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7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
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10 STATE OF CALIFORNIA

11 In the Matter of) FPPC No.: 2019-00385
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13 SOUTH BAY SV COMMUNITY)
COALITION PAC and ANTHONY PHAN,)
14 Respondents.)
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Complainant, the Enforcement Division of the Fair Political Practices Commission, hereby submits this Default Decision and Order for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

Pursuant to the California Administrative Procedure Act,¹ South Bay SV Community Coalition PAC (the “Committee”) and Anthony Phan (“Phan”) have been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

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

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

EXHIBIT 1

INTRODUCTION

Respondent, South Bay SV Community Coalition PAC (“Committee”), was a general purpose candidate-controlled committee that made independent expenditures in connection with the November 6, 2018 election in support of Bob Nunez for Milpitas Mayor, Frank Barragan for San Benito Health Care Zone 2, Mary Casillas for San Benito Health Care Zone 4, and opposing Rolan Resendiz for Hollister City Council District 2 and Rich Tran for Mayor of Milpitas.

Respondent, Anthony Phan (“Phan”), as a member of the Milpitas City Council, was the controlling candidate and principal officer of the Committee. Suzanna Trieu (now Suzanna Phan) was the Committee’s treasurer.¹

The Political Reform Act (the “Act”)² requires recipient committees file a statement of organization to disclose a committee’s qualification date and name of the controlling candidate, to timely file campaign statements and reports, to disclose the true source of contributions, to verify its independent expenditures, and to include the proper advertisement disclosures.

This matter arose from an anonymous complaint that alleged the Committee did not file campaign statements in response to mailers that circulated opposing Rich Tran for Mayor.

The Committee and Phan failed to: timely file a statement of organization disclosing the proper qualification date and identifying Phan as the controlling candidate in the name of the Committee, timely file four 24-Hour Independent Expenditure Reports, timely file four 24-Hour Contribution Reports, timely file a pre-election campaign statement for the reporting period September 23, 2018, through October 20, 2018, disclose the true source of a contribution in the amount of \$12,500 on a pre-election campaign statement, and timely file a semi-annual campaign statement for the reporting period October 21, 2018, through December 31, 2018. Additionally, the Committee and Phan violated the Act by failing to file a verification in connection with the independent expenditures and failing to include the proper disclosure including the name of the controlling candidate on advertisements sent opposing two candidates and supporting three candidates.

¹ The Enforcement Division was unsuccessful in serving Suzanna Trieu with the Accusation. As such, Trieu is not named as a respondent in this Default, Decision, and Order.

² 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.

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.³ Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the “APA”).⁴ 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.⁵

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 circumstances, compliance with a Commission regulation would result in a material violation of another department’s regulation affecting substantive rights.⁶

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.⁷ 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.⁸

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.⁹

A finding of probable cause may not be made by the Commission unless the person alleged to have violated the Act is 1) notified of the violation by service of process or registered mail with return receipt requested; 2) provided with a summary of the evidence; and 3) informed of his or

³ Section 83116.

⁴ The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code; Section 83116.

⁵ Section 11503.

⁶ Section 11506, subd. (a)(1)–(6).

⁷ Section 11506, subd. (c).

⁸ Section 11520, subd. (a).

⁹ Section 91000.5, subd. (a).

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.¹⁰ 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.¹¹

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.¹²

Documents supporting the procedural history are included in the attached Certification of Records (“Certification”) filed herewith at Exhibit 1, A-1 through A-6, and A-27 and A-28, and are incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the Committee and Phan in this matter by serving them with a Report in Support of a Finding of Probable Cause (the “Report”) (Certification, Exhibit A-1) by certified mail.¹³ Phan was served with the Report on September 20, 2023, individually and on behalf of the Committee. (Certification, Exhibit A-2.) The administrative action commenced on September 20, 2023, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on the Committee and Phan 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. The Committee and Phan 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 the Committee and Phan 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 January 10, 2024. (Certification, Exhibit A-3.)

On January 17, 2024, the Hearing Officer, Legal Division, Jack Woodside, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on the Committee and Phan. (Certification, Exhibit A-4.)

¹⁰ Section 83115.5.

¹¹ Section 83115.5.

¹² Section 91000.5.

¹³ Section 83115.5.

C. The Issuance and Service of the Accusation

Under the Act, if the Hearing Officer makes a finding of probable cause, the Enforcement Division must prepare an accusation pursuant to Section 11503 of the APA, and have it served on the persons who are the subject of the probable cause finding.¹⁴

Section 11503(a) 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.

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 November 15, 2024, the Commission's Chief of Enforcement, James Lindsay, issued an Accusation against the Committee and Phan. (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

¹⁴ Regulation 18361.4, subd. (g).

¹⁵ Section 11505, subd. (a).

¹⁶ Section 11505, subd. (b).

¹⁷ Section 11505, subd. (c).

Code Sections 11506, 11507.5, 11507.6, and 11507.7, were served upon the Committee and Phan by personal service on November 19, 2024. (Certification, Exhibit A-6.)

Along with the Accusation, the Enforcement Division served the Committee and Phan 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. The Committee and Phan did not file a Notice of Defense within the statutory time period, which ended on December 3, 2024.

As a result, on October 2, 2025, the Enforcement Division sent a letter to the Committee and Phan advising that this matter would be submitted for a Default Decision and Order at the Commission’s public meeting scheduled for November 20, 2025. (Certification, Exhibit A-27)

On May 27, 2026, the Enforcement Division sent another letter to the Committee and Phan advising that this matter would be submitted for a Default Decision and Order at the Commission’s public meeting scheduled for June 18, 2026. (Certification, Exhibit A-28.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

SUMMARY OF THE LAW

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

One of the stated purposes of the Act is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited.¹⁸ Another purpose is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹⁹

The Act defines “committee” as any person or combination of persons who receives contributions totaling \$2,000 or more in a calendar year,²⁰ commonly known as a “recipient committee.” A recipient committee that is controlled directly or indirectly by a candidate, or which acts jointly with a candidate in connection with the making of expenditures, is a “controlled committee.” A candidate controls a committee if the candidate, the candidate’s agent, or any other committee the candidate controls has a significant influence on the actions or decisions of the committee.²¹

Every recipient committee must file a Statement of Organization with the Secretary of State.²² A recipient committee must file a Statement of Organization within 10 days of qualifying

¹⁸ Section 81002, subd. (a).

¹⁹ Sections 81001, subd. (h), and 81002, subd. (f).

²⁰ Section 82013, subd. (a).

²¹ See Section 82016.

²² Section 84101.

as a committee.²³ The Statement of Organization must include the committee's name, street address and telephone number, and the full name, street address and telephone number of the treasurer and other principal officers of the committee, in addition to the qualification date.²⁴

The Statement of Organization must also include a statement of whether the committee was independent or controlled, and if controlled, the name of each candidate by which it was controlled.²⁵

At the core of the Act's campaign reporting system is the requirement that committees must file campaign statements and reports for certain reporting periods and by certain deadlines.²⁶ Whenever identification of a committee is required by law, the identification must include the full name of the committee, and in the case of a committee that is controlled by one or more candidates, the name of the committee must include the last name of each controlling candidate.²⁷ Also, whenever a candidate-controlled committee files a campaign statement, information about the controlling candidate must be disclosed on the filing along with information about any other committees that candidate controls. The controlling candidate must sign/verify the controlled committee's campaign statements.²⁸ A candidate shall verify his or her campaign statement and the statement subject to his or her control.²⁹ If a committee is required to file a campaign statement or report disclosing an independent expenditure, the candidate or principal officer of a controlled committee shall sign a verification on a report prescribed by the Commission.³⁰ This verification is required within 10 days from the date of an independent expenditure that totals, in the aggregate, \$1,000 or more to support or oppose a candidate or measure in a calendar year.³¹

At the core of the Act's campaign reporting system is the requirement that committees must file campaign statements and reports for certain periods and by certain deadlines. The Act requires state general purpose committees, candidates and their controlled committees to file campaign statements at specific times disclosing information regarding contributions received and expenditures made by the campaign committees.³² A state general purpose committee is required to file semi-annual and preelection campaign statements with the Secretary of State ("SOS").³³

A committee must file semi-annual campaign statements beginning in the period in which the committee qualified and continuing until the committee terminates.³⁴ A committee must file a semiannual statement by January 31 for the period ending December 31 of the previous year, and

²³ Section 84101, subd. (a).

²⁴ Sections 84102, subd. (a) and (c) and 84101.

²⁵ Section 84102, subd. (e).

²⁶ Sections 84200, et seq.

²⁷ Sections 84101; 84102, subd. (e) and (g); and Regulation 18402, subd. (c)(1).

²⁸ See Sections 84211, subd. (p); and 84213.

²⁹ Section 84213, subdivision (a).

³⁰ Section 84213, subd. (b).

³¹ Former Regulation 18465.1, subd. (b).

³² Section 84200, et seq.

³³ Section 84215 and Regulation 18227.4, subd. (b).

³⁴ Section 84200, subd. (a).

by July 31 for the period ending June 30.³⁵ Whenever the deadline falls on a Saturday, Sunday or official state holiday, the filing deadline for a statement shall be extended to the next regular business day.³⁶

A state general purpose committee must file the applicable preelection campaign statements prior to elections in which contributions or independent expenditures were made totaling \$500 or more in connection with the November 6, 2018 statewide election.³⁷

The first preelection campaign statement, for the period ending 45 days before the election, shall be filed no later than 40 days before the election.³⁸ The second preelection campaign statement, for the period ending 17 days before the election, shall be filed no later than 12 days before the election.³⁹ For the November 6, 2018 election, the second preelection campaign statement was due by October 25, 2018.

For each campaign statement that a committee is required to file, the committee must disclose certain information about contributors who contribute a cumulative amount of \$100 or more.⁴⁰ Under Section 84211, subdivision (f), the committee must disclose the following about these contributors: (1) the contributor's full name; (2) the contributor's street address; (3) the contributor's occupation; (4) the name of the contributor's employer, or if he or she is self-employed, the name of the business; (5) the date and amount received during the period covered by the campaign statement; and (6) the cumulative amount of contributions.

A "late contribution" means a contribution that totals in the aggregate \$1,000 or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate or measure is to be voted on.⁴¹ Each candidate or committee that makes or receives a late contribution shall report the late contribution within 24 hours of the time it is made to each office with which the committee is required to file its next campaign statement.⁴²

Under the Act, an "independent expenditure" includes an expenditure made by any person, in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.⁴³ A "late independent expenditure" means an independent expenditure that totals in the aggregate \$1,000 or more and is made for or against a specific candidate or measure involved in an election

³⁵ Section 84200.

³⁶ Regulation 18116, subd. (a).

³⁷ Section 84200.5, subd. (c)

³⁸ Section 84200.8, subd. (a)

³⁹ Section 84200.8, subd. (b).

⁴⁰ Section 84211.

⁴¹ Section 82036.

⁴² Section 84203.

⁴³ Section 82031.

during the 90-day preceding the date of the election, or on the date of the election.⁴⁴ A committee that makes a late independent expenditure shall report the late independent expenditure within 24 hours of the time it is made in the places where it would be required to file campaign statements as if it were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the late independent expenditure.⁴⁵

An “advertisement” under the Act means any general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate(s) for elective office or a ballot measure(s).⁴⁶

Under the Act, any advertisement paid for by a committee established pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words “Paid for by” followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101.⁴⁷ On print advertisements designed to be individually distributed, including mailers, the disclosure area shall have a solid white background and shall be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. The text shall be in a contrasting color, in an Arial equivalent type with a type size of at least 10-point.⁴⁸

It is the duty of a committee treasurer to ensure that the committee complies with the Act.⁴⁹ It is the duty of the committee’s principal officer to authorize the content of communications made by the committee, authorize expenditures made by the committee, and determine the committee’s campaign strategy.⁵⁰ A treasurer, candidate and principal officer may be held jointly and severally liable, along with the committee, for violations committed by the committee.⁵¹

SUMMARY OF THE EVIDENCE

Phan was a successful candidate for Milpitas City Council in the November 6, 2016 General Election and was re-elected in the November 3, 2020 General Election. Phan’s term finished at the end of 2024. Phan unsuccessfully ran for Mayor of Milpitas in the November 8, 2022 and November 5, 2024 General Elections.

At all relevant times, Phan was a Milpitas City Councilmember. Additionally, according to an Fictitious Business Name Statement filed and maintained by Santa Clara County, Phan has a consulting business named Invictus Strategy. The statement was initially filed on April 10, 2018.

⁴⁴ Section 82036.5.

⁴⁵ Section 84204, subs. (a) and (c).

⁴⁶ Section 84501.

⁴⁷ Section 84502, subd. (a)(1).

⁴⁸ Section 84504.2, subd. (a).

⁴⁹ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

⁵⁰ Section 82047.6; Regulation 18402.1, subd. (b).

⁵¹ Sections 83116.5 and 91006.

According to campaign filings maintained by the SOS, the Committee was formed on October 8, 2018, as a state general purpose committee. Trieu was the named treasurer of the Committee. Phan was the named principal officer of the Committee.

According to campaign filings maintained by the SOS and Milpitas City Clerk's Office, at the same time, Phan had an active officeholder committee, City Council Neighbors for Anthony Phan 2016. (Certification, Exhibit A-7.)

According to an interview with Phan and Committee records,⁵² Victor Gomez assisted with fundraising and Phan directed and controlled the expenditures of the Committee, discussed further below.

According to records maintained by the SOS, the Committee filed: an initial Statement of Organization on October 8, 2018, stating the Committee had not yet qualified; an amended Statement of Organization on November 6, 2018, the date of the election, reflecting the Committee qualified on October 9, 2018; and a termination Statement of Organization on July 10, 2019, reflecting the Committee qualified on October 8, 2018 and terminated on December 31, 2018. (Certification A-8.) Each Statement of Organization disclosed Trieu as the treasurer and Phan as the principal officer of the Committee, with both signing each Statement of Organization. At no time did any of the Statements of Organization include Phan as the controlling candidate or include Phan's name in the name of the Committee as the controlling candidate.

Phan Interview

According to an interview with Phan (Certification A-9.), Phan wanted to help candidates get elected who share similar views, which was the reason the Committee was formed. Phan stated Phan chose to support Barragan and Casillas because Phan had a good rapport with them. Phan believed Phan met both Barragan and Casillas at an event with Gomez, a former Hollister City Councilmember and Mayor with a consulting business named Pinnacle Strategy.

According to Phan, Phan and Gomez solicited contributions, although Phan stated Gomez was not an officer of the Committee. According to Phan, Trieu only performed the accounting duties. According to Phan, Phan designed and produced the advertisements supporting Nunez and opposing Tran.

According to Phan, none of the candidates were consulted in connection with any of the advertisements, although Phan did provide the Nunez advertisements to the Santa Clara Republican Party who used the same advertisements to support Nunez.

⁵² While the Committee records were identified as received via subpoena in the Accusation, the Committee records were in fact voluntarily provided by Phan.

Failure to Timely File Campaign Statements

A state general purpose committee must file the applicable preelection campaign statements prior to elections in which contributions or independent expenditures were made totaling \$500 or more in connection with the November 6, 2018 statewide election. Based on the Committee activity, the Committee was required to file a preelection campaign statement for the reporting period September 23, 2018, through October 20, 2018, by October 25, 2018. According to records maintained by the SOS, this preelection campaign statement was filed 12 days late on or about November 6, 2018, the date of the election. (Certification A-10.)

According to records maintained by the SOS, on or about July 10, 2019, the Committee filed a semiannual campaign statement for the reporting period of October 21, 2018 through December 31, 2018, 161 days late. (Certification A-11.)

Further, a candidate controlling a committee is required to file an independent expenditure verification, which states that the independent expenditure was not coordinated with the affected candidates and the committee has reported all contributions and reimbursements. This is required to be filed within 10 days from the date of an independent expenditure of \$1,000 or more to support or oppose a candidate in a calendar year. According to records maintained by the SOS, the Committee did not file any verification of independent expenditures, as required.

Failure to Properly Disclose the Identity of a Contributor

According to Committee bank records, on or about October 8, 2018, the Committee received a contribution in the amount of \$12,500. The preelection campaign statement disclosed this contribution as coming from San Benito Medical Associates. (Certification A-12.) However, according to the Committee bank records, this contribution was written from the Pinnacle Strategy bank account in the form of a check. (Certification A-13.) According to Phan, Gomez is the owner of Pinnacle Strategy.

According to an interview with Phan, Gomez gave the contribution check dated October 8, 2018 to Phan from a Pinnacle Strategy bank account check, but “self-reported by the contributor” that the contribution was from San Benito Medical Associates and should be reported that way.

According to Phan, Phan initially said no, but then agreed to disclose the contribution in this way because at some point Phan believed Pinnacle Strategies represented San Benito Medical Associates.

According to an interview with Gomez, Gomez does not recall the Committee or making a contribution to the Committee. (Certification A-14.) Gomez stated Gomez only worked as a consultant to the Silicon Valley Business PAC, not the Committee. Gomez stated Gomez knows Phan but did not recall making a \$12,500 contribution to the Committee. Further, Gomez did not recall directing Phan to report this contribution as from San Benito Medical Associates.

