Finding of Probable Cause ("PC Report") in the above-entitled matter.[2] The PC Report, attached as "Exhibit A," was part of a packet of materials, including a cover letter, a memorandum describing probable cause proceedings, and a probable cause checklist form, which was sent to Scharffenberg on May 7, 2025 by certified mail, with return receipt requested, and was returned as unclaimed to the Fair Political Practices Commission on June 9, 2025. A copy of the proof of service, USPS tracking confirmation, and envelope containing the packet marked "Return to Sender" is attached as "Exhibit B."

In the cover letter, dated May 7, 2025, and the packet of materials, Scharffenberg was advised

[1] The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

[2] Gov. Code § 83115.5; Cal. Code Reg., Tit. 2, § 18361.4.

that they could respond in writing to the PC Report and orally present the case to the Hearing Officer at a probable cause conference to be held in Sacramento. Scharffenberg was further advised that in order to have a probable cause conference, they needed to make a written request for one on or before 21 days of the date they was served with the PC Report. Additionally, Scharffenberg was advised that if they did not request a probable cause conference, such a conference would not be held, and probable cause would be determined based solely on the PC Report, any written response by Scharffenberg, and any rebuttal submitted by the Enforcement Division. To date, Scharffenberg has not submitted a written response to the PC Report and has not requested a probable cause conference.

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

Count 1: Failure to Timely File a 2021 Annual SEI

Scharffenberg failed to timely file a 2021 Annual SEI by the April 1, 2022 due date, in violation of Government Code Section 87300.

Count 2: Failure to Timely File a 2022 Annual SEI

Scharffenberg failed to timely file a 2022 Annual SEI by the April 3, 2023 due date, in violation of Government Code Section 87300.

Count 3: Failure to Timely File a 2023 Annual SEI

Scharffenberg failed to timely file a 2023 Annual SEI by the April 2, 2024 due date, in violation of Government Code Section 87300.

Count 4: Failure to Timely File a 2024 Annual SEI

Scharffenberg failed to timely file a 2024 Annual SEI by the April 1, 2025 due date, in violation of Government Code Section 87300.

Additionally, after finding probable cause exists, the Enforcement Division requests an order by the Hearing Officer that an accusation be prepared against Scharffenberg and served upon Scharffenberg.[3]

[3] Gov. Code § 11503.

A copy of this Request was mailed via certified mail to Scharffenberg on August 5, 2025 at the last known address, as follows:

Robert Scharffenberg
P.O. Box 1137
North Fork, CA 93643

Dated: August 4, 2025

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION
Angela J. Brereton
Assistant Chief of Enforcement

Kristin E. Goulet

By: Kristin E. Goulet
Commission Counsel
Enforcement Division

Exhibit A-4

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of ROBERT SCHARFFENBERG, Respondent.	FPPC No. 2024-00787 FINDING OF PROBABLE CAUSE AND ORDER TO PREPARE AND SERVE AN ACCUSATION Gov. Code § 83115.5

By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served ("Ex Parte Request"), dated August 5, 2025, the Enforcement Division submitted the above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request, the Enforcement Division sent a Report in Support of a Finding of Probable Cause ("PC Report") to Respondent Robert Scharffenberg ("Scharffenberg") on May 7, 2025 by certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed the Respondent of their right to file a written response to the PC Report and to request a probable cause conference within 21 days following service of the PC Report, or transmittal of any requested records by the Enforcement Division. The packet was returned to the Fair Political Practices Commission as unclaimed on June 9, 2025. During the 21 days that followed the return of the PC Report, Respondent did not file a response to the PC Report, request records, or request a probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4, [1] determination of probable cause may be made solely on papers submitted when the respondent does not request a probable cause conference.

In making a probable cause determination, it is the duty of the Hearing Officer of the Fair Political Practices Commission to determine whether probable cause exists to believe that a respondent

[1] The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations.

violated the Political Reform Act as alleged by the Enforcement Division in the PC Report served on the respondent.

Probable cause to believe a violation has occurred can be found to exist when "the evidence sufficiently supports a reasonable belief or strong suspicion that the Act has been violated."[2]

The PC Report served on Respondent Scharffenberg and the subsequent Ex Parte Request in this matter alleges four violations of the Political Reform Act were committed, as follows:

Count 1: Failure to Timely File a 2021 Annual SEI

Scharffenberg failed to timely file a 2021 Annual SEI by the April 1, 2022 due date, in violation of Government Code Section 87300.

Count 2: Failure to Timely File a 2022 Annual SEI

Scharffenberg failed to timely file a 2022 Annual SEI by the April 3, 2023 due date, in violation of Government Code Section 87300.

Count 3: Failure to Timely File a 2023 Annual SEI

Scharffenberg failed to timely file a 2023 Annual SEI by the April 2, 2024 due date, in violation of Government Code Section 87300.

Count 4: Failure to Timely File a 2024 Annual SEI

Scharffenberg failed to timely file a 2024 Annual SEI by the April 1, 2025 due date, in violation of Government Code Section 87300.

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

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[2] Cal. Code Reg., tit. 2, § 18361.4, subd. (a).
[3] Government Code § 83115.5; Cal. Code Reg., tit. 2, §18361.4, subd. (c).