According to a representative of San Benito Medical Associates, Gomez was hired to design and print brochures for two endorsed candidates running for San Benito Hospital District. However, the San Benito Medical Associates only paid Gomez \$7,277 on October 8, 2018. A representative of San Benito Medical Associates stated there were no communications with the Committee and they were unaware of any payment to the Committee in the amount of \$12,500.

Failure to Timely File 24-Hour Reports

The 24-Hour reporting period for Independent Expenditure Reports (Form 496) for the November 6, 2018 election covered the period August 8, 2018 to November 6, 2018. According to Committee records, during this period, the Committee was required to file the following Form 496s for independent expenditures made over \$1,000 in the places where it would be required to file campaign statements as if it were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the 24-Hour independent expenditure. (Certification A-15.)

Candidate Supported/Opposed	Amount	Expenditure Date	Date Filed	Date Due	Where Required to File
Frank Barragan – Advertisements Supporting	\$4,706.28	10/9/2018*	11/07/2018	10/10/2018	San Benito County Clerk
Mary Casillas – Advertisements Supporting	\$5,071.35	10/9/2018*	11/07/2018	10/10/2018	San Benito County Clerk
Rolan Resendiz – Advertisements Opposing	\$4,287.43	10/9/2018*	Not Filed	10/10/2018	Hollister City Clerk
Bob Nunez – Advertisements Supporting	\$3,685.55	11/02/2018	11/06/2018	11/05/2018	Milpitas City Clerk
Rich Tran – Advertisements Opposing	\$1,717.90	11/01/2018	Not Filed	11/02/2018	Milpitas City Clerk
Total	\$19,468.51				

*Each of these expenditures were disclosed on campaign statements as made on 10/18/18, although the advertisements were paid for on 10/9/18.

According to records maintained by the San Benito County Clerk, the Committee filed two 24-Hour Independent Expenditure Reports late and after the relevant election. These 24-Hour Independent Expenditure Reports were filed for advertisements sent supporting Barragan in the amount of about \$4,706 and Casillas in the amount of about \$5,071 on November 7, 2018, the day after the election. (Certification A-16.) Both of these Independent Expenditure Reports should have been filed on or about October 10, 2018.

According to records maintained by the Milpitas City Clerk, the Committee filed a 24-Hour Independent Expenditure Report one day late, on the day of the election. This 24-Hour Independent Expenditure Report was made on November 2, 2018, but not filed until November 6, 2018, the day of the election, for advertisements sent supporting Nunez in the amount of about

\$3,685,. (Certification A-17.) This Independent Expenditure Report should have been filed on November 5, 2018.

According to records maintained by the Milpitas City Clerk, no Independent Expenditure Reports were filed in connection with advertisements opposing Resendiz in the amount of about \$4,287 on October 10, 2018 and opposing Tran in the amount of about \$1,717 on November 1, 2018, in violation of the Act.

According to the advertisements obtained through Committee records, each of these advertisements were hit piece advertisements. The advertisement opposing Resendiz stated: “City Council Candidate ROLAN RESENDIZ ARRESTED,” “Physical abuse is never justified” and “Rolan Resendiz cannot be trusted,” among additional allegations. (Certification A-18.)

The advertisement opposing Tran was also a hit piece and included: “the Milpitas City Council on Monday issued a sharp rebuke, describing Tran as unprofessional, disrespectful and, essentially, a black eye on a community struggling to repair its tarnished reputation,” “...documents obtained by this news organization suggest Milpitas Mayor Rich Tran ...likely ‘engaged in conduct of a sexual nature’ with a department head at a holiday party,” “Wanted If you or anyone you know have also been harassed by Richard Tran, please report to Milpitas PD,” and “Absent in the community. Unless there’s free drinks,” among some of the allegations included in the advertisement. (Certification A-19.) In further aggravation, the background of the advertisement included the Socialist Republic of Vietnam flag, a symbol associated with the Vietnamese Communist Party, which is deeply controversial in the Vietnamese-American community. On the advertisement, Tran’s face was in front of the flag, with the following words in Vietnamese: “Who is this yellow star going to be fighting for?” According to a newspaper article, Tran stated this is a hate advertisement in the Vietnamese-American refugee community, and stated this was particularly offensive as Tran was an active member of the U.S. Armed Forces.

The 24-Hour reporting period for 24-Hour Contribution Reports for the November 6, 2018 election covered the period August 8, 2018 to November 6, 2018. According to records maintained by the SOS, during this period the Committee did not file any 24-Hour Contribution Reports. The Committee received the following contributions over \$1,000, based on the Committee bank records (Certification A-20.):

Contributor	Amount	Date Received	Date Filed	Date Due	Days Late
Transparent Silicon Valley	\$3,000.00	10/08/2018	Not Filed	10/09/2018	Not Filed
Pinnacle Strategy	\$12,500.00	10/08/2018	Not Filed	10/09/2018	Not Filed
TTLIC Tarob 4, LLC	\$2,500.00	10/12/2018	Not Filed	10/15/2018	Not Filed
Eduardo Brugman	\$2,500.00	10/25/2018	Not Filed	10/26/2018	Not Filed
Transparent Silicon Valley	\$2,500.00	11/05/2018	Not Filed	11/06/2018	Not Filed
Total	\$23,000.00				

Advertisement Disclosure

According to invoices from Meridian Pacific Inc., invoices dated on or about September 28, 2018, identify the Committee sent an advertisement opposing Rolan for \$4,287 for 1,321 advertisements (Certification A-21.); an advertisement supporting Barragan for \$4,706 for 2,287 (Certification A-22.) advertisements and an advertisement supporting Casillas for \$5,071 for 2,752 advertisements. (Certification A-23.) All of these mailers included postage, which were paid for October 9, 2018.

According to invoices from National Printing Co., on October 24, 2018 and November 1, 2018, the Committee purchased advertisements supporting Nunez and opposing Tran, in an amount around \$3,549. (Certification A-24.) Over 3,000 of the Nunez advertisements were sent and at least 1,600 of the Tran advertisements were sent based on these invoices.

According to invoices from AMS, on October 31, 2018 and November 2, 2018, the Committee purchased advertisements supporting Nunez in the amount of about \$3,370. (Certification A-25.) Over 5,000 of the Nunez advertisements were sent based on these invoices.

Each advertisement stated “Paid for by South Bay SV Community Coalition PAC. This advertisement was not authorized or paid for by a candidate for this office or committee controlled by a candidate for this office.” The disclaimer failed to include the name of the controlling candidate. (Certification A-26.)

Summary of Contact

Overall, the Enforcement Division contacted the Committee and Phan 30 times throughout this case, as follows:

- March 17, 2022: Email from the Enforcement Division
- May 26, 2022: Email from the Enforcement Division
- June 14, 2022: Email from the Enforcement Division
- June 29, 2022: Response via Email from Respondent
- August 1, 2022: Correspondence via Email with Respondent
- August 2, 2022: Correspondence via Email with Respondent
- August 26, 2022: Email and Phone Call from the Enforcement Division
- August 30, 2022: Phone Call from the Enforcement Division
- May 5, 2023: Email and Phone Call from the Enforcement Division
- May 11, 2023: Email from the Enforcement Division
- May 25, 2023: Mail Sent from Enforcement Division
- September 18, 2023: Mail Sent from Enforcement Division
- September 19, 2023: Attempted Personal Service
- September 20, 2023: Report in Support of Probable Cause served on the Committee and Phan Was Personally Served
- November 14, 2023: Phone Call from Enforcement Division

- January 10, 2024: Copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to the Committee and Phan
- January 18, 2024: Mail Sent from the Legal Division
- January 24, 2024: Email from Enforcement Division
- February 19, 2024: Email from Enforcement Division
- February 20, 2024: Phone Call from Enforcement Division
- February 22, 2024: Email from Enforcement Division
- June 20, 2024: Email from Enforcement Division
- July 16, 2024: Phone Call from Enforcement Division
- August 28, 2024: Email from Enforcement Division
- November 19, 2024: Accusation Personally Served on the Committee and Phan
- June 19, 2025: Email from Enforcement Division
- October 2, 2025: letter to the Committee and Phan informing them that a Default Decision and Order would appear on the agenda for the November 20, 2025 Commission meeting as a notice item
- October 2, 2025: Notice of Intent to Enter Default Decision and Order to the Committee and Phan informing them that the Default Decision and Order would be presented at the November 20, 2025 meeting for Commission action

VIOLATIONS

The Committee and Phan committed 18 violations of the Act as follows:

COUNT 1

Failure to Timely File a Qualifying Statement of Organization and Identify a Controlling Candidate

The Committee and Phan had a duty to timely disclose the date of qualification and name of the controlling candidate in the committee's name on the Committee's Statement of Organization. The Committee and Phan failed to timely disclose the date of qualification and name of the controlling candidate in the committee's name on the Committee's Statement of Organization by October 18, 2018. By failing to timely disclose the date of qualification and name of the controlling candidate in the committee's name on the Statement of Organization, the Committee and Phan violated Government Code Sections 84101, subdivision (a) and 84102, subdivisions (e) and (g).

COUNT 2

Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee and Phan had a duty to timely file a 24-Hour Independent Expenditure Report with the San Benito County Clerk disclosing two independent expenditures for advertisements made on or about October 9, 2018. The Committee and Phan failed to timely file a

24-Hour Independent Expenditure Report with the San Benito County Clerk disclosing two independent expenditures for advertisements made on or about October 9, 2018. By failing to timely file a 24-Hour Independent Expenditure Report, the Committee and Phan violated Government Code Section 84204.

COUNT 3

Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee and Phan had a duty to timely file a 24-Hour Independent Expenditure Report with the Hollister City Clerk disclosing an independent expenditure for advertisements made on or about October 9, 2018. The Committee and Phan failed to timely file a 24-Hour Independent Expenditure Report with the Hollister City Clerk disclosing an independent expenditure for advertisements made on or about October 9, 2018. By failing to timely file a 24-Hour Independent Expenditure Report, the Committee and Phan violated Government Code Section 84204.

COUNT 4

Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee and Phan had a duty to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing an independent expenditure for advertisements made on or about November 1, 2018. The Committee and Phan failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing an independent expenditure for advertisements made on or about November 1, 2018. By failing to timely file a 24-Hour Independent Expenditure Report, the Committee and Phan violated Government Code Section 84204.

COUNT 5

Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee and Phan had a duty to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing an independent expenditure for advertisements made on or about November 2, 2018. The Committee and Phan failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing an independent expenditure for advertisements made on or about November 2, 2018. By failing to timely file a 24-Hour Independent Expenditure Report, the Committee and Phan violated Government Code Section 84204.

COUNT 6

Failure to Timely File a 24-Hour Contribution Report

The Committee and Phan had a duty to timely file a 24-Hour Contribution Report disclosing two contributions received over \$1,000 each on October 8, 2018 by the October 9, 2018

due date. The Committee and Phan failed to timely file a 24-Hour Contribution Report disclosing two contributions received over \$1,000 each on October 8, 2018 by the October 9, 2018 due date. By failing to timely file a 24-Hour Contribution Report, the Committee and Phan violated Government Code Section 84203.

COUNT 7

Failure to Timely File a 24-Hour Contribution Report

The Committee and Phan had a duty to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on October 12, 2018, by the October 15, 2018 due date. The Committee and Phan failed to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on October 12, 2018, by the October 15, 2018 due date. By failing to timely file a 24-Hour Contribution Report, the Committee and Phan violated Government Code Section 84203.

COUNT 8

Failure to Timely File a 24-Hour Contribution Report

The Committee and Phan had a duty to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on October 25, 2018, by the October 26, 2018 due date. The Committee and Phan failed to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on October 25, 2018, by the October 26, 2018 due date. By failing to timely file a 24-Hour Contribution Report, the Committee and Phan, violated Government Code Section 84203.

COUNT 9

Failure to Timely File a 24-Hour Contribution Report

The Committee and Phan had a duty to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on November 5, 2018 by the November 6, 2018 due date. The Committee and Phan failed to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on November 5, 2018, by the November 6, 2018 due date. By failing to timely file a 24-Hour Contribution Report, the Committee and Phan, violated Government Code Section 84203.

COUNT 10

Failure to Timely File a Preelection Campaign Statement

The Committee and Phan had a duty to timely file a Pre-Election Campaign Statement for the reporting period of September 23, 2018, through October 20, 2018, by the October 25, 2018 due date. The Committee and Phan failed to timely file a Pre-Election Campaign Statement by the

October 25, 2018 due date. By failing to timely file the Pre-Election Campaign Statement, the Committee and Phan violated Government Code Section 84200.5, subdivision (c).

COUNT 11

Failure to Disclose the True Source of a Contribution

The Committee and Phan had a duty to accurately disclose the names of contributors who contribute a cumulative amount of \$100 or more on campaign statements. The Committee and Phan failed to disclose Pinnacle Strategies as the true source of a contribution for \$12,500 on October 8, 2018. By failing to accurately disclose the true source of a contribution, the Committee and Phan violated Government Code Section 84211, subdivision (f).

COUNT 12

Failure to Timely File Semi-Annual Campaign Statement

The Committee and Phan had a duty to timely file a semi-annual campaign statement for the reporting period of October 21, 2018 through December 31, 2018 by the January 31, 2019 due date. The Committee and Phan failed to timely file a semi-annual campaign statement for the reporting period of October 21, 2018 through December 31, 2018 by the January 31, 2019 due date. By failing to timely file a semi-annual campaign statement by the January 31, 2019 due date, the Committee and Phan violated Government Code Section 84200, subdivision (a).

COUNT 13

Failure to Timely File Independent Expenditure Verification

The Committee and Phan had a duty to file an independent expenditure verification within 10 days of an independent expenditure of \$1,000 or more that supported or opposed a candidate during the calendar year. The Committee and Phan failed to file an independent expenditure verification for any independent expenditure. By failing to file an independent expenditure verification, the Committee and Phan violated Government Code Section 84213, subdivision (b).

COUNT 14

Failure to Disclose Name of Controlling Candidate on Advertisements

The Committee and Phan had a duty include the controlling candidate's name in the committee's name on the Statement of Organization, and to disclose that name in any advertisement paid for by the Committee. The Committee and Phan failed to include Phan's name in advertisements sent by the Committee on or about October 18, 2018 in support of Frank Barragan for San Benito Health Care Zone 2. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

COUNT 15

Failure to Disclose Name of Controlling Candidate on Advertisements

The Committee and Phan had a duty include the controlling candidate's name in the committee's name on the Statement of Organization, and to disclose that name in any advertisement paid for by the Committee. The Committee and Phan failed to include Phan's name in advertisements sent by the Committee on or about October 18, 2018 in support of Mary Casillas for San Benito Health Care Zone 4. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

COUNT 16

Failure to Disclose Name of Controlling Candidate on Advertisements

The Committee and Phan had a duty include the controlling candidate's name in the committee's name on the Statement of Organization, and to disclose that name in any advertisement paid for by the Committee. The Committee and Phan failed to include Phan's name in advertisements sent by the Committee on or about October 18, 2018 opposing Rolan Resendiz for Hollister City Council District 2. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

COUNT 17

Failure to Disclose Name of Controlling Candidate on Advertisements

The Committee and Phan had a duty include the controlling candidate's name in the committee's name on the Statement of Organization, and to disclose that name in any advertisement paid for by the Committee. The Committee and Phan failed to include Phan's name in advertisements sent by the Committee on or about November 2, 2018 in support of Bob Nunez for Milpitas Mayor. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

COUNT 18

Failure to Disclose Name of Controlling Candidate on Advertisements

The Committee and Phan had a duty include the controlling candidate's name in the committee's name on their Statement of Organization, and to disclose that name in any advertisement paid for by the Committee. The Committee and Phan failed to include Phan's name

in advertisements sent by the Committee on or about November 1, 2018 opposing Rich Tran for Mayor of Milpitas. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

CONCLUSION

This matter consists of 18 counts of violating the Act, which carry a maximum total administrative penalty of \$90,000.⁵³

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 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.⁵⁴

A central purpose of the Act is to ensure contributions and expenditures in election campaigns are fully and truthfully disclosed. The violations here include the failure to timely file campaign statements and reports, failure to properly identify a contributor, failing to include the proper advertisement disclosures in mass mailings, and failing to properly name the committee.

Phan had experience with the Act's requirements as he ran for office in 2016. The failure to timely and properly disclose the Committee activity resulted in significant public harm since the public did not have important information about Committee funding until after the relevant election, especially given that the Committee sent hit-piece advertisements against two candidates.

In this matter, there is insufficient evidence to support an intent to conceal. In mitigation, Phan was named as the principal officer on the Committee's statement of organization. However, the violations regarding the independent expenditures opposing Richard Tran and Rolan Resendiz appear to be deliberate because Phan stated in an interview with the Enforcement Division that they did not report them because Phan considered the mailers to be educational. Conversely, the independent expenditures that supported candidates were reported, although late, either on election day or after. Other violations contained herein appear to be the result of negligence.

⁵³ Section 83116, subd. (c).

⁵⁴ Regulation 18361.5, subd. (e).

Phan was asked during the investigation if they thought to call the FPPC Advice line. Phan stated they did not but claimed to seek advice from the City Clerk.

The violations here are part of a pattern. Currently, the Enforcement Division has had three prior closed cases against Phan. In FPPC Case No. 2017-00054, approved by the Commission in May 2022, Phan paid a penalty of \$15,000 for failing to properly report a loan received, for accepting a prohibited cash contribution, and failing to properly disclose contributor information on campaign statements.

Phan acknowledged controlling the Committee but failed to amend the Committee's statement of organization to include Phan's name in the Committee's name while in public office. The Committee remains open and active.

The Enforcement Division also considers previous cases approved by the Commission in determining penalties. In this matter, the following cases were used as guidelines.

Count 1

- *In the Matter of Committee to Clean House and Kevin McVey*, FPPC No. 15/2202. (The Commission approved a default decision on March 21, 2019). The respondents, among other violations, failed to properly identify the committee as primarily formed as its primary activity was the production of TV and YouTube ads against two candidates. It failed to include the names of the candidates it opposed in the Committee's name. The Committee also failed to include the offices sought and year of the election in its name. The Commission imposed a penalty of \$4,000 for this violation.
 - A similar penalty is recommended for this count because the Committee and Phan sent a series of mailers that supported and opposed certain candidates, and Phan's name was not present in the Committee's name shown in mailers. The Committee here also failed to disclose its date of qualification.

Counts 2-5

- *In the Matter of Committee to Clean House and Kevin McVey*, FPPC No. 15/2202. (The Commission approved a default decision on March 21, 2019). The respondents, among other violations, failed to timely file 24-Hour Independent Expenditure Reports for three independent expenditures that were not reported prior to the election. The Commission imposed a penalty of \$3,500 in one count.
 - A similar penalty of \$3,500 is recommended here for counts three and four, for the advertisements supporting two candidates. However, a maximum penalty of \$5,000 is recommended here for counts two and five due to the nonreporting of two independent expenditures that clearly opposed two candidates.

Counts 6-9

- *In the Matter of Pham for Assembly 2018, Long Pham, and Mary Pham*, FPPC No. 18/569. (The Commission approved a default decision on October 17, 2024.) The respondents, among other violations, failed to timely file a 24-hour contribution report for a \$2,000 transfer made into the campaign bank account just one day before the election. The contribution was not disclosed on a campaign statement until almost two years after the election. The Commission imposed a penalty of \$3,000 for this violation.
 - A similar penalty is recommended here for the one 24-hour contribution report that was not filed or disclosed on campaign statements. A slightly lower penalty of \$2,500 is recommended for the three contributions that were disclosed on a pre-election statement filed late on election day.

Count 10

- *In the Matter of Brown for Bassett School Board Member 2024 and Samuel Brown*, FPPC No. 24/1046. (The Commission approved a default decision on August 21, 2025.) The respondents failed to two file pre-election campaign statements. The Commission imposed a penalty of \$2,500 each for these violations.
 - A similar penalty is recommended here because the pre-election statement was not filed until the day of the election.

Count 11

- *In the Matter of Andrew Stein, Andrew Stein for Superior Court Judge 2014, and Yolanda Miranda*, FPPC No. 17/075. (The Commission approved a stipulated settlement on September 15, 2022.) The respondents, among other violations, failed to disclose the true source of \$100,000 in loans by depositing the contributors check into the candidate's personal bank account. The candidate then wrote a check from the personal account to the Committee indicating "Loan" in the memo line. Stein contended he was negligent and did not intend to conceal information and admitted who the true source was. The Commission imposed a penalty of \$5,000 for this violation.
 - A similar penalty is recommended here because the preelection campaign statement disclosed a \$12,500 contribution as coming from San Benito Medical Associates. But according to the Committee bank records, this contribution was written from Pinnacle Strategy.

Count 12

- *In the Matter of Thomas Benson for Signal Hill City Council 2017 and Thomas Benson*; FPPC No. 2018/00171. (The Commission approved a default decision on September 16, 2021.) The respondents failed to timely file three semi-annual campaign statements. These

statements disclosed or would have disclosed no campaign activity during the relevant reporting periods. Benson had prior experience with the Act and a prior enforcement history for failing to timely file a semi-annual campaign statement. The Commission imposed a penalty of \$3,000 per count for three counts.

- A similar penalty of \$3,000 is recommended here, as there was only one post-election semi-annual campaign statement that was not timely filed in this matter.

Count 13

- *In the Matter of Voters for Good Government and Billie Martinez*, FPPC No. 16/182. (The Commission approved a default decision on October 19, 2017.) The respondents, among other violations, failed to file an independent expenditure verification. A lower penalty was justified because there was disclosure to the public prior to the election and the Committee timely filed the independent expenditure report. The Commission imposed a penalty of \$1,500 for this violation.
 - A slightly higher penalty of \$2,000 is recommended here because the 24-hour independent expenditure reports were not filed until after the election, two were not filed at all, and applicable preelection campaign statement was filed late on election day. There were also two expenditures opposing candidates that were not reported.

Counts 14-18

- *In the Matter of Committee to Clean House and Kevin McVey*, FPPC No. 15/2202. (The Commission approved a default decision on March 21, 2019). The respondents, among other violations, failed to properly identify the committee name and failed to properly disclose that the advertisements were not authorized or paid for by a candidate or controlled committee of a candidate in the production of TV and YouTube ads against two candidates, combined into one count. The Commission imposed a penalty of \$3,000 for this violation.
 - A lower penalty of \$2,500 is recommended here because each count was separately charged. However, the charging was justified in this matter, as the public harm was high in this case with the use of hit piece mailers against opponents and failure to disclose the controlling candidate, causing higher public harm.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, the following penalties are proposed:

Counts	Violations: The Committee and Phan	Proposed Penalty per Count
1	Failure to Timely File a Qualifying Statement of Organization and Identify a Controlling Candidate	\$4,000
2	Failure to Timely File a 24-Hour Independent Expenditure Report	\$5,000
3	Failure to Timely File a 24-Hour Independent Expenditure Report	\$3,500
4	Failure to Timely File a 24-Hour Independent Expenditure Report	\$3,500
5	Failure to Timely File a 24-Hour Independent Expenditure Report	\$5,000
6-9	Failure to Timely File 24-Hour Contribution Reports	\$10,500
10	Failure to Timely File a Preelection Campaign Statement	\$2,500
11	Failure to Disclose the True Source of a Contribution	\$5,000
12	Failure to Timely File Semi-Annual Campaign Statement	\$3,000
13	Failure to Timely File Independent Expenditure Verification	\$2,000
14-18	Failure to Disclose Name of Controlling Candidate on Advertisements	\$12,500
	Total:	\$56,500



**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. 2019-00385; South Bay SV Community Coalition PAC and Anthony Phan* 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 September 18, 2023

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated September 19, 2023, and certified mail receipts

EXHIBIT A-3: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated January 10, 2024

EXHIBIT A-4: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated January 17, 2024

EXHIBIT A-5: Accusation, dated November 15, 2024

- EXHIBIT A-6: Proof of Service on November 19, 2024, for Accusation and accompanying documents from process server, dated November 22, 2024
- EXHIBIT A-7: Statements of Organization, filed August 2, 2017, August 15, 2016 and August 5, 2019
- EXHIBIT A-8: Statements of Organization, filed October 8, 2018, November 6, 2018, July 10, 2019
- EXHIBIT A-9: Interview Summary, dated August 30, 2022
- EXHIBIT A-10: Cover page of campaign statement, filed November 6, 2018
- EXHIBIT A-11: Cover page of campaign statement, file July 10, 2019
- EXHIBIT A-12: Schedule A of campaign statement, reporting period September 23, 2018 through October 20, 2018
- EXHIBIT A-13: Check #1020 from Pinnacle Strategy
- EXHIBIT A-14: Interview Summary, dated February 8, 2023
- EXHIBIT A-15: Schedule D of campaign statements, reporting periods September 23, 2018 through October 20, 2018 and October 21, 2018 through December 31, 2018
- EXHIBIT A-16: 24-Hour Independent Expenditure Reports, filed November 7, 2018
- EXHIBIT A-17: 24-Hour Independent Expenditure Reports, filed November 6, 2018
- EXHIBIT A-18: Rolan Resendiz Hit Piece Mailer
- EXHIBIT A-19: Rich Tran Hit Piece Mailer
- EXHIBIT A-20: Check #437, #1221, #135, #1020, and #140
- EXHIBIT A-21: Meridian Pacific, Inc Invoice, dated September 28, 2018
- EXHIBIT A-22: Meridian Pacific, Inc Invoice, dated September 28, 2018
- EXHIBIT A-23: Meridian Pacific, Inc Invoice, dated September 28, 2018
- EXHIBIT A-24: National Printing Co., Invoices, dated October 24, 2018 and November 1, 2018
- EXHIBIT A-25: AMS Invoices, dated October 31, 2018 and November 2, 2018
- EXHIBIT A-26: Advertisements sent by the Committee

EXHIBIT A-27: Notice of Intent to Enter Default Decision and Order, dated October 2, 2025.

EXHIBIT A-28: Notice of Default Decision and Order, dated May 27, 2026.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 27, 2026 at Sacramento, California.



Shaina Elkin
Associate Governmental Program Analyst
Enforcement Division
Fair Political Practices Commission

Exhibit A-1

JAMES M. LINDSAY
Chief of Enforcement
BRIDGETTE CASTILLO
Senior Commission Counsel
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Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of	)	FPPC No. 2019-00385
	)	
	)	REPORT IN SUPPORT OF A FINDING OF
	)	PROBABLE CAUSE
SOUTH BAY SV COMMUNITY	)	
COALITION PAC, ANTHONY PHAN	)	Conference Date: TBA
AND SUZANNA TRIEU	)	Conference Time: TBA
	)	Conference Location: Commission Offices
	)	1102 Q Street, Suite 3000
Respondents.	)	Sacramento, CA 95811
	)	
	)	
	)	

INTRODUCTION

Respondent South Bay SV Community Coalition PAC (“Committee”) was a general purpose candidate controlled committee, making independent expenditures in connection with the November 6, 2018 election to support Bob Nunez for Milpitas Mayor, Frank Barragan for San Benito Health Care Zone 2, Mary Casillas for San Benito Health Care Zone 4, and to oppose Rolan Resendiz for Hollister City Council District 2 and Rich Tran for Mayor of Milpitas. Respondent Anthony Phan (“Phan”), as a member of the Milpitas City Council, was the controlling candidate and named principal officer of the Committee. Respondent Suzanna Trieu (now Suzanna Phan) was the named Committee treasurer. In

1 this matter, the Committee, Phan and Trieu violated the Political Reform Act (the “Act”)¹ by failing to
2 timely and properly file a statement of organization to disclose the proper qualification date and
3 identifying Phan as the controlling candidate in the name of the Committee, failing to timely file four
4 24-Hour Independent Expenditure Reports, failing to timely file four 24-Hour Contribution Reports,
5 failing to timely file a pre-election campaign statement for the reporting period September 23, 2018,
6 through October 20, 2018, failing to disclose the true source of a contribution in the amount of \$12,500
7 on a pre-election campaign statement and failing to timely file a semi-annual campaign statement for
8 the reporting period October 21, 2018, through December 31, 2018. Additionally, the Committee and
9 Phan violated the Act by failing to file a verification in connection to the independent expenditures,
10 failing to include the proper disclosure including the name of the controlling candidate on
11 advertisements sent opposing two candidates and supporting three candidates and violating the one
12 bank account rule.

13 SUMMARY OF THE LAW

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

18 Jurisdiction

19 The Fair Political Practices Commission (the “Commission”) has primary responsibility for the
20 impartial, effective administration and implementation of the Act.² This includes enforcement through
21 administrative prosecution.³ However, before the Commission’s Enforcement Division may commence
22 administrative prosecution by filing/serving an Accusation, a hearing officer (either the General
23 Counsel of the Commission or another attorney in the Commission’s Legal Division) must determine

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

² Section 83111.

³ Section 83116.

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 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 purpose of the Act is to promote transparency by ensuring that receipts and expenditures in election campaigns are fully and truthfully disclosed so that voters are fully informed and improper

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).

⁷ Regulation 18361.4, subd. (a).

⁸ Section 83115.5.

⁹ Regulation 18361.4, subd. (b).

¹⁰ Section 81001, subd. (h).

¹¹ Section 81003.

practices are inhibited.¹² Along these lines, the Act includes a comprehensive campaign reporting system.¹³ Another purpose of the Act is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹⁴

Definition of Controlled Committee

The Act defines a “committee” to include any person (or combination of persons) who receives contributions totaling \$2,000 or more in a calendar year.¹⁵ This type of committee commonly is referred to as a “recipient committee.”

A recipient committee that is controlled directly or indirectly by a candidate, or which acts jointly with a candidate in connection with the making of expenditures, is a “controlled committee.” A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee.¹⁶

Statement of Organization Requirements

Every recipient committee must file a statement of organization with the Secretary of State.¹⁷ A recipient committee must file a statement of organization within 10 days of qualifying as a committee.¹⁸ The statement of organization must include the committee’s name, street address and telephone number, and the full name, street address and telephone number of the treasurer and other principal officers of the committee, in addition to the qualification date.¹⁹

The statement of organization must also include a statement of whether the committee was independent or controlled, and if controlled, the name of each candidate by which it was controlled.²⁰

¹² Section 81002, subd. (a).

¹³ Sections 84200, *et seq.*

¹⁴ Section 81002, subd. (f).

¹⁵ 7 Section 82013, subd. (a).

¹⁶ See Section 82016.

¹⁷ Section 84101.

¹⁸ Section 84101, subd. (a).

¹⁹ Sections 84102, subd. (a) and (c) and 84101.

²⁰ Section 84102, subd. (e).

1 Committee Naming and Filing Requirements

2 At the core of the Act's campaign reporting system is the requirement that committees must file
3 campaign statements and reports for certain reporting periods and by certain deadlines.²¹

4 Whenever identification of a committee is required by law, the identification must include the full
5 name of the committee, and in the case of a committee that is controlled by one or more candidates, the
6 name of the committee must include the last name of each controlling candidate.²²

7 Also, whenever a candidate-controlled committee files a campaign statement, information about
8 the controlling candidate must be disclosed on the filing along with information about any other
9 committees that candidate controls. The controlling candidate must sign/verify the controlled
10 committee's campaign statements.²³ A candidate shall verify his or her campaign statement and the
11 statement subject to his or her control.²⁴ If a committee is required to file a campaign statement or
12 report disclosing an independent expenditure, the candidate or principal officer of a controlled
13 committee shall sign a verification on a report prescribed by the Commission.²⁵ This verification is
14 required within 10 days from the date of an independent expenditure that totals, in the aggregate,
15 \$1,000 or more to support or oppose a candidate or measure in a calendar year.²⁶

16 Duty to File Campaign Statements

17 At the core of the Act's campaign reporting system is the requirement that committees must file
18 campaign statements and reports for certain periods and by certain deadlines. The Act requires state
19 general purpose committees, candidates and their controlled committees to file campaign statements at
20 specific times disclosing information regarding contributions received and expenditures made by the
21
22

23 ²¹ Sections 84200, et seq.

24 ²² Sections 84101; 84102, subd. (e) and (g); and Regulation 18402, subd. (c)(1).

25 ²³ See Sections 84211, subd. (p); and 84213.

26 ²⁴ Section 84213, subdivision (a).

27 ²⁵ Section 84213, subd. (b).

28 ²⁶ Former Regulation 18465.1, subd. (b).

campaign committees.²⁷ A state general purpose committee is required to file semi-annual and pre-election campaign statements with the Secretary of State (SOS).²⁸

Duty to File Semi-Annual Campaign Statements

A committee must file semi-annual campaign statements beginning in the period in which the committee qualified and continuing until the committee terminates.²⁹ A committee must file a semi-annual statement by January 31 for the period ending December 31 of the previous year, and by July 31 for the period ending June 30.³⁰ Whenever the deadline falls on a Saturday, Sunday or official state holiday, the filing deadline for a statement shall be extended to the next regular business day.³¹

Duty to File Pre-Election Campaign Statements

A state general purpose committee must file the applicable pre-election campaign statements prior to elections in which contributions or independent expenditures were made totaling \$500 or more in connection with the November 6, 2018 statewide election.³²

The first pre-election campaign statement, for the period ending 45 days before the election, shall be filed no later than 40 days before the election.³³ The second pre-election campaign statement, for the period ending 17 days before the election, shall be filed no later than 12 days before the election.³⁴ For the November 6, 2018 election, the second pre-election campaign statement was due by October 25, 2018.

Duty to Disclose Contributors

For each campaign statement that a committee is required to file, the committee must disclose certain information about contributors who contribute a cumulative amount of \$100 or more.³⁵ Under

²⁷ Section 84200, *et seq.*

²⁸ Section 84215 and Regulation 18227.4, subd. (b).