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

IT IS SO ORDERED.

Dated: August 11, 2025

Hearing Officer
Fair Political Practices Commission

Exhibit A-5

ANGELA J. BRERETON
Assistant Chief of Enforcement
KRISTIN E. GOULET
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
1102 Q St, Suite 3050
Sacramento, CA 95811
Telephone: (279) 237-5986
Email: kgoulet@fppc.ca.gov

Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of:	) FPPC Case No. 2024-00787
ROBERT SCHARFFENBERG,	) **ACCUSATION**
Respondents.	) (Gov. Code §11503)

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

JURISDICTION

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

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

/ / /

3. When enacting the Political Reform Act (the "Act"),[1] California voters specifically found and declared that previous laws regulating political practices had suffered from inadequate enforcement, and it was their purpose to ensure that the Act be vigorously enforced.[2]

4. To that end, Section 81003 requires that the Act be liberally construed to achieve its purposes.

5. One of the stated purposes of the Act is to promote transparency by ensuring that assets and income of public officials which may be materially affected by their official actions be disclosed so that conflicts of interests may be avoided.[3] Another purpose is to provide adequate enforcement mechanisms so that the Act will be "vigorously enforced."[4]

RESPONDENTS

6. Respondent Robert Scharffenberg ("Scharffenberg") is a Physician and Surgeon with the California Correctional Health Care Services ("CCHCS"), which works in conjunction with the California Department of Corrections and Rehabilitation ("CDCR").

APPLICABLE LAW

7. All applicable law in this Accusation is the law as it existed during the relevant time for the violations alleged.

A. Conflict of Interest Codes

8. Regulation 18730 outlines the timing for disclosing the designated employees' economic interests as follows: all designated employees shall annually file statements no later than April 1.[5] Any person who violates any provision of the Act is liable for administrative penalties up to $5,000 per violation.[6]

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/ / /

[1] The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations.

[2] Sections 81001, subd. (h), and 81002, subd. (f).

[3] Section 81002, subd. (c).

[4] Section 81002, subd. (f).

[5] Regulation 18730, subd. (b)(5)(C).

[6] Sections 83116 and 83116.5.

B. Regulation 18730 and Liability for Violation

9. The Act requires every state and local agency to develop a Conflict of Interest Code.[7] 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 statements of economic interest ("SEI").[8] The requirements of an agency's Conflict of Interest Code have the force of law, and any violations of those requirements is deemed a violation of the Act.[9]

C. Duty to Timely File Annual Statements of Economic Interest

10. The Act requires every designated official to annually file a statement disclosing their investments, interests in real property, and income by filing an SEI by April 1 of each year.[10] When April 1 falls on a weekend or holiday, the filing deadline is extended to the next regular business day.[11] Failure to comply with the disclosure requirements is a violation of the Act.[12]

D. California Department of Corrections and Rehabilitation and California Correctional Health Care Services Conflict of Interest Code

11. Since CCHCS works in conjunction with the CDCR, CCHCS uses the disclosure categories in the CDCR's Conflict of Interest Code for CCHCS's designated positions.[13] The designated position of Physician and Surgeon falls under a Category 3 disclosure obligation.[14] They must disclose investments and business positions in business entities and sources of income, including gifts, loans and travel payments, that may contract with the Physician and Surgeon's immediate office, division, or branch to provide goods, equipment, machinery or services, including training or consulting services, of the type utilized by the CCHCS or CDCR.[15]

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/ / /

[7] Section 87300.
[8] Section 87302, subd. (a).
[9] Section 87300.
[10] Sections 87302, subd. (b); Regulation 18730, subd. (b)(5)(C).
[11] Section 81005.
[12] Section 87300.
[13] Email from Dara Slivka, Conflict of Interest Filing Officer for CCHCS.
[14] Appendix B, Designated Positions – California Correctional Health Care Services.
[15] California Department of Corrections and Rehabilitation Conflict of Interest Code.

12. The CDCR incorporated by reference into its Conflict of Interest Code the provisions of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission.[16]

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

13. In framing a proposed order following a finding of a violation pursuant to Government Code Section 83116, the Commission and the administrative law judge shall consider all the surrounding circumstances including but not limited to the following factors set forth in Regulation 18361.5 subdivision (e)(1) through (8): (1) The extent and gravity of the public harm caused by the specific violation; (2) The level of experience of the violator with the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (7) 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 (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.[17]

GENERAL FACTS

14. Scharffenberg is a Physician and Surgeon with the CCHCS, which works in conjunction and shares a conflict of interest code with the CDCR. As of the date of this Accusation, Scharffenberg continues to hold this position.

15. Scharffenberg failed to timely file the 2021 Annual SEI by the April 1, 2022 deadline.

16. Scharffenberg failed to timely file the 2022 Annual SEI by the April 3, 2023 deadline.[18]

17. The CCHCS contacted Scharffenberg twice in writing on April 3, 2023 and May 10, 2023 to remind them of their obligation to file the 2022 Annual SEI.

---

[16] Ibid.

[17] Regulation 18361.5, subd. (e).