²⁹ Section 84200, subd. (a).

³⁰ Section 84200.

³¹ Regulation 18116, subd. (a)

³² Section 84200.5, subd. (c).

³³ Section 84200.8, subd. (a).

³⁴ Section 84200.8, subd. (b).

³⁵ Section 84211.

Section 84211, subdivision (f), the committee must disclose the following about these contributors: (1) the contributor's full name; (2) the contributor's street address; (3) the contributor's occupation; (4) the name of the contributor's employer, or if he or she is self-employed, the name of the business; (5) the date and amount received during the period covered by the campaign statement; and (6) the cumulative amount of contributions.

24-Hour Contribution Report

A "late contribution" means a contribution that totals in the aggregate \$1,000 or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate or measure is to be voted on.³⁶ Each candidate or committee that makes or receives a late contribution shall report the late contribution within 24 hours of the time it is made to each office with which the committee is required to file its next campaign statement.³⁷

24-Hour Independent Expenditure Report

Under the Act, an "independent expenditure" includes an expenditure made by any person, in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.³⁸ A "late independent expenditure" means an independent expenditure that totals in the aggregate \$1,000 or more and is made for or against a specific candidate or measure involved in an election during the 90-day preceding the date of the election, or on the date of the election.³⁹ A committee that makes a late independent expenditure shall report the late independent expenditure within 24 hours of the time it is made in the places where it would be required to file campaign statements as if it were formed or

³⁶ Section 82036.

³⁷ Section 84203.

³⁸ Section 82031.

³⁹ Section 82036.5.

existing primarily to support or oppose the candidate or measure for or against which it is making the late independent expenditure.⁴⁰

Advertisement Disclosures

An “advertisement” under the Act means any general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate(s) for elective office or a ballot measure(s).⁴¹

Under the Act, any advertisement paid for by a committee established pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words “Paid for by” followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101.⁴² On print advertisements designed to be individually distributed, including mailers, the disclosure area shall have a solid white background and shall be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. The text shall be in a contrasting color, in an Arial equivalent type with a type size of at least 10-point.⁴³

Prohibition Against Candidate Controlled General Purpose Committees

Under the one committee/one bank account provisions, the Act prohibits a candidate or officeholder who controls a committee for his or her election or office from controlling a general purpose committee that makes contributions or independent expenditures to support or oppose other candidates.⁴⁴

One Bank Account

The Act requires campaign funds to be segregated from non-political, personal accounts and kept in a single, designated campaign bank account.⁴⁵ All contributions or loans made to the candidate,

⁴⁰ Section 84204, subds. (a) and (c).

⁴¹ Section 84501.

⁴² Section 84502, subd. (a)(1).

⁴³ Section 84504.2, subd. (a).

⁴⁴ Section 85201, and Regulation 18521. See also Sections 85301, 85303, 85304, 85305 and 85316.

⁴⁵ Section 85201.

1 to a person on behalf of the candidate, or to the candidate's controlled committee must be deposited
2 into this account.⁴⁶ All campaign expenditures must be made from the account.⁴⁷ At times, this is
3 referred to as the one bank account rule.

4 Joint and Several Liability of Candidate, Committee, Treasurer and Principal Officer

5 It is the duty of a committee treasurer to ensure that the committee complies with the Act.⁴⁸ It is
6 the duty of the committee's principal officer to authorize the content of communications made by the
7 committee, authorize expenditures made by the committee, and determine the committee's campaign
8 strategy.⁴⁹ A treasurer, candidate and principal officer may be held jointly and severally liable, along with
9 the committee, for violations committed by the committee.⁵⁰

10 **SUMMARY OF THE EVIDENCE**

11 Phan was a successful candidate for Milpitas City Council in the November 6, 2016 General
12 Election and was re-elected in the November 3, 2020 General Election. Phan is currently a member of
13 the Milpitas City Council and unsuccessfully ran for Mayor of Milpitas in the November 8, 2022
14 General Election. At all relevant times, Phan was a Milpitas City Councilmember. At the same time,
15 Phan has a consulting business named Invictus Strategy. The Committee was formed on October 8,
16 2018, as a state general purpose committee. Trieu was the named treasurer of the Committee. Phan was
17 the named principal officer of the Committee. At the same time, Phan had an active officeholder
18 committee, City Council Neighbors for Anthony Phan 2016. According to bank records for the City
19 Council Neighbors for Anthony Phan 2016, this committee had an open and active bank account.
20 According to the Committee bank records, the Committee established a bank account with a first
21 deposit on October 8, 2018, during the same time City Council Neighbors for Anthony Phan 2016 had
22 an open bank account.

23
24 ⁴⁶ Section 85201, subd. (c).

25 ⁴⁷ Section 85201, subd. (e).

26 ⁴⁸ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

27 ⁴⁹ Section 82047.6; Regulation 18402.1, subd. (b).

28 ⁵⁰ Sections 83116.5 and 91006.

1 According to correspondence obtained from the Committee, Victor Gomez assisted with
2 fundraising and Phan directed and controlled the expenditures of the Committee, discussed further
3 below.

4 According to the SOS, the Committee filed an initial Statement of Organization on October 8,
5 2018, stating the Committee had not yet qualified, an amended Statement of Organization on
6 November 6, 2018, the date of the election, reflecting the Committee qualified on October 9, 2018, and
7 a termination Statement of Organization on July 10, 2019, reflecting the Committee qualified on
8 October 8, 2018 and terminated on December 31, 2018. Each Statement of Organization disclosed
9 Trieu as the treasurer and Phan as the principal officer of the Committee, with both signing each
10 Statement of Organization. At no time did any of the Statements of Organization include Phan as the
11 controlling candidate or include Phan's name in the name of the Committee as the controlling
12 candidate. Further, the Statement of Organization identifying a qualification date was required to be
13 filed within 10 days of qualification.

14 **Phan Interview**

15 According to an interview, Phan stated Phan wanted to help candidates get elected who share
16 similar views. Phan stated Phan chose to support Barragan and Casillas because Phan had a good
17 rapport with them. Phan believed Phan met both Barragan and Casillas at an event with Gomez, a
18 former Hollister City Councilmember and Mayor with a consulting business named Pinnacle Strategy.
19 Phan and Gomez solicited contributions, although Phan stated Gomez was not an officer of the
20 Committee. According to Phan, Trieu only performed the accounting duties. Phan stated Phan did not
21 report expenditures on advertisements opposing Tran and Resendiz because Phan believed these were
22 educational advertisements. Phan stated, after speaking to the Milpitas City Clerk, Phan believed no
23 reporting was necessary. Phan did not call the FPPC Advice Line to inquire if disclosure was required
24 for these print advertisements .

25 According to Phan, Phan designed and produced the advertisements supporting Nunez and
26 opposing Tran. According to Phan, none of the candidates were consulted in connection with any of the
27

advertisements, although Phan did provide the Nunez advertisements to the Santa Clara Republican Party who used the same advertisements to support Nunez.

Failure to Timely File Campaign Statements

A state general purpose committee must file the applicable pre-election campaign statements prior to elections in which contributions or independent expenditures were made totaling \$500 or more in connection with the November 6, 2018 statewide election. Based on the Committee activity, the Committee was required to file a pre-election campaign statement for the reporting period September 23, 2018, through October 20, 2018, by October 25, 2018. According to records from the SOS, this pre-election campaign statement was filed late on November 6, 2018, the date of the election.

According to records obtained through the SOS, the Committee failed to timely file a semi-annual campaign statement for the reporting period October 21, 2018, through December 31, 2018, as required. Specifically, according to records obtained by the SOS, the pre-election campaign statement was filed 12 days late, on the date of the election, and the semi-annual campaign statement was filed 161 days late, after the election.

Further, a candidate controlling a committee is required to file an independent expenditure verification, which states that the independent expenditure was not coordinated with the affected candidates and the committee has reported all contributions and reimbursements. This is required to be filed within 10 days from the date of an independent expenditure of \$1,000 or more to support or oppose a candidate in a calendar year. According to SOS, the Committee did not file any verification of independent expenditures, as required.

Failure to Properly Disclose the Identity of a Contributor

According to Committee bank records, on or about October 8, 2018, the Committee received a contribution in the amount of \$12,500. The pre-election campaign statement disclosed this contribution from San Benito Medical Associates. However, according to the Committee bank records, this contribution was written from the Pinnacle Strategy bank account in the form of a check. Gomez is the owner of Pinnacle Strategy.

1 According to an interview with Phan, Gomez gave the contribution check dated October 8, 2018
2 to Phan from a Pinnacle Strategy bank account check, but “self-reported by the contributor” that the
3 contribution was from San Benito Medical Associates and should be reported that way. According to
4 Phan, Phan initially said no, but then agreed to disclose the contribution in this way because at some
5 point Phan believed Pinnacle Strategies represented San Benito Medical Associates.

6 According to an interview with Gomez, Gomez does not recall the Committee or making a
7 contribution to the Committee. Gomez stated Gomez only worked as a consultant to the Silicon Valley
8 Business PAC, not the Committee. Gomez stated Gomez knows Phan but did not recall making a
9 \$12,500 contribution to the Committee. Gomez did not recall directing Phan to report this contribution
10 as from San Benito Medical Associates.

11 According to San Benito Medical Associates, Gomez was hired to design and print brochures for
12 two endorsed candidates running for San Benito Hospital District. However, the San Benito Medical
13 Associates only paid Gomez \$7,277 on October 8, 2018. A representative of San Benito Medical
14 Associates stated there were no communications with the Committee and they were unaware of any
15 payment to the Committee in the amount of \$12,500.

16 **Failure to Timely File 24-Hour Reports**

17 The 24-Hour reporting period for Independent Expenditure Reports for the November 6, 2018
18 election covered the period August 8, 2018 to November 6, 2018. During this period, the Committee
19 was required to file the following Form 496s for independent expenditures made over \$1,000 in the
20 places where it would be required to file campaign statements as if it were formed or existing primarily
21 to support or oppose the candidate or measure for or against which it is making the 24-Hour independent
22 expenditure:

Candidate Supported/Opposed	Amount	Expenditure Date	Date Filed	Date Due	Where Required to File
Frank Barragan – Advertisements Supporting	\$4,706.28	10/9/2018*	11/07/2018	10/10/2018	San Benito County Clerk
Mary Casillas – Advertisements Supporting	\$5,071.35	10/9/2018*	11/07/2018	10/10/2018	San Benito County Clerk
Rolan Resendiz – Advertisements Opposing	\$4,287.43	10/9/2018*	Not Filed	10/10/2018	Hollister City Clerk
Bob Nunez – Advertisements Supporting	\$3,685.55	11/02/2018	11/06/2018	11/05/2018	Milpitas City Clerk
Rich Tran – Advertisements Opposing	\$1,717.90	11/01/2018	Not Filed	11/02/2018	Milpitas City Clerk
Total	\$19,468.51				

*Each of these were disclosed on Campaign Statements as made on 10/18/18, although the advertisements were paid for on 10/9/18.

According to records obtained through the San Benito County Clerk, the Committee filed two 24-Hour Independent Expenditure Reports late and after the relevant election. These 24-Hour Independent Expenditure Reports were filed for advertisements sent supporting Barragan in the amount of about \$4,706 and Casillas in the amount of about \$5,071 on November 7, 2018, the day after the election. Both of these Independent Expenditure Reports should have been disclosed at least on or about October 10, 2018.

According to records obtained through the Milpitas City Clerk, the Committee filed a 24-Hour Independent Expenditure Report one day late, on the day of the election. This 24-Hour Independent Expenditure Report was filed for advertisements sent supporting Nunez in the amount of about \$3,685 on November 6, 2018, the day of the election. This Independent Expenditure Report should have been filed on November 5, 2018.

No Independent Expenditure Reports were filed in connection with advertisements opposing Resendiz in the amount of about \$4,287 on October 10, 2018, and opposing Tran in the amount of about \$1,717 on November 1, 2018, in violation of the Act. Each of these advertisements were hit-piece advertisements. The advertisement opposing Resendiz stated: “City Council Candidate ROLAN

RESENDIZ ARRESTED,” “Physical abuse is never justified” and “Rolan Resendiz cannot be trusted,” among additional allegations.

The advertisement opposing Tran was also a hit piece and included: “the Milpitas City Council on Monday issued a sharp rebuke, describing Tran as unprofessional, disrespectful and, essentially, a black eye on a community struggling to repair its tarnished reputation,” “...documents obtained by this news organization suggest Milpitas Mayor Rich Tran ...likely “engaged in conduct of a sexual nature” with a department head at a holiday party,” “Wanted If you or anyone you know have also been harassed by Richard Tran, please report to Milpitas PD,” and “Absent in the community. Unless there’s free drinks,” among some of the allegations included in the advertisement. In further aggravation, the background of the advertisement included the Socialist Republic of Vietnam flag, a symbol associated with the Vietnamese Communist Party, which is deeply controversial in the Vietnamese-American community. On the advertisement, Tran’s face was in front of the flag, with the following words in Vietnamese: “Who is this yellow star going to be fighting for?” According to a newspaper article, Tran stated this is a hate advertisement in the Vietnamese-American refugee community, and stated this was particularly offensive as Tran was an active member of the U.S. Armed Forces.

The 24-Hour reporting period for 24-Hour Contribution Reports for the November 6, 2018 election covered the period August 8, 2018 to November 6, 2018. According to the SOS, during this period the Committee did not file any 24-Hour Contribution Reports. The Committee received the following contributions over \$1,000, based on the subpoenaed Committee bank records:

Contributor	Amount	Date Received	Date Filed	Date Due	Days Late
Transparent Silicon Valley	\$3,000.00	10/08/2018	Not Filed	10/09/2018	Not Filed
Pinnacle Strategy	\$12,500.00	10/08/2018	Not Filed	10/09/2018	Not Filed
TTLIC Tarob 4, LLC	\$2,500.00	10/12/2018	Not Filed	10/15/2018	Not Filed
Eduardo Brugman	\$2,500.00	10/25/2018	Not Filed	10/26/2018	Not Filed
Transparent Silicon Valley	\$2,500.00	11/05/2018	Not Filed	11/06/2018	Not Filed
Total	\$23,000.00				

None of the required 24-Hour Contribution Reports were filed prior to the election.

1 **Advertisement Disclosure**

2 According to invoices subpoenaed from Meridian Pacific Inc., invoices dated September 28,
3 2018, identify the Committee sent a advertisement opposing Rolan for \$4,287 for 1,321 advertisements;
4 a advertisement supporting Barragan for \$4,706 for 2,287 advertisements and a advertisement
5 supporting Casillas for \$5,071 for 2,752 advertisements. All of these mailers included postage, which
6 were paid for October 9, 2018.

7 According to invoices subpoenaed from National Printing Co., on October 24, 2018 and
8 November 1, 2018, the Committee purchased advertisements supporting Nunez and opposing Tran, in
9 the amount about \$3,549. Over 3,000 of the Nunez advertisements were sent and at least 1,600 of the
10 Tran advertisements were sent based on these invoices.

11 According to invoices subpoenaed from AMS, on October 31, 2018 and November 2, 2018, the
12 Committee purchased advertisements supporting Nunez in the amount of about \$3,370. Over 5,000 of
13 the Nunez advertisements were sent based on these invoices.

14 Each advertisement stated "Paid for by South Bay SV Community Coalition PAC. This
15 advertisement was not authorized or paid for by a candidate for this office or committee controlled by a
16 candidate for this office." The disclaimer failed to include the name of the controlling candidate.

17 **VIOLATIONS**

18 Respondents: The Committee, Phan and Trieu

19 Count 1: Failure to Timely File a Qualifying Statement of Organization and Identify a Controlling
20 Candidate

21 The Committee, Phan and Trieu were required to file a statement of organization, identifying
22 when the Committee qualified by receiving \$2,000 or more, within 10 days of qualification. According
23 to subpoenaed bank records, the Committee received over \$2,000 on or about October 8, 2018. As such,
24 the Committee, Phan and Trieu were required to file a statement of organization by October 18, 2018.
25 However, the statement of organization identifying the Committee qualified was not filed until
26 November 6, 2018, the date of the election. Further, as the controlling candidate, Phan's name was
27

required to be included as part of the Committee's name for all purposes. The Committee, Phan and Trieu failed to timely file a statement of organization disclosing the proper qualification date and Phan as a controlling candidate of the Committee on the statement of organization and in the name of the Committee, in violation of Sections 84101, subdivision (a) and 84102, subdivisions (e) and (g).

Count 2: Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the San Benito County Clerk disclosing two independent expenditures for advertisements made on or about October 9, 2018, in violation of Section 84204.

Count 3: Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Hollister City clerk disclosing one independent expenditure for advertisements made on or about October 9, 2018, in violation of Section 84204.

Count 4: Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing one independent expenditure for advertisements made on or about November 1, 2018, in violation of Section 84204.

Count 5: Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing one independent expenditure for advertisements made on or about November 2, 2018, in violation of Section 84204.

Count 6: Failure to Timely File a 24-Hour Contribution Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing two 24-Hour contributions received of over \$1,000 each on October 8, 2018, by the October 9, 2018 due date, in violation of Section 84203.