[18] The due date was extended to April 3, 2023 because April 1, 2023 fell on a Saturday, and the due date had to be extended to the next regular business day.

18. After not receiving compliance, the CCHCS referred Scharffenberg to the Enforcement Division on September 7, 2023 for their failure to timely file the 2021 Annual and 2022 Annual SEIs.

19. Scharffenberg failed to timely file the 2023 Annual SEI by the April 2, 2024 deadline.[19]

20. The CCHCS contacted Scharffenberg three times in writing on April 3, 2024, May 1, 2024 and May 24, 2024 to remind them of their obligation to file the 2023 Annual SEI.

21. After not receiving compliance, the CCHCS referred Scharffenberg to the Enforcement Division on August 2, 2024 for their failure to timely file the 2023 Annual SEI.

22. Scharffenberg failed to timely file the 2024 Annual SEI by the April 1, 2025 deadline.

23. The CCHCS referred Scharffenberg to the Enforcement Division on July 2, 2025 for their failure to timely file the 2024 Annual SEI.

24. Between May 3, 2024 and May 28, 2024, Commission staff contacted Scharffenberg numerous times to gain compliance. Scharffenberg sent an email on May 22, 2024 to both the Commission and CCHCS, claiming it is inappropriate to require them to file SEIs as they make no management or purchasing decisions for the CCHCS. On the same day, May 22, 2024, CCHCS responded via email to Scharffenberg's claim, explaining their designated position and the corresponding filing obligations. Commission staff also responded via email to further emphasize that Scharffenberg does in fact have filing obligations and they were in violation of them. Scharffenberg did not file their outstanding SEIs.

25. Between August 6, 2024 and January 2, 2025, the Enforcement Division made numerous additional contact attempts to Scharffenberg to gain their compliance. Scharffenberg sent an email on December 26, 2024, reiterating their belief that they should not be obligated to file the outstanding SEIs. Scharffenberg still did not file their outstanding SEIs following these communications.

26. Scharffenberg continues to serve as a Physician and Surgeon for the CCHCS and their 2021 Annual, 2022 Annual, 2023 Annual, and 2024 Annual SEIs remain outstanding.

/ / /

/ / /

[19] The due date was extended to April 2, 2024 because April 1, 2024 was a state holiday (Cesar Chavez Day, observed), and the due date had to be extended to the next regular business day.

PROCEDURAL HISTORY

27. The Enforcement Division initiated an administrative action against Scharffenberg in this matter by serving a packet containing a cover letter, a Report in Support of a Finding of Probable Cause ("PC Report"), a fact sheet regarding probable cause proceedings, selected sections of the Government Code regarding probable cause proceedings for the Commission, and selected regulations of the Commission regarding probable cause proceedings.

28. Scharffenberg was mailed the PC Report via certified mail on May 7, 2025 and it was returned to the Enforcement Division by the post office on June 9, 2025. Thus, service was effective on that date.[20]

29. The information contained in the PC Report packet advised Scharffenberg that they had 21 days in which to request a probable cause conference, file a written response to the PC Report, or both. During the 21 days that followed service of the PC Report, Scharffenberg did not file a response to the PC Report or request a probable cause conference.

30. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served ("Ex Parte Request"), dated August 5, 2025, the Enforcement Division submitted the matter to the Hearing Officer for a determination of probable cause.

31. On or about August 11, 2025, the Hearing Officer issued an order finding, based on the Ex Parte Request and the PC Report, that there was probable cause to believe Scharffenberg violated the Act and directed the Enforcement Division to issue an Accusation against Scharffenberg in accordance with the finding.

VIOLATIONS

32. Scharffenberg committed 4 violations of the Act as follows:

Count 1

Failure to Timely File a 2021 Annual SEI

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

[20] Section 83115.5.

34. Scharffenberg, as a designated official, had a duty under the Act to file the 2021 Annual SEI by April 1, 2022.

35. Scharffenberg failed to timely file their 2021 Annual SEI by the April 1, 2022 due date.

36. By failing to file their 2021 Annual SEI by the April 1, 2022 deadline, Scharffenberg violated Government Code section 87300.

Count 2

Failure to Timely File a 2022 Annual SEI

37. Complainant incorporates paragraphs 1–32 of this Accusation, as though completely set forth herein.

38. Scharffenberg, as a designated official, had a duty under the Act to file the 2022 Annual SEI by April 3, 2023.

39. Scharffenberg failed to timely file their 2022 Annual SEI by the April 3, 2023 due date.

40. By failing to file their 2022 Annual SEI by the April 3, 2023 deadline, Scharffenberg violated Government Code section 87300.

Count 3

Failure to Timely File a 2023 Annual SEI

41. Complainant incorporates paragraphs 1–32 of this Accusation, as though completely set forth herein.

42. Scharffenberg, as a designated official, had a duty under the Act to file the 2023 Annual SEI by April 2, 2024.

43. Scharffenberg failed to timely file their 2023 Annual SEI by the April 2, 2024 due date.

44. By failing to file their 2023 Annual SEI by the April 2, 2024 deadline, Scharffenberg violated Government Code section 87300.

Count 4

Failure to Timely File a 2024 Annual SEI

45. Complainant incorporates paragraphs 1–32 of this Accusation, as though completely set forth herein.

46. Scharffenberg, as a designated official, had a duty under the Act to file the 2024 Annual SEI by April 1, 2025.

47. Scharffenberg failed to timely file their 2024 Annual SEI by the April 1, 2025 due date.

48. By failing to file their 2024 Annual SEI by the April 1, 2025 deadline, Scharffenberg violated Government Code section 87300.

MITIGATING OR EXCULPATORY FACTORS

49. The Enforcement Division is not aware of mitigating or exculpatory factors.

AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS

50. Scharffenberg is aware of their filing obligations as they previously timely filed all their Annual SEIs from their 2015 Annual SEI through their 2020 Annual SEI. On May 22, 2024, in an email to Commission Staff, Scharffenberg claimed it was "inappropriate" to require them to file SEIs as they make no management or purchasing decisions for the CCHCS, but they provided no documentary evidence or legal justification to support this statement.

PRAYER

WHEREFORE, Complainant prays as follows:

1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and Regulation 18361.5, and at such hearing find that Scharffenberg violated the Act as alleged herein;
2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (b), order Scharffenberg to file the 2021 Annual SEI, and pursuant to Section 83116, subdivision (c), order Scharffenberg to pay a monetary penalty of up to $5,000 for the violation of the Political Reform Act alleged in **Count 1**;
3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (b), order Scharffenberg to file the 2022 Annual SEI, pursuant to Section 83116, subdivision (c), order Scharffenberg to pay a monetary penalty of up to $5,000 for the violation of the Political Reform Act alleged in **Count 2**;
4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (b), order Scharffenberg to file the 2023 Annual SEI, and pursuant to Section 83116, subdivision

(c), order Scharffenberg to pay a monetary penalty of up to $5,000 for the violation of the Political Reform Act alleged in **Count 3**;

5. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (b), order Scharffenberg to file the 2024 Annual SEI, and pursuant to Section 83116, subdivision (c), order Scharffenberg to pay a monetary penalty of up to $5,000 for the violation of the Political Reform Act alleged in **Count 4**;

6. That the Fair Policial Practices Commission, pursuant to Regulation 18361.5, subdivision (e), consider the following factors in framing a proposed order following a finding of a violation pursuant to Section 83116: (1) The extent and gravity of the public harm caused by the specific violation; (2) The level of experience of the violator with the requirements of the Political Reform Act; (3) Penalties previously imposed by the Commission in comparable cases; (4) The presence or absence of any intention to conceal, deceive or mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code Section 83114(b); (7) 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 (8) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

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

Dated: August 22, 2025

Angela J. Brereton, Assistant Chief of Enforcement
Fair Political Practices Commission

Exhibit A-6

ATTORNEY OR PARTY WITHOUT ATTORNEY:	FOR COURT USE ONLY
ANGELA BRERETON ASSISTANT CHIEF OF ENFORCEMENT ; JENNA RINEHART, SENIOR COMMISSION COUNSEL FAIR POLITICAL PRACTICES COMMISSION 1102 Q STREET, SUITE #3050 SACRAMENTO, CA 95811 TELEPHONE NO.: (279) 237-5946 FAX NO.: (916) 322-1932 ATTORNEY FOR: Plaintiff	
BEFORE THE FAIR POLITICAL PRACTICES COMMISSION STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: IN THE MATTER OF ROBERT SCHARFFENBERG DEFENDANT:	CASE NUMBER: 2024-00787
PROOF OF SERVICE	Ref. No. or File No.: ROBERT SCHARFFENBERG

1. I am over 18 years of age and not a party to this action.
2. Received by AAA Attorney Services II, Inc. on 8/26/2025 at 11:30 am to be served on **ROBERT SCHARFFENBERG,** [redacted]
3. **INDIVIDUALLY/PERSONALLY** served by delivering a true copy of the:

   ACCUSATION, NOTICE OF DEFENSE (Pursuant to Gov. Code 11506), OFFICE OF ADMINISTRATIVE HEARINGS

   with the date and hour of service endorsed thereon by me, to: **ROBERT SCHARFFENBERG** at the address of: [redacted], and informed said person of the contents therein, in compliance with state statutes.
4. Date and Time of service: 8/31/2025 at 6:04 pm
5. I am an independent contractor of a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:
   Name: ERIC JACOBSEN
   Firm: AAA Attorney Services II, Inc.
   Address: 714 W. Olympic Blvd., Ste. 638, Los Angeles, CA 90015
   Telephone number: (213) 746-8010
   Registration Number: S201710000004
   County: FRESNO
   The fee for the service was: $180.40
7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 9/2/25

ERIC JACOBSEN
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Exhibit A-7

CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES

April 3, 2023
ROBERT SCHARFFENBERG

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

Dear ROBERT SCHARFFENBERG:

According to our records you were notified that you have not filed your Statement of Economic Interests (Form 700) which was due on April 3, 2023. This letter is your first notice of non-filing. Persons who fail to timely file their Form 700 may be referred to the Fair Political Practices Commission's (FPPC) Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to $5,000 per violation may be imposed. If we do not receive your statement, our agency is required to refer this matter to the FPPC or other appropriate enforcement agency.