Count 7: Failure to Timely File a 24-Hour Contribution Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one 24-Hour contribution received of over \$1,000 on October 12, 2018, by the October 15, 2018, in violation of Section 84203.

Count 8: Failure to Timely File a 24-Hour Contribution Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one 24-Hour contribution received of over \$1,000 on October 25, 2018, by the October 26, 2018, in violation of Section 84203.

Count 9: Failure to Timely File a 24-Hour Contribution Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one 24-Hour contribution received of over \$1,000 on November 5, 2018, by the November 6, 2018, in violation of Section 84203.

Count 10: Failure to Timely File a Pre-Election Campaign Statement

The Committee, Phan and Trieu failed to timely file a pre-election campaign statement for the reporting period September 23, 2018, through October 20, 2018, in violation of Section 84200.5, subdivision (c).

Count 11: Failure to Disclose the True Source of a Contribution

A committee is required to accurately disclose the names of contributors on campaign statements for contributors who contribute a cumulative amount of \$100 or more. On October 8, 2018, a contribution of \$12,500 was deposited into the Committee bank account, in a check drawn from the account of Pinnacle Strategy. In the late filed pre-election campaign statement, this contributor was disclosed as from San Benito Medical Associates. According to the evidence, the contributor was required to be disclosed as Pinnacle Strategies, the contributor. As such, the Committee, Phan and Trieu failed to properly disclose Pinnacle Strategies as the true source of the \$12,500 contribution on October 8, 2018, in violation of Section 84211, subdivision (f).

1 Count 12: Failure to Timely File a Semi-Annual Campaign Statement

2 The Committee, Phan and Trieu failed to timely file a semi-annual campaign statement for the
3 reporting period October 21, 2018, through December 31, 2018, by January 31, 2019. According to
4 records from the Santa Clara County Clerk and SOS, this semi-annual campaign statement was filed
5 July 10, 2019, 161 days late. As such, the Committee, Phan and Trieu failed to timely file a semi-annual
6 campaign statement for the reporting period October 21, 2018, through December 31, 2018, in violation
7 of Section 84200, subdivision (a).

8 Respondents: The Committee and Phan

9 Count 13: Failure to File an Independent Expenditure Verification

10 A candidate controlling a committee or the principal officer is required to file an independent
11 expenditure verification, which states that the independent expenditure was not coordinated with the
12 affected candidates and the committee has reported all contributions and reimbursements. This is required
13 to be filed within 10 days from the date of an independent expenditure of \$1,000 or more to support or
14 oppose a candidate in a calendar year. The Committee and Phan, as both the controlling candidate and
15 the principal officer, failed to file an independent expenditure verification for any independent
16 expenditures made, in violation of Section 84213, subdivision (b).

17 Counts 14 through 18: Failure to Disclose the name of the Controlling Candidate on Advertisements

18 On or about October 18, 2018, the Committee sent advertisements supporting Barragan, sent to
19 over 2,000 households, in the amount of \$4,706.

20 On or about October 18, 2018, the Committee sent advertisements supporting Casillas, sent to
21 about 2,752 households, in the amount of \$5,071.

22 On or about October 18, 2018, the Committee sent advertisements opposing Resendiz, sent to
23 about 1,321 households, in the amount of \$4,287.

24 On or about November 2, 2018, the Committee sent advertisements supporting Nunez, sent to
25 over 3,000 households, in the amount of \$3,685.

On or about November 1, 2018, the Committee sent advertisements opposing Tran, sent to about 1,600 households, in the amount of \$1,717.

Each of these advertisements included the following disclosure: "Paid for by South Bay SV Community Coalition PAC. This advertisement was not authorized or paid for by a candidate for this office or committee controlled by a candidate for this office." None of the advertisements indicated Phan was the controlling candidate of the Committee and this information was not included in the name of the Committee, as required.

In this way, the Committee and Phan committed five violations of Section 84502, subdivision (a)(1).

Count 19: Bank Account Violation

Separate bank accounts were maintained for the Committee and Phan's officeholder committee, City Council Neighbors for Anthony Phan 2016. Each committee received contributions and expenditures, using a separate bank account for each committee. As such, the Committee and Phan violated Section 85201.

EXCULPATORY INFORMATION

Phan was named as the principal officer of the Committee.

OTHER RELEVANT EVIDENCE

This case includes intentional violations of the Act, hiding Phan's true connection with the Committee by failing to file any meaningful disclosure prior to the election in the proper filing locations. Phan acknowledged controlling the Committee, but failed to include Phan's name in the Committee to show it was controlled by Phan. Additionally, the Committee hid the name of the contributor Pinnacle Strategy in a \$12,500 contribution when misreporting the name as a different unrelated entity. The failure to timely and properly disclose the Committee activity resulted in significant public harm since the public did not have important information about Committee funding until after the relevant election, especially given that the Committee sent hit-piece advertisements against two candidates. Lastly, Phan has a prior history with the FPPC Enforcement Division.

1 **CONCLUSION**

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

5
6 Dated: September 18, 2023.

7 Respectfully Submitted,

8 **FAIR POLITICAL PRACTICES COMMISSION**

9 James M. Lindsay
Enforcement Chief

10 *Bridgette Castillo*

11 _____
12 By: Bridgette Castillo
13 Senior Commission Counsel
14 Enforcement Division
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Exhibit A-2

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, CA 95811. On September 19, 2023, I served the following document(s):

1. Letter dated September 18, 2023;
2. Report in Support of a Finding of Probable Cause; FPPC No. 19/00385;
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 Report 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 United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and placed the envelope or package for collection and mailing by certified mail, return receipt requested, following my company's ordinary business practices. I am readily familiar with this business' practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

SERVICE LIST

Certified Mail, Return Receipt Requested

Anthony Phan, Individually and O/B/O South Bay
SV Community Coalition PAC
Milpitas City Hall
455 E Calaveras Blvd.
Milpitas, CA 95035

Suzanna Trieu, Individually and
O/B/O South Bay SV Community
Coalition PAC



Anthony Phan, Individually and O/B/O South Bay
SV Community Coalition PAC



I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 19, 2023


Stacey Anderson-Wise

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Anthony Phan, Individually and O/B/O South Bay SV
Community Coalition PAC, Milpitas City Hall

455 E Calaveras Blvd.

Milpitas, CA 95035



9590 9402 6385 0303 6955 74

2. Article Number (Transfer from service label)

019 2970 0001 4027 7424

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

LINDA CORTINA

C. Date of Delivery

9-21-23

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Anthony Phan, Individually and O/B/O South Bay SV
Community Coalition PAC



9590 9402 6385 0303 6955 81

2. Article Number (Transfer from service label)

7019 2970 0001 4027 7431

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Suzanna

C. Date of Delivery

9/26/2023

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Suzanna Trieu, Individually and O/B/O South Bay SV

Community Coalition PAC



9590 9402 6385 0303 6956 35

2. Article Number (Transfer from service label)

7019 2970 0001 4027 7455

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Suzanna

C. Date of Delivery

9/26/2023

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes

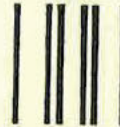
☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



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

9590 9402 6385 0303 6955 74

BC-19/00385

United States
Postal Service

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

Fair Political Practices Commission
1102 Q Street, Suite ~~3000~~ 3050
Sacramento, California 95811

USPS TRACKING #



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

9590 9402 6385 0303 6955 81

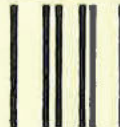
BC-19/00385

United States
Postal Service

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

Fair Political Practices Commission
1102 Q Street, Suite ~~3000~~ 3050
Sacramento, California 95811

USPS TRACKING #



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

9590 9402 6385 0303 6956 35

BC-19/00385

United States
Postal Service

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

Fair Political Practices Commission
1102 Q Street, Suite ~~3000~~ 3050
Sacramento, California 95811

Exhibit A-3

JAMES M. LINDSAY
Chief of Enforcement
BRIDGETTE CASTILLO
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050
Sacramento, CA 95811
Telephone: (279) 237-3764
Email: bcastillo@fppc.ca.gov

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of	) FPPC No. 2019-00385
	)
SOUTH BAY SV COMMUNITY	) EX PARTE REQUEST FOR A FINDING OF
COALITION PAC, ANTHONY PHAN	) PROBABLE CAUSE AND AN ORDER THAT
AND SUZANNA TRIEU	) AN ACCUSATION BE PREPARED AND
	) SERVED
	)
Respondents.	) 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, Respondents South Bay SV Community Coalition PAC (“Committee”), Anthony Phan (“Phan”) and Suzanna Trieu (“Trieu”) were served with a copy 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 and a memorandum describing probable cause proceedings, which was sent to the Committee, Phan and Trieu on September 19, 2023 by certified mail, with return receipt

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 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.

1 requested, and was delivered on September 21, 2023. A copy of the return receipt is attached as “Exhibit
2 B.”

3 In the cover letter dated September 18, 2023, and the attached materials, the Committee, Phan and
4 Trieu were advised that they could respond in writing to the PC Report and orally present the case to the
5 Hearing Officer at a probable cause conference to be held in Sacramento. The Committee, Phan and Trieu
6 were further advised that in order to have a probable cause conference they needed to make a written
7 request for one within 21 days of the date they received the PC Report, or the date requested records were
8 sent by the Enforcement Division. Additionally, the Committee, Phan and Trieu were advised that if they
9 did not request a probable cause conference, such a conference would not be held and probable cause
10 would be determined based solely on the PC Report and any written response submitted within 21 days
11 of the date they were served with the PC Report, or the date requested records were sent by the
12 Enforcement Division. To date, the Committee, Phan and Trieu have not submitted a written response or
13 requested a probable cause conference.

14 WHEREFORE, based on the attached PC Report, the Enforcement Division requests a finding by
15 the Hearing Officer that probable cause exists to believe that the Respondents committed 19 violations of
16 the Act, stated as follows:

17 Respondents: The Committee, Phan and Trieu

18 Count 1: Failure to Timely File a Qualifying Statement of Organization and Identify a Controlling Candidate

19 The Committee, Phan and Trieu were required to file a statement of organization, identifying when
20 the Committee qualified by receiving \$2,000 or more, within 10 days of qualification. According to
21 subpoenaed bank records, the Committee received over \$2,000 on or about October 8, 2018. As such, the
22 Committee, Phan and Trieu were required to file a statement of organization by October 18, 2018. However,
23 the statement of organization identifying the Committee qualified was not filed until November 6, 2018, the
24 date of the election. Further, as the controlling candidate, Phan’s name was required to be included as part of
25 the Committee’s name for all purposes. The Committee, Phan and Trieu failed to timely file a statement of

organization disclosing the proper qualification date and Phan as a controlling candidate of the Committee on the statement of organization and in the name of the Committee, in violation of Sections 84101, subdivision (a) and 84102, subdivisions (e) and (g).

Count 2: Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the San Benito County Clerk disclosing two independent expenditures for advertisements made on or about October 9, 2018, in violation of Section 84204.

Count 3: Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Hollister City clerk disclosing one independent expenditure for advertisements made on or about October 9, 2018, in violation of Section 84204.

Count 4: Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing one independent expenditure for advertisements made on or about November 1, 2018, in violation of Section 84204.

Count 5: Failure to Timely File a 24-Hour Independent Expenditure Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing one independent expenditure for advertisements made on or about November 2, 2018, in violation of Section 84204.

Count 6: Failure to Timely File a 24-Hour Contribution Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing two 24-Hour contributions received of over \$1,000 each on October 8, 2018, by the October 9, 2018 due date, in violation of Section 84203.

Count 7: Failure to Timely File a 24-Hour Contribution Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one 24-Hour contribution received of over \$1,000 on October 12, 2018, by the October 15, 2018, in violation of Section 84203.

Count 8: Failure to Timely File a 24-Hour Contribution Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one 24-Hour contribution received of over \$1,000 on October 25, 2018, by the October 26, 2018, in violation of Section 84203.

Count 9: Failure to Timely File a 24-Hour Contribution Report

The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one 24-Hour contribution received of over \$1,000 on November 5, 2018, by the November 6, 2018, in violation of Section 84203.

Count 10: Failure to Timely File a Pre-Election Campaign Statement

The Committee, Phan and Trieu failed to timely file a pre-election campaign statement for the reporting period September 23, 2018, through October 20, 2018, in violation of Section 84200.5, subdivision (c).

Count 11: Failure to Disclose the True Source of a Contribution

A committee is required to accurately disclose the names of contributors on campaign statements for contributors who contribute a cumulative amount of \$100 or more. On October 8, 2018, a contribution of \$12,500 was deposited into the Committee bank account, in a check drawn from the account of Pinnacle Strategy. In the late filed pre-election campaign statement, this contributor was disclosed as from San Benito Medical Associates. According to the evidence, the contributor was required to be disclosed as Pinnacle Strategies, the contributor. As such, the Committee, Phan and Trieu failed to properly disclose Pinnacle Strategies as the true source of the \$12,500 contribution on October 8, 2018, in violation of Section 84211, subdivision (f).

1 Count 12: Failure to Timely File a Semi-Annual Campaign Statement

2 The Committee, Phan and Trieu failed to timely file a semi-annual campaign statement for the
3 reporting period October 21, 2018, through December 31, 2018, by January 31, 2019. According to records
4 from the Santa Clara County Clerk and SOS, this semi-annual campaign statement was filed July 10, 2019,
5 161 days late. As such, the Committee, Phan and Trieu failed to timely file a semi-annual campaign
6 statement for the reporting period October 21, 2018, through December 31, 2018, in violation of Section
7 84200, subdivision (a).

8 Respondents: The Committee and Phan

9 Count 13: Failure to File an Independent Expenditure Verification

10 A candidate controlling a committee or the principal officer is required to file an independent
11 expenditure verification, which states that the independent expenditure was not coordinated with the affected
12 candidates and the committee has reported all contributions and reimbursements. This is required to be filed
13 within 10 days from the date of an independent expenditure of \$1,000 or more to support or oppose a
14 candidate in a calendar year. The Committee and Phan, as both the controlling candidate and the principal
15 officer, failed to file an independent expenditure verification for any independent expenditures made, in
16 violation of Section 84213, subdivision (b).

17 Counts 14 through 18: Failure to Disclose the name of the Controlling Candidate on Advertisements

18 On or about October 18, 2018, the Committee sent advertisements supporting Barragan, sent to over
19 2,000 households, in the amount of \$4,706.

20 On or about October 18, 2018, the Committee sent advertisements supporting Casillas, sent to about
21 2,752 households, in the amount of \$5,071.

22 On or about October 18, 2018, the Committee sent advertisements opposing Resendiz, sent to about
23 1,321 households, in the amount of \$4,287.

24 On or about November 2, 2018, the Committee sent advertisements supporting Nunez, sent to over
25 3,000 households, in the amount of \$3,685.

1 On or about November 1, 2018, the Committee sent advertisements opposing Tran, sent to about
2 1,600 households, in the amount of \$1,717.

3 Each of these advertisements included the following disclosure: "Paid for by South Bay SV
4 Community Coalition PAC. This advertisement was not authorized or paid for by a candidate for this office
5 or committee controlled by a candidate for this office." None of the advertisements indicated Phan was the
6 controlling candidate of the Committee and this information was not included in the name of the Committee,
7 as required.

8 In this way, the Committee and Phan committed five violations of Section 84502, subdivision (a)(1).
9 Count 19: Bank Account Violation

10 Separate bank accounts were maintained for the Committee and Phan's officeholder committee, City
11 Council Neighbors for Anthony Phan 2016. Each committee received contributions and expenditures, using a
12 separate bank account for each committee. As such, the Committee and Phan violated Section 85201.

13 Additionally, after finding probable cause exists, the Enforcement Division requests an order by
14 the Hearing Officer that an accusation be prepared against the Committee, Phan and Trieu and served
15 upon them.³

16 A copy of this Request was mailed via U.S. Mail to the Committee, Phan and Trieu on January 10,
17 2024 at the last known address, as follows:

18 Anthony Phan, individually and o/b/o
19 South Bay SV Community Coalition PAC
20 424 Walnut Drive
21 Milpitas, CA 95035

22 Suzanna Trieu, individually and o/b/o
23 South Bay SV Community Coalition PAC
24 424 Walnut Drive
25 Milpitas, CA 95035

26 ³ Gov. Code § 11503.

1 Dated: ____ January 10, 2024 ____

2 Respectfully Submitted,

3 **FAIR POLITICAL PRACTICES COMMISSION**

4 James M. Lindsay
Chief of Enforcement

5 Bridgette Castillo

6

By: Bridgette Castillo
Senior Commission Counsel
Enforcement Division

Exhibit A-4

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of

SOUTH BAY SV COMMUNITY
COALITION PAC, ANTHONY PHAN
AND SUZANNA TRIEU,

Respondents.

) FPPC Nos. 2019-00385

)
) 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, dated January 10, 2024, the Enforcement Division submitted the above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served ("Ex Parte Request"), the Enforcement Division served a Report in Support of a Finding of Probable Cause ("PC Report") on Respondents South Bay SV Community Coalition PAC ("Committee"), Anthony Phan ("Phan") and Suzanna Trieu ("Trieu") on September 21, 2023 by certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed the Respondents 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. During the 21 days that followed service of the PC Report, Respondents 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 violated

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.

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

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

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

7 Respondents: The Committee, Phan and Trieu

8 Count 1: Failure to Timely File a Qualifying Statement of Organization and Identify a Controlling Candidate

9 The Committee, Phan and Trieu were required to file a statement of organization, identifying when
10 the Committee qualified by receiving \$2,000 or more, within 10 days of qualification. According to
11 subpoenaed bank records, the Committee received over \$2,000 on or about October 8, 2018. As such, the
12 Committee, Phan and Trieu were required to file a statement of organization by October 18, 2018. However,
13 the statement of organization identifying the Committee qualified was not filed until November 6, 2018, the
14 date of the election. Further, as the controlling candidate, Phan’s name was required to be included as part of
15 the Committee’s name for all purposes. The Committee, Phan and Trieu failed to timely file a statement of
16 organization disclosing the proper qualification date and Phan as a controlling candidate of the Committee on
17 the statement of organization and in the name of the Committee, in violation of Sections 84101, subdivision
18 (a) and 84102, subdivisions (e) and (g).

19 Count 2: Failure to Timely File a 24-Hour Independent Expenditure Report

20 The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with
21 the San Benito County Clerk disclosing two independent expenditures for advertisements made on or about
22 October 9, 2018, in violation of Section 84204.

23 Count 3: Failure to Timely File a 24-Hour Independent Expenditure Report

24 The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with
25 the Hollister City clerk disclosing one independent expenditure for advertisements made on or about October
26 9, 2018, in violation of Section 84204.

27 ² Cal. Code Reg., tit. 2, § 18361.4, subd. (a).

1 Count 4: Failure to Timely File a 24-Hour Independent Expenditure Report

2 The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with
3 the Milpitas City Clerk disclosing one independent expenditure for advertisements made on or about
4 November 1, 2018, in violation of Section 84204.

5 Count 5: Failure to Timely File a 24-Hour Independent Expenditure Report

6 The Committee, Phan and Trieu failed to timely file a 24-Hour Independent Expenditure Report with
7 the Milpitas City Clerk disclosing one independent expenditure for advertisements made on or about
8 November 2, 2018, in violation of Section 84204.

9 Count 6: Failure to Timely File a 24-Hour Contribution Report

10 The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing two 24-
11 Hour contributions received of over \$1,000 each on October 8, 2018, by the October 9, 2018 due date, in
12 violation of Section 84203.

13 Count 7: Failure to Timely File a 24-Hour Contribution Report

14 The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one
15 24-Hour contribution received of over \$1,000 on October 12, 2018, by the October 15, 2018, in violation of
16 Section 84203.

17 Count 8: Failure to Timely File a 24-Hour Contribution Report

18 The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one
19 24-Hour contribution received of over \$1,000 on October 25, 2018, by the October 26, 2018, in violation of
20 Section 84203.

21 Count 9: Failure to Timely File a 24-Hour Contribution Report

22 The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report disclosing one
23 24-Hour contribution received of over \$1,000 on November 5, 2018, by the November 6, 2018, in violation
24 of Section 84203.

1 Count 10: Failure to Timely File a Pre-Election Campaign Statement

2 The Committee, Phan and Trieu failed to timely file a pre-election campaign statement for the
3 reporting period September 23, 2018, through October 20, 2018, in violation of Section 84200.5, subdivision
4 (c).

5 Count 11: Failure to Disclose the True Source of a Contribution

6 A committee is required to accurately disclose the names of contributors on campaign statements for
7 contributors who contribute a cumulative amount of \$100 or more. On October 8, 2018, a contribution of
8 \$12,500 was deposited into the Committee bank account, in a check drawn from the account of Pinnacle
9 Strategy. In the late filed pre-election campaign statement, this contributor was disclosed as from San Benito
10 Medical Associates. According to the evidence, the contributor was required to be disclosed as Pinnacle
11 Strategies, the contributor. As such, the Committee, Phan and Trieu failed to properly disclose Pinnacle
12 Strategies as the true source of the \$12,500 contribution on October 8, 2018, in violation of Section 84211,
13 subdivision (f).

14 Count 12: Failure to Timely File a Semi-Annual Campaign Statement

15 The Committee, Phan and Trieu failed to timely file a semi-annual campaign statement for the
16 reporting period October 21, 2018, through December 31, 2018, by January 31, 2019. According to records
17 from the Santa Clara County Clerk and SOS, this semi-annual campaign statement was filed July 10, 2019,
18 161 days late. As such, the Committee, Phan and Trieu failed to timely file a semi-annual campaign
19 statement for the reporting period October 21, 2018, through December 31, 2018, in violation of Section
20 84200, subdivision (a).

21 Respondents: The Committee and Phan

22 Count 13: Failure to File an Independent Expenditure Verification

23 A candidate controlling a committee or the principal officer is required to file an independent
24 expenditure verification, which states that the independent expenditure was not coordinated with the affected
25 candidates and the committee has reported all contributions and reimbursements. This is required to be filed
26 within 10 days from the date of an independent expenditure of \$1,000 or more to support or oppose a
27 candidate in a calendar year. The Committee and Phan, as both the controlling candidate and the principal

1 officer, failed to file an independent expenditure verification for any independent expenditures made, in
2 violation of Section 84213, subdivision (b).

3 Counts 14 through 18: Failure to Disclose the name of the Controlling Candidate on Advertisements

4 On or about October 18, 2018, the Committee sent advertisements supporting Barragan, sent to over
5 2,000 households, in the amount of \$4,706.

6 On or about October 18, 2018, the Committee sent advertisements supporting Casillas, sent to about
7 2,752 households, in the amount of \$5,071.

8 On or about October 18, 2018, the Committee sent advertisements opposing Resendiz, sent to about
9 1,321 households, in the amount of \$4,287.

10 On or about November 2, 2018, the Committee sent advertisements supporting Nunez, sent to over
11 3,000 households, in the amount of \$3,685.

12 On or about November 1, 2018, the Committee sent advertisements opposing Tran, sent to about
13 1,600 households, in the amount of \$1,717.

14 Each of these advertisements included the following disclosure: "Paid for by South Bay SV
15 Community Coalition PAC. This advertisement was not authorized or paid for by a candidate for this office
16 or committee controlled by a candidate for this office." None of the advertisements indicated Phan was the
17 controlling candidate of the Committee and this information was not included in the name of the Committee,
18 as required.

19 In this way, the Committee and Phan committed five violations of Section 84502, subdivision (a)(1).

20 Count 19: Bank Account Violation

21 Separate bank accounts were maintained for the Committee and Phan's officeholder committee, City
22 Council Neighbors for Anthony Phan 2016. Each committee received contributions and expenditures, using a
23 separate bank account for each committee. As such, the Committee and Phan violated Section 85201.

24 Based on the Ex Parte Request given to me, I find that notice was given to the Committee, Phan and
25 Trieu.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause to believe
26

27 ³ Government Code Section 83115.5; Cal. Code Reg., tit. 2, Section 18361.4, subd. (c).
28

1 that the Committee, Phan and Trieu violated the Political Reform Act as alleged in Count 1, through Count 19,
2 as identified above.

3 Based on the Ex Parte Request given to me, I find that notice has been given to the Committee,
4 Phan and Trieu.⁴ I further find, based on the PC Report and the Ex Parte Request, that there is probable
5 cause to believe that the Committee, Phan and Trieu violated the Political Reform Act as alleged in Counts
6 1 through 19, as identified above. I therefore direct that the Enforcement Division issue an accusation
7 against Respondents Committee, Phan and Trieu.

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9 IT IS SO ORDERED.

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12 Dated: 1-17-2024

Jack Woodside

13 Hearing Officer
14 Fair Political Practices Commission
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⁴ Government Code § 83115.5; Cal. Code Reg., tit. 2, §18361.4, subd. (c).

**FPPC No. 2019-00385, In the matter of South Bay SV Community Coalition PAC, Anthony Phan,
and Suzanna Trieu**

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, CA 95811. On the date below, I served the following document:

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

MANNER OF SERVICE

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

SERVICE LIST

Anthony Phan, individually and o/b/o
South Bay SV Community Coalition PAC



Suzanna Trieu, individually and o/b/o
South Bay SV Community Coalition PAC



(By Email) On Thursday, January 18, 2024, at approximately 4:30 p.m., I personally served:

Bridgette Castillo, Senior Commission Counsel, at 1102 Q Street, suite 3050, Sacramento, CA 95811.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on January 18, 2024.


Sasha Linker

Exhibit A-5

JAMES M. LINDSAY
Chief of Enforcement
BRIDGETTE CASTILLO
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3050
Sacramento, CA 95811
Telephone: (279) 237-3764
Email: bcastillo@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 No. 2019-00385
	)
	)
SOUTH BAY SV COMMUNITY	) ACCUSATION
COALITION PAC, ANTHONY PHAN	)
AND SUZANNA TRIEU	)
	) (Gov. Code §11503)
Respondents.	)
	)

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 ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed so that voters are fully informed and improper practices are inhibited.³ Another purpose is to provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”⁴

RESPONDENTS

6. Respondent, South Bay SV Community Coalition PAC (“Committee”), was a general purpose candidate-controlled committee that made independent expenditures in connection with the November 6, 2018 election in support of Bob Nunez for Milpitas Mayor, Frank Barragan for San Benito Health Care Zone 2, Mary Casillas for San Benito Health Care Zone 4, and opposing Rolan Resendiz for Hollister City Council District 2 and Rich Tran for Mayor of Milpitas.

7. Respondent, Anthony Phan (“Phan”), as a member of the Milpitas City Council, was the controlling candidate and principal officer of the Committee.

8. Suzanna Trieu (now Suzanna Phan) was the Committee's treasurer.

APPLICABLE LAW

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

//

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

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

³ Section 81002, subd. (a).

⁴ Section 81002, subd. (f).

1 **A. Definition of Controlled Committee**

2 10. The Act defines a “committee” to include any person (or combination of persons) who
3 receives contributions totaling \$2,000 or more in a calendar year.⁵ This type of committee commonly is
4 referred to as a “recipient committee.”

5 11. A recipient committee that is controlled directly or indirectly by a candidate, or which
6 acts jointly with a candidate in connection with the making of expenditures, is a “controlled committee.”
7 A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls
8 has a significant influence on the actions or decisions of the committee.⁶

9 **B. Statement of Organization Requirements**

10 12. Every recipient committee must file a Statement of Organization with the Secretary of
11 State.⁷ A recipient committee must file a Statement of Organization within 10 days of qualifying as a
12 committee.⁸ The Statement of Organization must include the committee’s name, street address and
13 telephone number, and the full name, street address and telephone number of the treasurer and other
14 principal officers of the committee, in addition to the qualification date.⁹

15 13. The Statement of Organization must also include a statement of whether the committee
16 was independent or controlled, and if controlled, the name of each candidate by which it was
17 controlled.¹⁰

18 **C. Committee Naming and Filing Requirements**

19 14. At the core of the Act’s campaign reporting system is the requirement that committees
20 must file campaign statements and reports for certain reporting periods and by certain deadlines.¹¹

21 15. Whenever identification of a committee is required by law, the identification must
22 include the full name of the committee, and in the case of a committee that is controlled by one or more
23 candidates, the name of the committee must include the last name of each controlling candidate.¹²

24
25 ⁵ Section 82013, subd. (a).

26 ⁶ See Section 82016.

27 ⁷ Section 84101.

28 ⁸ Section 84101, subd. (a).

⁹ Sections 84102, subd. (a) and (c) and 84101.

¹⁰ Section 84102, subd. (e).

¹¹ Sections 84200, et seq.

¹² Sections 84101; 84102, subd. (e) and (g); and Regulation 18402, subd. (c)(1).

1 16. Also, whenever a candidate-controlled committee files a campaign statement,
2 information about the controlling candidate must be disclosed on the filing along with information about
3 any other committees that candidate controls. The controlling candidate must sign/verify the controlled
4 committee's campaign statements.¹³ A candidate shall verify his or her campaign statement and the
5 statement subject to his or her control.¹⁴ If a committee is required to file a campaign statement or report
6 disclosing an independent expenditure, the candidate or principal officer of a controlled committee shall
7 sign a verification on a report prescribed by the Commission.¹⁵ This verification is required within 10
8 days from the date of an independent expenditure that totals, in the aggregate, \$1,000 or more to support
9 or oppose a candidate or measure in a calendar year.¹⁶

10 **D. Duty to File Campaign Statements**

11 17. At the core of the Act's campaign reporting system is the requirement that committees
12 must file campaign statements and reports for certain periods and by certain deadlines. The Act requires
13 state general purpose committees, candidates and their controlled committees to file campaign
14 statements at specific times disclosing information regarding contributions received and expenditures
15 made by the campaign committees.¹⁷ A state general purpose committee is required to file semi-annual
16 and preelection campaign statements with the Secretary of State ("SOS").¹⁸

17 **E. Duty to File Semi-Annual Campaign Statements**

18 18. A committee must file semi-annual campaign statements beginning in the period in which
19 the committee qualified and continuing until the committee terminates.¹⁹ A committee must file a
20 semiannual statement by January 31 for the period ending December 31 of the previous year, and by
21 July 31 for the period ending June 30.²⁰ Whenever the deadline falls on a Saturday, Sunday or official
22 state holiday, the filing deadline for a statement shall be extended to the next regular business day.²¹

23 ///

24 ¹³ See Sections 84211, subd. (p); and 84213.

25 ¹⁴ Section 84213, subdivision (a).

26 ¹⁵ Section 84213, subd. (b).

27 ¹⁶ Former Regulation 18465.1, subd. (b).

28 ¹⁷ Section 84200, *et seq.*

¹⁸ Section 84215 and Regulation 18227.4, subd. (b).

¹⁹ Section 84200, subd. (a).

²⁰ Section 84200.

²¹ Regulation 18116, subd. (a)

F. Duty to File Preelection Campaign Statements

19. A state general purpose committee must file the applicable preelection campaign statements prior to elections in which contributions or independent expenditures were made totaling \$500 or more in connection with the November 6, 2018 statewide election.²²

20. The first preelection campaign statement, for the period ending 45 days before the election, shall be filed no later than 40 days before the election.²³ The second preelection campaign statement, for the period ending 17 days before the election, shall be filed no later than 12 days before the election.²⁴ For the November 6, 2018 election, the second preelection campaign statement was due by October 25, 2018.

G. Duty to Disclose Contributors

21. For each campaign statement that a committee is required to file, the committee must disclose certain information about contributors who contribute a cumulative amount of \$100 or more.²⁵

22. Under Section 84211, subdivision (f), the committee must disclose the following about these contributors: (1) the contributor's full name; (2) the contributor's street address; (3) the contributor's occupation; (4) the name of the contributor's employer, or if he or she is self-employed, the name of the business; (5) the date and amount received during the period covered by the campaign statement; and (6) the cumulative amount of contributions.

H. 24-Hour Contribution Report

23. A "late contribution" means a contribution that totals in the aggregate \$1,000 or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure during the 90-day period preceding the date of the election, or on the date of the election, at which the candidate or measure is to be voted on.²⁶ Each candidate or committee that makes or receives a late contribution shall report the late contribution within

²² Section 84200.5, subd. (c).

²³ Section 84200.8, subd. (a).

²⁴ Section 84200.8, subd. (b).

²⁵ Section 84211.

²⁶ Section 82036.

24 hours of the time it is made to each office with which the committee is required to file its next campaign statement.²⁷

I. 24-Hour Independent Expenditure Report

24. Under the Act, an “independent expenditure” includes an expenditure made by any person, in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.²⁸ A “late independent expenditure” means an independent expenditure that totals in the aggregate \$1,000 or more and is made for or against a specific candidate or measure involved in an election during the 90-day preceding the date of the election, or on the date of the election.²⁹ A committee that makes a late independent expenditure shall report the late independent expenditure within 24 hours of the time it is made in the places where it would be required to file campaign statements as if it were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the late independent expenditure.³⁰

J. Advertisement Disclosures

25. An “advertisement” under the Act means any general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate(s) for elective office or a ballot measure(s).³¹

26. Under the Act, any advertisement paid for by a committee established pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words “Paid for by” followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101.³² On print advertisements designed to be individually distributed, including mailers, the disclosure area shall have a solid white background and shall be in a

²⁷ Section 84203.

²⁸ Section 82031.

²⁹ Section 82036.5.

³⁰ Section 84204, subs. (a) and (c).

³¹ Section 84501.

³² Section 84502, subd. (a)(1).

printed or drawn box on the bottom of at least one page that is set apart from any other printed matter.
The text shall be in a contrasting color, in an Arial equivalent type with a type size of at least 10-point.³³

K. Prohibition Against Candidate Controlled General Purpose Committees

27. Under the one committee/one bank account provisions, the Act prohibits a candidate or officeholder who controls a committee for his or her election or office from controlling a general purpose committee that makes contributions or independent expenditures to support or oppose other candidates.³⁴

L. One Bank Account

28. The Act requires campaign funds to be segregated from non-political, personal accounts and kept in a single, designated campaign bank account.³⁵ All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee must be deposited into this account.³⁶ All campaign expenditures must be made from the account.³⁷ At times, this is referred to as the one bank account rule.