Login to eDisclosure and file:
eDisclosure System: https://www.southtechhosting.com/CCHCS/eDisclosure/
Your Login ID: Robert.Scharffenberg@CDCR.ca.gov

Password:
Existing Filers *(have previously logged into the system)* - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page.

New Filers *(have never logged into the system)* - If you are a new filer, please refer to your "Conflict of Interest eFile Account Creation" email previously sent to you which included a temporary password. Once you log into the system, you will need to create a new password and answer a security question. If you have deleted the email, please contact your Filing Official listed below and ask them to reset your password which you will receive by email.

If you have any questions regarding this letter, please contact me.

Sincerely,
Dara Slivka
(916)691-2152

CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES

May 10, 2023

ROBERT SCHARFFENBERG
California Correctional Health Care Services
900 Quebec Avenue
Corcoran, CA 93212

Subject: STATEMENT OF ECONOMIC INTERESTS - FORM 700 NOT FILED WITHIN 30 DAYS OF FIRST NOTICE
FINAL NON-FILER NOTIFICATION

Dear ROBERT SCHARFFENBERG:

According to our records, on April 3, 2023 you were notified that you have not filed your Statement of Economic Interests (Form 700) which was due on April 3, 2023. Despite notification, to date we have not received your statement. This letter serves as your final notification of non-compliance.

Persons who fail to timely file their Form 700 shall be referred to the Fair Political Practices Commission's (FPPC) Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to $5,000 per violation may be imposed.

If we do not receive your statement within 30 days of receipt of this notification, our agency is required to refer this matter to the FPPC or other appropriate enforcement agency.

Please file your statement along with an explanation for the late filing either electronically at:

System Logon Link: https://www.southtechhosting.com/CCHCS/eDisclosure/
Login ID: Robert.Scharffenberg@CDCR.ca.gov

Or by mailing the required Form 700 to:

Cailfornia Correctional Health Care Services
8280 Longleaf Drive
Building D
Elk Grove, CA 95758

If you have any questions or need assistance regarding this letter, or obtaining appropiate forms, please contact Dara Slivka at (916)691-2152.

Exhibit A-8

CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES

April 3, 2024
ROBERT SCHARFFENBERG

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

Dear ROBERT SCHARFFENBERG:

According to our records you were notified that you have not filed your Statement of Economic Interests (Form 700) which was due on April 2, 2024. This letter is your first notice of non-filing. Persons who fail to timely file their Form 700 may be referred to the Fair Political Practices Commission's (FPPC) Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to $5,000 per violation may be imposed. If we do not receive your statement, our agency is required to refer this matter to the FPPC or other appropriate enforcement agency.

Login to eDisclosure and file:
eDisclosure System: https://www.southtechhosting.com/CCHCS/eDisclosure/
Your Login ID: Robert.Scharffenberg@CDCR.ca.gov

Password:
Existing Filers *(have previously logged into the system)* - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page.

New Filers *(have never logged into the system)* - If you are a new filer, please refer to your "Conflict of Interest eFile Account Creation" email previously sent to you which included a temporary password. Once you log into the system, you will need to create a new password and answer a security question. If you have deleted the email, please contact your Filing Official listed below and ask them to reset your password which you will receive by email.

If you have any questions regarding this letter, please contact me.

Sincerely,
Dara Slivka
(916)691-2152

CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES

May 1, 2024
ROBERT SCHARFFENBERG

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

Dear ROBERT SCHARFFENBERG:

According to our records you were notified that you have not filed your Statement of Economic Interests (Form 700) which was due on April 2, 2024. This letter is your first notice of non-filing. Persons who fail to timely file their Form 700 may be referred to the Fair Political Practices Commission's (FPPC) Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to $5,000 per violation may be imposed. If we do not receive your statement, our agency is required to refer this matter to the FPPC or other appropriate enforcement agency.

Login to eDisclosure and file:
eDisclosure System: https://www.southtechhosting.com/CCHCS/eDisclosure/
Your Login ID: Robert.Scharffenberg@CDCR.ca.gov

Password:
Existing Filers *(have previously logged into the system)* - If you have previously logged into the system, you have created your own password. If you have forgotten your password, please use the "Forgot Password" feature on the eDisclosure home page.

New Filers *(have never logged into the system)* - If you are a new filer, please refer to your "Conflict of Interest eFile Account Creation" email previously sent to you which included a temporary password. Once you log into the system, you will need to create a new password and answer a security question. If you have deleted the email, please contact your Filing Official listed below and ask them to reset your password which you will receive by email.

If you have any questions regarding this letter, please contact me.

Sincerely,
Dara Slivka
(916)691-2152

CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES

May 24, 2024

ROBERT SCHARFFENBERG
California Correctional Health Care Services
900 Quebec Avenue
Corcoran, CA 93212

Subject: STATEMENT OF ECONOMIC INTERESTS - FORM 700 NOT FILED WITHIN 30 DAYS OF FIRST NOTICE
FINAL NON-FILER NOTIFICATION

Dear ROBERT SCHARFFENBERG:

According to our records, on April 3, 2024 you were notified that you have not filed your Statement of Economic Interests (Form 700) which was due on April 2, 2024. Despite notification, to date we have not received your statement. This letter serves as your final notification of non-compliance.