M. Joint and Several Liability of Candidate, Committee, Treasurer and Principal Officer

29. It is the duty of a committee treasurer to ensure that the committee complies with the Act.³⁸ It is the duty of the committee's principal officer to authorize the content of communications made by the committee, authorize expenditures made by the committee, and determine the committee's campaign strategy.³⁹ A treasurer, candidate and principal officer may be held jointly and severally liable, along with the committee, for violations committed by the committee.⁴⁰

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

30. 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

³³ Section 84504.2, subd. (a).

³⁴ Section 85201, and Regulation 18521. See also Sections 85301, 85303, 85304, 85305 and 85316

³⁵ Section 85201.

³⁶ Section 85201, subd. (c).

³⁷ Section 85201, subd. (e).

³⁸ Sections 81004, 84100, 84104, and 84213; Regulation 18427.

³⁹ Section 82047.6; Regulation 18402.1, subd. (b).

⁴⁰ Sections 83116.5 and 91006.

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.⁴¹

GENERAL FACTS

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

32. Phan was a successful candidate for Milpitas City Council in the November 6, 2016 General Election and was re-elected in the November 3, 2020 General Election. Phan is currently a member of the Milpitas City Council and unsuccessfully ran for Mayor of Milpitas in the November 8, 2022 and November 5, 2024 General Elections.

33. At all relevant times, Phan was a Milpitas City Councilmember.

34. Additionally, according to an FBN Statement filed and maintained by Santa Clara County, Phan has a consulting business named Invictus Strategy. The statement was initially filed on April 10, 2018.

35. According to campaign filings maintained by the SOS, the Committee was formed on October 8, 2018, as a state general purpose committee. Trieu was the named treasurer of the Committee. Phan was the named principal officer of the Committee.

36. According to campaign filings maintained by the SOS and Milpitas City Clerk's Office, at the same time, Phan had an active officeholder committee, City Council Neighbors for Anthony Phan 2016.

⁴¹ Regulation 18361.5, subd. (e).

1 37. According to bank records for the City Council Neighbors for Anthony Phan 2016, this
2 committee had an open and active bank account.

3 38. According to the Committee bank records, the Committee established a bank account
4 with a first deposit on October 8, 2018, during the same time City Council Neighbors for Anthony Phan
5 2016 had an open bank account.

6 39. According to email correspondence obtained from the Committee, Victor Gomez assisted
7 with fundraising and Phan directed and controlled the expenditures of the Committee, discussed further
8 below.

9 40. According to records maintained by the SOS, the Committee filed: an initial Statement of
10 Organization on October 8, 2018, stating the Committee had not yet qualified; an amended Statement of
11 Organization on November 6, 2018, the date of the election, reflecting the Committee qualified on
12 October 9, 2018; and a termination Statement of Organization on July 10, 2019, reflecting the
13 Committee qualified on October 8, 2018 and terminated on December 31, 2018.

14 41. Each Statement of Organization disclosed Trieu as the treasurer and Phan as the principal
15 officer of the Committee, with both signing each Statement of Organization. At no time did any of the
16 Statements of Organization include Phan as the controlling candidate or include Phan's name in the
17 name of the Committee as the controlling candidate.

18 **Phan Interview**

19 42. According to an interview with Phan, Phan stated Phan wanted to help candidates get
20 elected who share similar views, which was the reason the Committee was formed. Phan stated Phan
21 chose to support Barragan and Casillas because Phan had a good rapport with them. Phan believed Phan
22 met both Barragan and Casillas at an event with Gomez, a former Hollister City Councilmember and
23 Mayor with a consulting business named Pinnacle Strategy.

24 43. According to Phan, Phan and Gomez solicited contributions, although Phan stated Gomez
25 was not an officer of the Committee.

26 44. According to Phan, Trieu only performed the accounting duties.

27 45. According to Phan, Phan designed and produced the advertisements supporting Nunez
28 and opposing Tran.

1 46. According to Phan, none of the candidates were consulted in connection with any of the
2 advertisements, although Phan did provide the Nunez advertisements to the Santa Clara Republican
3 Party who used the same advertisements to support Nunez.

4 **Failure to Timely File Campaign Statements**

5 47. A state general purpose committee must file the applicable preelection campaign
6 statements prior to elections in which contributions or independent expenditures were made totaling
7 \$500 or more in connection with the November 6, 2018 statewide election. Based on the Committee
8 activity, the Committee was required to file a preelection campaign statement for the reporting period
9 September 23, 2018, through October 20, 2018, by October 25, 2018. According to records maintained
10 by the SOS, this preelection campaign statement was filed 12 days late on or about November 6, 2018,
11 the date of the election.

12 48. According to records maintained by the SOS, on or about July 10, 2019, the Committee
13 filed a semiannual campaign statement for the reporting period of October 21, 2018 through December
14 31, 2018, 161 days late.

15 49. Further, a candidate controlling a committee is required to file an independent
16 expenditure verification, which states that the independent expenditure was not coordinated with the
17 affected candidates and the committee has reported all contributions and reimbursements. This is
18 required to be filed within 10 days from the date of an independent expenditure of \$1,000 or more to
19 support or oppose a candidate in a calendar year. According to records maintained by the SOS, the
20 Committee did not file any verification of independent expenditures, as required.

21 **Failure to Properly Disclose the Identity of a Contributor**

22 50. According to Committee bank records, on or about October 8, 2018, the Committee
23 received a contribution in the amount of \$12,500. The preelection campaign statement disclosed this
24 contribution as coming from San Benito Medical Associates.

25 51. However, according to the Committee bank records, this contribution was written from
26 the Pinnacle Strategy bank account in the form of a check.

27 52. According to Phan, Gomez is the owner of Pinnacle Strategy.
28

53. According to an interview with Phan, Gomez gave the contribution check dated October 8, 2018 to Phan from a Pinnacle Strategy bank account check, but “self-reported by the contributor” that the contribution was from San Benito Medical Associates and should be reported that way.

54. According to Phan, Phan initially said no, but then agreed to disclose the contribution in this way because at some point Phan believed Pinnacle Strategies represented San Benito Medical Associates.

55. According to an interview with Gomez, Gomez does not recall the Committee or making a contribution to the Committee. Gomez stated Gomez only worked as a consultant to the Silicon Valley Business PAC, not the Committee. Gomez stated Gomez knows Phan but did not recall making a \$12,500 contribution to the Committee. Further, Gomez did not recall directing Phan to report this contribution as from San Benito Medical Associates.

56. According to a representative of San Benito Medical Associates, Gomez was hired to design and print brochures for two endorsed candidates running for San Benito Hospital District. However, the San Benito Medical Associates only paid Gomez \$7,277 on October 8, 2018. A representative of San Benito Medical Associates stated there were no communications with the Committee and they were unaware of any payment to the Committee in the amount of \$12,500.

Failure to Timely File 24-Hour Reports

57. The 24-Hour reporting period for Independent Expenditure Reports (Form 496) for the November 6, 2018 election covered the period August 8, 2018 to November 6, 2018. According to Committee records, during this period, the Committee was required to file the following Form 496s for independent expenditures made over \$1,000 in the places where it would be required to file campaign statements as if it were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the 24-Hour independent expenditure:

Candidate Supported/Opposed	Amount	Expenditure Date	Date Filed	Date Due	Where Required to File
Frank Barragan – Advertisements Supporting	\$4,706.28	10/9/2018*	11/07/2018	10/10/2018	San Benito County Clerk

Mary Casillas – Advertisements Supporting	\$5,071.35	10/9/2018*	11/07/2018	10/10/2018	San Benito County Clerk
Rolan Resendiz – Advertisements Opposing	\$4,287.43	10/9/2018*	Not Filed	10/10/2018	Hollister City Clerk
Bob Nunez – Advertisements Supporting	\$3,685.55	11/02/2018	11/06/2018	11/05/2018	Milpitas City Clerk
Rich Tran – Advertisements Opposing	\$1,717.90	11/01/2018	Not Filed	11/02/2018	Milpitas City Clerk
Total	\$19,468.51				

*Each of these expenditures were disclosed on campaign statements as made on 10/18/18, although the advertisements were paid for on 10/9/18.

58. According to records maintained by the San Benito County Clerk, the Committee filed two 24-Hour Independent Expenditure Reports late and after the relevant election. These 24-Hour Independent Expenditure Reports were filed for advertisements sent supporting Barragan in the amount of about \$4,706 and Casillas in the amount of about \$5,071 on November 7, 2018, the day after the election. Both of these Independent Expenditure Reports should have been filed on or about October 10, 2018.

59. According to records maintained by the Milpitas City Clerk, the Committee filed a 24-Hour Independent Expenditure Report one day late, on the day of the election. This 24-Hour Independent Expenditure Report was filed for advertisements sent supporting Nunez in the amount of about \$3,685 on November 6, 2018, the day of the election. This Independent Expenditure Report should have been filed on November 5, 2018.

60. According to records maintained by the Milpitas City Clerk, no Independent Expenditure Reports were filed in connection with advertisements opposing Resendiz in the amount of about \$4,287 on October 10, 2018, and opposing Tran in the amount of about \$1,717 on November 1, 2018, in violation of the Act.

61. According to the advertisements obtained through Committee records, each of these advertisements were hit piece advertisements. The advertisement opposing Resendiz stated: “City Council Candidate ROLAN RESENDIZ ARRESTED,” “Physical abuse is never justified” and “Rolan Resendiz cannot be trusted,” among additional allegations.

62. The advertisement opposing Tran was also a hit piece and included: “the Milpitas City Council on Monday issued a sharp rebuke, describing Tran as unprofessional, disrespectful and, essentially, a black eye on a community struggling to repair its tarnished reputation,” “...documents obtained by this news organization suggest Milpitas Mayor Rich Tran ...likely ‘engaged in conduct of a sexual nature’ with a department head at a holiday party,” “Wanted If you or anyone you know have also been harassed by Richard Tran, please report to Milpitas PD,” and “Absent in the community. Unless there’s free drinks,” among some of the allegations included in the advertisement. In further aggravation, the background of the advertisement included the Socialist Republic of Vietnam flag, a symbol associated with the Vietnamese Communist Party, which is deeply controversial in the Vietnamese-American community. On the advertisement, Tran’s face was in front of the flag, with the following words in Vietnamese: “Who is this yellow star going to be fighting for?” According to a newspaper article, Tran stated this is a hate advertisement in the Vietnamese-American refugee community, and stated this was particularly offensive as Tran was an active member of the U.S. Armed Forces.

63. The 24-Hour reporting period for 24-Hour Contribution Reports for the November 6, 2018 election covered the period August 8, 2018 to November 6, 2018.

64. According to records maintained by the SOS, during this period the Committee did not file any 24-Hour Contribution Reports. The Committee received the following contributions over \$1,000, based on the subpoenaed Committee bank records:

Contributor	Amount	Date Received	Date Filed	Date Due	Days Late
Transparent Silicon Valley	\$3,000.00	10/08/2018	Not Filed	10/09/2018	Not Filed
Pinnacle Strategy	\$12,500.00	10/08/2018	Not Filed	10/09/2018	Not Filed
TTLIC Tarob 4, LLC	\$2,500.00	10/12/2018	Not Filed	10/15/2018	Not Filed
Eduardo Brugman	\$2,500.00	10/25/2018	Not Filed	10/26/2018	Not Filed
Transparent Silicon Valley	\$2,500.00	11/05/2018	Not Filed	11/06/2018	Not Filed
Total	\$23,000.00				

//

Advertisement Disclosure

65. According to invoices subpoenaed from Meridian Pacific Inc., invoices dated on or about September 28, 2018, identify the Committee sent an advertisement opposing Rolan for \$4,287 for 1,321 advertisements; an advertisement supporting Barragan for \$4,706 for 2,287 advertisements and an advertisement supporting Casillas for \$5,071 for 2,752 advertisements. All of these mailers included postage, which were paid for October 9, 2018.

66. According to invoices subpoenaed from National Printing Co., on October 24, 2018 and November 1, 2018, the Committee purchased advertisements supporting Nunez and opposing Tran, in an amount around \$3,549. Over 3,000 of the Nunez advertisements were sent and at least 1,600 of the Tran advertisements were sent based on these invoices.

67. According to invoices subpoenaed from AMS, on October 31, 2018 and November 2, 2018, the Committee purchased advertisements supporting Nunez in the amount of about \$3,370. Over 5,000 of the Nunez advertisements were sent based on these invoices.

68. Each advertisement stated "Paid for by South Bay SV Community Coalition PAC. This advertisement was not authorized or paid for by a candidate for this office or committee controlled by a candidate for this office." The disclaimer failed to include the name of the controlling candidate.

PROCEDURAL HISTORY

69. Complainant incorporates paragraphs 1-68 of this Accusation, as though completely set forth herein.

70. The Enforcement Division initiated an administrative action against the Committee, Phan and Trieu 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.

71. Phan and Trieu were served with the PC Report, individually and on behalf of the Committee, via certified mail on or about September 21, 2023. The information contained in the PC Report packet advised the Committee, Phan and Trieu 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

1 the PC Report, the Committee, Phan and Trieu did not file a response to the PC Report or request a
2 probable cause conference.

3 72. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an
4 Accusation Be Prepared and Served (“Ex Parte Request”), dated January 10, 2024, the Enforcement
5 Division submitted the matter to the Hearing Officer for a determination of probable cause.

6 73. On or about January 17, 2024, the Hearing Officer issued an order finding, based on the
7 Ex Parte Request and the PC Report, that there was probable cause to believe the Committee, Phan and
8 Trieu violated the Act and directed the Enforcement Division to issue an Accusation against the
9 Committee, Phan and Trieu in accordance with the finding.

10 **VIOLATIONS**

11 74. Complainant incorporates paragraphs 1-73 of this Accusation, as though completely set
12 forth herein.

13 75. The Committee, Phan and Trieu committed 19 violations of the Act as follows:

14 **Count 1**

15 **Count 1: Failure to Timely File a Qualifying Statement of Organization and Identify a Controlling** 16 **Candidate**

17 76. Complainant incorporates paragraphs 1 – 75 of this Accusation, as though completely set
18 forth here.

19 77. The Committee, Phan, and Trieu had a duty to timely disclose the date of qualification
20 and name of the controlling candidate in the committee’s name on the Committee’s Statement of
21 Organization.

22 78. The Committee, Phan, and Trieu failed to timely disclose the date of qualification and
23 name of the controlling candidate in the committee’s name on the Committee’s Statement of
24 Organization by October 18, 2018.

25 79. By failing to timely disclose the date of qualification and name of the controlling
26 candidate in the committee’s name on the Statement of Organization, the Committee, Phan, and Trieu
27 violated Government Code Sections 84101, subdivision (a) and 84102, subdivisions (e) and (g).
28

Count 2

Count 2: Failure to Timely File a 24-Hour Independent Expenditure Report

80. Complainant incorporates paragraphs 1 – 79 of this Accusation, as though completely set forth here.

81. The Committee, Phan, and Trieu had a duty to timely file a 24-Hour Independent Expenditure Report with the San Benito County Clerk disclosing two independent expenditures for advertisements made on or about October 9, 2018.

82. The Committee, Phan, and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the San Benito County Clerk disclosing two independent expenditures for advertisements made on or about October 9, 2018.

83. By failing to timely file a 24-Hour Independent Expenditure Report, the Committee, Phan and Trieu, violated Government Code Section 84204.

Count 3

Count 3: Failure to Timely File a 24-Hour Independent Expenditure Report

84. Complainant incorporates paragraphs 1 – 83 of this Accusation, as though completely set forth here.

85. The Committee, Phan, and Trieu had a duty to timely file a 24-Hour Independent Expenditure Report with the Hollister City Clerk disclosing an independent expenditure for advertisements made on or about October 9, 2018.

86. The Committee, Phan, and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Hollister City Clerk disclosing an independent expenditure for advertisements made on or about October 9, 2018.

87. By failing to timely file a 24-Hour Independent Expenditure Report, the Committee, Phan, and Trieu violated Government Code Section 84204.

Count 4

Count 4: Failure to Timely File a 24-Hour Independent Expenditure Report

88. Complainant incorporates paragraphs 1 – 87 of this Accusation, as though completely set forth here.

89. The Committee, Phan, and Trieu had a duty to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing an independent expenditure for advertisements made on or about November 1, 2018.

90. The Committee, Phan, and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing an independent expenditure for advertisements made on or about November 1, 2018,

91. By failing to timely file a 24-Hour Independent Expenditure Report, the Committee, Phan, and Trieu violated Government Code Section 84204.

Count 5

Count 5: Failure to Timely File a 24-Hour Independent Expenditure Report

92. Complainant incorporates paragraphs 1 – 91 of this Accusation, as though completely set forth here.

93. The Committee, Phan, and Trieu had a duty to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing an independent expenditure for advertisements made on or about November 2, 2018.