Persons who fail to timely file their Form 700 shall be referred to the Fair Political Practices Commission's (FPPC) Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to $5,000 per violation may be imposed.

If we do not receive your statement within 30 days of receipt of this notification, our agency is required to refer this matter to the FPPC or other appropriate enforcement agency.

Please file your statement along with an explanation for the late filing either electronically at:

System Logon Link: https://www.southtechhosting.com/CCHCS/eDisclosure/
Login ID: Robert.Scharffenberg@CDCR.ca.gov

Or by mailing the required Form 700 to:

Cailfornia Correctional Health Care Services
8280 Longleaf Drive
Building D
Elk Grove, CA 95758

If you have any questions or need assistance regarding this letter, or obtaining appropiate forms, please contact Dara Slivka at (916)691-2152.

Exhibit A-9

Kristin Goulet

From: Kristin Goulet
Sent: Wednesday, August 12, 2026 1:16 PM
To: Scharffenberg, Robert@CDCR
Subject: RE: Appealing Form 700 Filer Status

Good afternoon Dr. Scharffenberg:

Have you submitted your petition to your agency? Could you please provide a copy of the petition?

Thank you,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Kristin Goulet
Sent: Friday, July 31, 2026 11:41 AM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Appealing Form 700 Filer Status

Hello Dr. Scharffenberg:

I'm just checking in on the status of your petition to your agency.

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Kristin Goulet
Sent: Wednesday, July 8, 2026 3:25 PM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Appealing Form 700 Filer Status

Good afternoon Dr. Scharffenberg:

As previously stated, I cannot give you legal advice. All I can tell you is that your right to petition is outlined in Government Code Section 87307, which is quoted below.

> "An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction. If the agency fails to act upon such a petition within ninety days, the petition shall be deemed denied. Within thirty days after the denial of a petition, the petitioner may appeal to the code reviewing body. The code reviewing body shall either dismiss the appeal or issue an appropriate order to the agency within ninety days."

If you require assistance on how to specifically petition your agency, please seek legal counsel.

Sincerely,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Wednesday, July 8, 2026 11:02 AM
To: Kristin Goulet <kgoulet@fppc.ca.gov>
Subject: RE: Appealing Form 700 Filer Status

EXTERNAL EMAIL

Please send me the information for how to do that again and I will submit my petition.
Thanks

From: Kristin Goulet <kgoulet@fppc.ca.gov>
Sent: Wednesday, July 8, 2026 10:29 AM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Appealing Form 700 Filer Status

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Good morning Dr. Scharffenberg:

I am just following up for an update on your intent to petition your agency to get your position removed from the conflict of interest code. Have you submitted your petition? If so, could you please provide a copy of that petition?

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Kristin Goulet
Sent: Thursday, July 2, 2026 12:20 PM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Appealing Form 700 Filer Status

Good afternoon,

I cannot provide you with any advice regarding your petition to your agency. You will have to consult with your own attorney regarding that matter.

However, once you have your petition, please do email a copy to our agency.

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Thursday, July 2, 2026 9:02 AM
To: Kristin Goulet <kgoulet@fppc.ca.gov>
Subject: Re: Appealing Form 700 Filer Status

EXTERNAL EMAIL

No I haven't yet.

Can I do this with e-mail?

I need to do this.

They were supposed to have made a decision on June 18 of this year but I have not heard anything about it.

From: Kristin Goulet <kgoulet@fppc.ca.gov>
Sent: Wednesday, July 1, 2026 3:03 PM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Appealing Form 700 Filer Status

You don't often get email from kgoulet@fppc.ca.gov. Learn why this is important

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Good afternoon Dr. Scharffenberg:

Just another follow up. Have you had a chance to submit your petition to your agency? If so, could you please provide a copy of the petition?

Thank you,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Kristin Goulet
Sent: Wednesday, June 17, 2026 10:05 AM
To: 'Scharffenberg, Robert@CDCR' <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Appealing Form 700 Filer Status

Good morning Dr. Scharffenberg:

I am just following up on the matter below. Please provide a copy of your petition to your agency as soon as possible. If it is possible to provide a copy of the petition by end of business today, that would be much appreciated.

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Kristin Goulet
Sent: Friday, June 12, 2026 1:43 PM
To: 'Scharffenberg, Robert@CDCR' <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Appealing Form 700 Filer Status

Good afternoon Dr. Scharffenberg:

Thank you for letting me know. Please provide a copy of your petition to your agency once you have submitted it.

Sincerely,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Friday, June 12, 2026 1:37 PM
To: Kristin Goulet <kgoulet@fppc.ca.gov>
Subject: RE: Appealing Form 700 Filer Status

EXTERNAL EMAIL

Yes please

I would certainly like to do this.

I would rather not have to lose $18,000

From: Kristin Goulet <kgoulet@fppc.ca.gov>
Sent: Friday, June 12, 2026 12:16 PM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: Appealing Form 700 Filer Status

You don't often get email from kgoulet@fppc.ca.gov. Learn why this is important

CAUTION: This email originated from outside of CDCR/CCHCS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Dr. Scharffenberg:

You mentioned during our call on June 10, 2026 that you do not believe you should be required to file Form 700. This issue is not under the jurisdiction of the FPPC and must be brought before your agency instead.

Under Government Code Section 87307, you are allowed to petition your agency to amend its Conflict of Interest Code. You will need to investigate whether you should petition the CDCR or the CCHCS. The agency will have 90 days to act on your petition. If no action is taken, then the petition is deemed denied. If your petition is denied, then you have 30 days to appeal the denial to the FPPC.

If you wish to pursue this petition process, please let us know by Wednesday, June 17, 2026. Otherwise, we will be proceeding with obtaining a Decision and Order for Default against you on the June 18, 2026 Commission Hearing.

Sincerely,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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Kristin Goulet

From: Kristin Goulet
Sent: Thursday, August 13, 2026 4:07 PM
To: 'Scharffenberg, Robert@CDCR'
Subject: RE: Response to the Fair Political Practices Commission

Good afternoon Dr. Scharffenberg,

Thank you for the update. Please send a copy of the petition as soon as you have it. Otherwise, we will be proceeding with the default.

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Thursday, August 13, 2026 9:09 AM
To: Kristin Goulet <kgoulet@fppc.ca.gov>
Subject: Response to the Fair Political Practices Commission

EXTERNAL EMAIL

Good morning,

I have decided to see if my attorney would like to help me with this issue.

Will call her tomorrow.

Kristin Goulet

From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Tuesday, October 27, 2026 1:12 PM
To: Kristin Goulet
Subject: RE: Petition

EXTERNAL EMAIL

My boss Dr. Ugwueze does not want to get involved.

From: Kristin Goulet <kgoulet@fppc.ca.gov>
Sent: Tuesday, October 27, 2026 10:33 AM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Petition

CAUTION: This email originated from outside of CDCR/CCHCS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Dr. Scharffenberg,

I am just following up again on whether you have sent your petition to CCHCS or the CDCR. As mentioned before, the petition must be submitted to your own agency for it to be a valid petition requesting the removal of your designated position from your agency's conflict of interest code.

If your position remains as one designated to file SEIs, then we will be moving forward with the default on the next Commission Meeting set for December 3, 2026.

Kind re gards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Kristin Goulet
Sent: Wednesday, October 14, 2026 10:06 AM
To: 'Robert.Scharffenberg@cdcr.ca.gov' <robert.scharffenberg@cdcr.ca.gov>
Subject: RE: Petition

Good morning Dr. Scharffenberg,

I'm following up on whether you sent your petition to your own agency. It is your agency that has the authority to change the conflict of interest code you are subject to, not the FPPC, so it is your agency that you need to petition.

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Kristin Goulet
Sent: Monday, August 31, 2026 2:20 PM
To: Robert.Scharffenberg@cdcr.ca.gov
Subject: FW: Petition

Good afternoon Dr. Scharffenberg,

The email below was forwarded to me by our Intake team. Has the email below also been sent to either the CDCR or the CCHCS? As mentioned in my previous emails, the petition must be sent to your agency, since it is your agency, not the FPPC, that has designated you as a code filer.

There is no valid petition if the petition has not been sent to your agency. Without a valid petition, the default proceedings will proceed.

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Monday, August 24, 2026 5:30 AM
To: Intake <Intake@fppc.ca.gov>
Subject: Petition

You don't often get email from robert.scharffenberg@cdcr.ca.gov. Learn why this is important

This is Robert Scharffenberg, M.D.

I hereby petition that the requirement for me to complete form 700 is inappropriate and an unconstitutional invasion of privacy.

1. It is clear the form is intended for those who have been elected to office by the vote of the people. This does not apply to me.
2. It is clear by reading the questions on the form that it is intended for those who have some authority over purchasing decisions in their workplace. I have absolutely no say in this regard. So this does not apply to me.
3. The government has not established any need to invade my privacy or to know about my private business affairs.

Please take my name off of the list of those persons required to complete this form.

Thank you,

Kristin Goulet

From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Tuesday, October 27, 2026 2:14 PM
To: Kristin Goulet
Subject: RE: Petition

EXTERNAL EMAIL

Then I have no path to be able to present a petition at all!!

From: Kristin Goulet <kgoulet@fppc.ca.gov>
Sent: Tuesday, October 27, 2026 1:57 PM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Petition

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Dr. Scharffenberg,

I do not know who handles that type of matter within the CCHCS or the CDCR, so I cannot help you. Also, I am not your attorney, so I really cannot provide you with any assistance beyond what I have already provided in the first place.

You will have to investigate on your own if you want to know who to specifically address your petition to within either the CCHCS or the CDCR.

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Tuesday, October 27, 2026 1:52 PM
To: Kristin Goulet <kgoulet@fppc.ca.gov>
Subject: RE: Petition

EXTERNAL EMAIL

So who do I address the petition to?

From: Kristin Goulet <kgoulet@fppc.ca.gov>
Sent: Tuesday, October 27, 2026 1:19 PM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Petition

CAUTION: This email originated from outside of CDCR/CCHCS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Dr. Scharffenberg,

The violations alleged in the default occurred while you still held the designated position at CCHCS, so your recent resignation does not affect them. Because you were designated an SEI filer during the time you were with CCHCS, the outstanding SEIs still need to be filed for the relevant filing periods.

At this time, given that the SEIs are still outstanding, we will be proceeding with the default. However, if you do file the outstanding SEIs before the December 3, 2026 Commission Meeting, please let me know immediately and we can discuss possible settlement of your matter.

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050, Sacramento, CA 95811
www.fppc.ca.gov | Phone: 279.237.5986| Email: kgoulet@fppc.ca.gov

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From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Tuesday, October 27, 2026 1:12 PM
To: Kristin Goulet <kgoulet@fppc.ca.gov>
Subject: RE: Petition

EXTERNAL EMAIL

I have resigned so I don't know if this matters anymore.

From: Kristin Goulet <kgoulet@fppc.ca.gov>
Sent: Tuesday, October 27, 2026 10:33 AM
To: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Subject: RE: Petition

CAUTION: This email originated from outside of CDCR/CCHCS. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Dr. Scharffenberg,

I am just following up again on whether you have sent your petition to CCHCS or the CDCR. As mentioned before, the petition must be submitted to your own agency for it to be a valid petition requesting the removal of your designated position from your agency's conflict of interest code.

If your position remains as one designated to file SEIs, then we will be moving forward with the default on the next Commission Meeting set for December 3, 2026.

Kind re gards,

Kristin E. Goulet
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From: Kristin Goulet
Sent: Wednesday, October 14, 2026 10:06 AM
To: 'Robert.Scharffenberg@cdcr.ca.gov' <robert.scharffenberg@cdcr.ca.gov>
Subject: RE: Petition

Good morning Dr. Scharffenberg,

I'm following up on whether you sent your petition to your own agency. It is your agency that has the authority to change the conflict of interest code you are subject to, not the FPPC, so it is your agency that you need to petition.

Kind regards,

Kristin E. Goulet
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From: Kristin Goulet
Sent: Monday, August 31, 2026 2:20 PM
To: Robert.Scharffenberg@cdcr.ca.gov
Subject: FW: Petition

Good afternoon Dr. Scharffenberg,

The email below was forwarded to me by our Intake team. Has the email below also been sent to either the CDCR or the CCHCS? As mentioned in my previous emails, the petition must be sent to your agency, since it is your agency, not the FPPC, that has designated you as a code filer.

There is no valid petition if the petition has not been sent to your agency. Without a valid petition, the default proceedings will proceed.

Kind regards,

Kristin E. Goulet
Commission Counsel, Enforcement Division
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From: Scharffenberg, Robert@CDCR <Robert.Scharffenberg@cdcr.ca.gov>
Sent: Monday, August 24, 2026 5:30 AM
To: Intake <Intake@fppc.ca.gov>
Subject: Petition

You don't often get email from robert.scharffenberg@cdcr.ca.gov. Learn why this is important

This is Robert Scharffenberg, M.D.

I hereby petition that the requirement for me to complete form 700 is inappropriate and an unconstitutional invasion of privacy.

1. It is clear the form is intended for those who have been elected to office by the vote of the people. This does not apply to me.
2. It is clear by reading the questions on the form that it is intended for those who have some authority over purchasing decisions in their workplace. I have absolutely no say in this regard. So this does not apply to me.
3. The government has not established any need to invade my privacy or to know about my private business affairs.

Please take my name off of the list of those persons required to complete this form.

Thank you,

Exhibit A-10

STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811 • (916) 322-5660

April 1, 2026

Robert Scharffenberg
[redacted]
[redacted]

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC Case No. 2024-00787; In the Matter of Robert Scharffenberg

Dear Robert Scharffenberg:

On August 31, 2025, 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.**[1]

The Fair Political Practices Commission (the "Commission") will proceed with a default, decision and order ("default") against you. The initial notice of this default will appear on the published agenda for the Commission's public meeting on **April 16, 2026**. 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 **May 14, 2026** and impose an administrative penalty of $18,000 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.

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[1] Government Code section 11505.

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 (279) 237-5986 or kgoulet@fppc.ca.gov if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

Kristin E. Goulet

Kristin E. Goulet
Commission Counsel
Enforcement Division

Exhibit A-11

STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811 • (916) 322-5660

November 10, 2026

Robert Scharffenberg
[redacted]

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC Case No. 2024-00787; In the Matter of Robert Scharffenberg

Dear Robert Scharffenberg:

On August 31, 2025, 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.**[1]

The Fair Political Practices Commission (the "Commission") will proceed with a default, decision and order ("default") against you. The initial notice of this default appeared on the published agenda for the Commission's public meeting on May 14, 2026. The Commission will be asked to adopt the default at its public meeting scheduled for **December 3, 2026** and impose an administrative penalty of $18,000 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on December 3, 2026 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.

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 **December 3, 2026**

[1] Government Code section 11505.

meeting. Please contact me at (279) 237-5986 or kgoulet@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,

Kristin E. Goulet

Kristin E. Goulet
Commission Counsel
Enforcement Division