94. The Committee, Phan, and Trieu failed to timely file a 24-Hour Independent Expenditure Report with the Milpitas City Clerk disclosing an independent expenditure for advertisements made on or about November 2, 2018.

95. By failing to timely file a 24-Hour Independent Expenditure Report, the Committee, Phan, and Trieu violated Government Code Section 84204.

Count 6

Count 6: Failure to Timely File a 24-Hour Contribution Report

96. Complainant incorporates paragraphs 1 – 95 of this Accusation, as though completely set forth here.

97. The Committee, Phan, and Trieu had a duty to timely file a 24-Hour Contribution Report disclosing two contributions received over \$1,000 each on October 8, 2018 by the October 9, 2018 due date.

98. The Committee, Phan and Trieu failed to timely file a 24-Hour Contribution Report

disclosing two contributions received over \$1,000 each on October 8, 2018 by the October 9, 2018 due date.

99. By failing to timely file a 24-Hour Contribution Report, the Committee, Phan, and Trieu violated Government Code Section 84203.

Count 7

Count 7: Failure to Timely File a 24-Hour Contribution Report

100. Complainant incorporates paragraphs 1 – 99 of this Accusation, as though completely set forth here.

101. The Committee, Phan, and Trieu had a duty to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on October 12, 2018, by the October 15, 2018 due date.

102. The Committee, Phan, and Trieu failed to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on October 12, 2018, by the October 15, 2018 due date.

103. By failing to timely file a 24-Hour Contribution Report, the Committee, Phan, and Trieu violated Government Code Section 84203.

Count 8

Count 8: Failure to Timely File a 24-Hour Contribution Report

104. Complainant incorporates paragraphs 1 – 103 of this Accusation, as though completely set forth here.

105. The Committee, Phan, and Trieu had a duty to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on October 25, 2018, by the October 26, 2018 due date.

106. The Committee, Phan, and Trieu failed to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on October 25, 2018, by the October 26, 2018 due date.

107. By failing to timely file a 24-Hour Contribution Report, the Committee, Phan, and Trieu violated Government Code Section 84203.

Count 9

Count 9: Failure to Timely File a 24-Hour Contribution Report

108. Complainant incorporates paragraphs 1 – 107 of this Accusation, as though completely set forth here.

109. The Committee, Phan, and Trieu had a duty to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on November 5, 2018 by the November 6, 2018 due date.

110. The Committee, Phan, and Trieu failed to timely file a 24-Hour Contribution Report disclosing one contribution received over \$1,000 on November 5, 2018, by the November 6, 2018 due date.

111. By failing to timely file a 24-Hour Contribution Report, the Committee, Phan, and Trieu violated Government Code Section 84203.

Count 10

Count 10: Failure to Timely File a Preelection Campaign Statement

112. Complainant incorporates paragraphs 1 – 111 of this Accusation, as though completely set forth here.

113. The Committee, Phan and Trieu had a duty to timely file a preelection campaign statement for the reporting period of September 23, 2018 through October 20, 2018 by the October 25, 2018 due date.

114. The Committee, Phan and Trieu failed to timely file a preelection campaign statement for the reporting period of September 23, 2018 through October 20, 2018 by the October 25, 2018 due date.

115. By failing to timely file a preelection campaign statement, the Committee, Phan, and Trieu violated Government Code Section 84200.5, subdivision (c).

Count 11

Count 11: Failure to Disclose the True Source of a Contribution

116. Complainant incorporates paragraphs 1 – 115 of this Accusation, as though completely set forth here.

1 117. The Committee, Phan and Trieu had a duty to accurately disclose the names of
2 contributors who contribute a cumulative amount of \$100 or more on campaign statements.

3 118. The Committee, Phan and Trieu failed to disclose Pinnacle Strategies as the true source
4 of a contribution for \$12,500 on October 8, 2018.

5 119. By failing to accurately disclose the true source of a contribution, the Committee, Phan,
6 and Trieu violated Government Code Section 84211, subdivision (f).

7 **Count 12**

8 **Count 12: Failure to Timely File Semi-Annual Campaign Statement**

9 120. Complainant incorporates paragraphs 1 – 119 of this Accusation, as though completely
10 set forth here.

11 121. The Committee, Phan and Trieu had a duty to timely file a semi-annual campaign
12 statement for the reporting period of October 21, 2018 through December 31, 2018 by the January 31,
13 2019 due date.

14 122. The Committee, Phan and Trieu failed to timely file a semi-annual campaign statement
15 for the reporting period of October 21, 2018 through December 31, 2018 by the January 31, 2019 due
16 date.

17 123. By failing to timely file a semi-annual campaign statement by the January 31, 2019 due
18 date, the Committee, Phan, and Trieu violated Government Code Section 84200, subdivision (a).

19 124. The Committee and Phan committed seven violations of the Act as follows:

20 **Count 13**

21 **Count 13: Failure to Timely File Independent Expenditure Verification**

22 125. Complainant incorporates paragraphs 1 – 124 of this Accusation, as though completely
23 set forth here.

24 126. The Committee and Phan had a duty to file an independent expenditure verification
25 within 10 days of an independent expenditure of \$1,000 or more that supported or opposed a candidate
26 during the calendar year.

27 127. The Committee and Phan failed to file an independent expenditure verification for any
28 independent expenditure.

128. By failing to file an independent expenditure verification, the Committee and Phan violated Government Code Section 84213, subdivision (b).

Count 14

Count 14: Failure to Disclose Name of Controlling Candidate on Advertisements

129. Complainant incorporates paragraphs 1 – 128 of this Accusation, as though completely set forth here.

130. The Committee and Phan had a duty include the controlling candidate's name in the committee's name on the Statement of Organization, and to disclose that name in any advertisement paid for by the Committee.

131. The Committee and Phan failed to include Phan's name in advertisements sent by the Committee on or about October 18, 2018 in support of Frank Barragan for San Benito Health Care Zone 2.

132. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

Count 15

Count 15: Failure to Disclose Name of Controlling Candidate on Advertisements

133. Complainant incorporates paragraphs 1 – 132 of this Accusation, as though completely set forth here.

134. The Committee and Phan had a duty include the controlling candidate's name in the committee's name on the Statement of Organization, and to disclose that name in any advertisement paid for by the Committee.

135. The Committee and Phan failed to include Phan's name in advertisements sent by the Committee on or about October 18, 2018 in support of Mary Casillas for San Benito Health Care Zone 4.

136. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

Count 16

Count 16: Failure to Disclose Name of Controlling Candidate on Advertisements

137. Complainant incorporates paragraphs 1 – 136 of this Accusation, as though completely set forth here.

138. The Committee and Phan had a duty include the controlling candidate's name in the committee's name on the Statement of Organization, and to disclose that name in any advertisement paid for by the Committee.

139. The Committee and Phan failed to include Phan's name in advertisements sent by the Committee on or about October 18, 2018 opposing Rolan Resendiz for Hollister City Council District 2.

140. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

Count 17

Count 17: Failure to Disclose Name of Controlling Candidate on Advertisements

141. Complainant incorporates paragraphs 1 – 140 of this Accusation, as though completely set forth here.

142. The Committee and Phan had a duty include the controlling candidate's name in the committee's name on the Statement of Organization, and to disclose that name in any advertisement paid for by the Committee.

143. The Committee and Phan failed to include Phan's name in advertisements sent by the Committee on or about November 2, 2018 in support of Bob Nunez for Milpitas Mayor.

144. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

Count 18

Count 18: Failure to Disclose Name of Controlling Candidate on Advertisements

145. Complainant incorporates paragraphs 1 – 144 of this Accusation, as though completely set forth here.

146. The Committee and Phan had a duty include the controlling candidate's name in the

committee's name on their Statement of Organization, and to disclose that name in any advertisement paid for by the Committee.

147. The Committee and Phan failed to include Phan's name in advertisements sent by the Committee on or about November 1, 2018 opposing Rich Tran for Mayor of Milpitas.

148. By failing to disclose the required committee name in advertisements paid for by the Committee, the Committee and Phan violated Government Code Section 84502, subdivision (a)(1).

Count 19

Count 19: Failure to Utilize Single, Designated Campaign Bank Account

149. Complainant incorporates paragraphs 1 – 148 of this Accusation, as though completely set forth here.

150. The Committee and Phan had a duty to utilize a single, designated campaign bank account for all contributions and expenditures.

151. The Committee and Phan failed utilize a single, designated campaign bank account for all contributions and expenditures.

152. By failing to utilize a single, designated campaign bank account for all contributions and expenditures, the Committee and Phan violated Government Code Section 85201.

MITIGATING OR EXCULPATORY FACTORS

153. Complainant incorporates paragraphs 1 – 152 of this Accusation, as though completely set forth here.

154. Phan was named as the principal officer of the Committee, providing some disclosure to the public of Phan's affiliation to the Committee.

155. Phan stated Phan spoke to the Milpitas City Clerk and believed no reporting was necessary as a result of this conversation.

AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS

156. Complainant incorporates paragraphs 1 – 155 of this Accusation, as though completely set forth here.

157. This case includes intentional violations of the Act, hiding Phan's true connection with

1 the Committee by failing to file any meaningful disclosure prior to the election in the proper filing
2 locations. Phan acknowledged controlling the Committee, but failed to include Phan's name in the
3 Committee to show it was controlled by Phan.

4 158. The Committee hid the name of the contributor Pinnacle Strategy in a \$12,500
5 contribution when misreporting the name as a different unrelated entity.

6 159. The failure to timely and properly disclose the Committee activity resulted in significant
7 public harm since the public did not have important information about Committee funding until after the
8 relevant election, especially given that the Committee sent hit-piece advertisements against two
9 candidates.

10 160. Phan has a prior history with the FPPC Enforcement Division.

11 **PRAYER**

12 WHEREFORE, Complainant prays as follows:

- 13 1. That the Fair Political Practices Commission hold a hearing pursuant to Section 83116 and
14 Regulation 18361.5, and at such hearing find that the Committee, Phan, and Trieu violated
15 the Act as alleged herein;
- 16 2. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
17 order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the
18 violation of the Political Reform Act alleged in **Count 1**;
- 19 3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
20 order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the
21 violation of the Political Reform Act alleged in **Count 2**;
- 22 4. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
23 order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the
24 violation of the Political Reform Act alleged in **Count 3**;
- 25 5. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
26 order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the
27 violation of the Political Reform Act alleged in **Count 4**;

6. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 5**;
7. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 6**;
8. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 7**;
9. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 8**;
10. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 9**;
11. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 10**;
12. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 11**;
13. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee, Phan, and Trieu to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 12**;
14. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c), order the Committee and Phan to pay a monetary penalty of up to \$5,000 for the violation of the Political Reform Act alleged in **Count 13**;

- 1 15. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
2 order the Committee and Phan to pay a monetary penalty of up to \$5,000 for the violation
3 of the Political Reform Act alleged in **Count 14**;
- 4 16. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
5 order the Committee and Phan to pay a monetary penalty of up to \$5,000 for the violation
6 of the Political Reform Act alleged in **Count 15**;
- 7 17. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
8 order the Committee and Phan to pay a monetary penalty of up to \$5,000 for the violation
9 of the Political Reform Act alleged in **Count 16**;
- 10 18. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
11 order the Committee and Phan to pay a monetary penalty of up to \$5,000 for the violation
12 of the Political Reform Act alleged in **Count 17**;
- 13 19. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
14 order the Committee and Phan to pay a monetary penalty of up to \$5,000 for the violation
15 of the Political Reform Act alleged in **Count 18**;
- 16 20. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
17 order the Committee and Phan to pay a monetary penalty of up to \$5,000 for the violation
18 of the Political Reform Act alleged in **Count 19**;
- 19 21. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision
20 (e), consider the following factors in framing a proposed order following a finding of a
21 violation pursuant to Section 83116: (1) The extent and gravity of the public harm caused
22 by the specific violation; (2) The level of experience of the violator with the requirements
23 of the Political Reform Act; (3) Penalties previously imposed by the Commission in
24 comparable cases; (4) The presence or absence of any intention to conceal, deceive or
25 mislead; (5) Whether the violation was deliberate, negligent or inadvertent; (6) Whether the
26 violator demonstrated good faith by consulting the Commission staff or any other
27 governmental agency in a manner not constituting complete defense under Government
28 Code Section 83114(b); (7) Whether the violation was isolated or part of a pattern and

1 whether the violator has a prior record of violations of the Political Reform Act or similar
2 laws; and (8) Whether the violator, upon learning of a reporting violation, voluntarily filed
3 amendments to provide full disclosure.

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

6
7 Dated: November 15, 2024

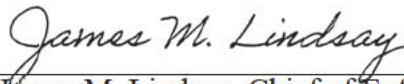

8 James M. Lindsay, Chief of Enforcement
Fair Political Practices Commission

Exhibit A-6

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Angela Brereton, Assistant Chief of Enforcement Bridgette Castillo, Senior Commission Counsel Fair Political Practices Commission 1102 Q Street, Suite 3000 Sacramento, CA 95811 ATTORNEY FOR Complainant			TELEPHONE NUMBER 916-322-8185	FOR COURT USE ONLY
Fair Political Practices Commission 1102 Q St, Ste 3050 Sacramento, CA 95811				
SHORT TITLE OF CASE: In the Matter of South Bay SV Community Coalition PAC, Anthony Phan and Suzanna Trieu				
DATE:	TIME:	DEP./DIV.	CASE NUMBER: 2019-00385	
Proof of Service			Ref. No. or File No: n/a	

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

Accusation ; Notice of Defense ; Notice of Defense (Committee); Statement to Respondent ; Notice of Defense (Trieu); Proof of Service ; Notice of Defense (Phan BC2024.11.14 (1)); Notice of Defense (Trieu BC2024.11.14 (1)); California Government Code sections 11506 through 11508; Office of Administrative Hearing Consent to Electronic Service (E-Service or "SFT") Agreement

2. Party Served: **Anthony Phan, individually and o/b/o South Bay SV Community Coalition PAC - (Gender: M Age: 35 Height: 59 Weight: 150 Race: Asian Hair: black Other:)**

3. Address: [REDACTED]

On: **11/19/2024**

At: **06:24 PM**

4. I served the Party named in item 2, by personal delivery

Person attempting service:

- a. Name: **Yusuf Rashid** - Registration: **1804** - County: **Santa Clara**
- b. Address: **31 N 2nd St 200, San Jose, CA 95113**
- c. Telephone number: **408-291-5000**
- d. **The fee** for this service was: **134.50**

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


 Yusuf Rashid

Date: **11/22/2024**

Exhibit A-7

RECEIVED AND FILED in the office of the Secretary of State of the State of California 5	DATE STAMP AUG 05 2019
CALIFORNIA FORM 410	For Official Use Only CITY CLERK'S OFFICE AUG 15 2019

☒ Termination – See Part 5

☐ Initial
☐ Not yet qualified
or

Date of termination 06 / 14 / 19

I.D. Number
(if applicable)

1389973

NAME OF TREASURER

2. Treasurer and Other Principal Officers

STREET ADDRESS (NO P.O. BOX)

440 Dixon Landing

ALIT

STATE

ZIP CODE

4087264704

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

AREA CODE/PHONE

COUNTY OF DOMICILE	JURISDICTION WHERE COMMITTEE IS ACTIVE

COUNTY OF DOMICILE

NAME OF PRINCIPAL OFFICER(S)

Anthony Phan

STREET ADDRESS (NO P.O. BOX)

Attach additional information on appropriately labeled continuation sheets.

1997

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

06/14/19

Bv

SIGNATURE OF TREASURER OR ASSISTANT TREASURER

06/14/19

By

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

1

By:

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

1995, 4, 78-87

oy .

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
FORM

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Page 2

COMMITTEE NAME

Neighbors for Anthony Phan 2016 - City Council

I.D. NUMBER

1389973

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION	AREA CODE/PHONE	BANK ACCOUNT NUMBER
Wells Fargo	4085867682	
ADDRESS	CITY	STATE
1 S Milpitas Blvd	Milpitas	CA
	ZIP CODE	95035

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan." Stating "No party preference" is acceptable.
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY	CHECK ONE	Partisan	(list political party below)
Anthony Phan	City Council	2016	Nonpartisan	☒	Partisan	(list political party below)
			Nonpartisan	☐	Partisan	(list political party below)

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER) IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	SUPPORT	OPPOSE
			☐	☐
			☐	☐

Statement of Organization Recipient Committee

Statement Type ☐ Initial

☐ Not yet qualified

or

☒ Date qualified as committee

9 / 19 / 16

☒ Amendment

☐ Termination - See Part 5

Date qualified as committee
(if amending to provide this date)

Date of termination

1. Committee Information

NAME OF COMMITTEE

Neighbors for Anthony Phan 2016 - City Council

I.D. Number (if applicable)
1389973

2. Treasurer and Other Principal Officers

NAME OF TREASURER

Anthony Phan

STREET ADDRESS (NO P.O. BOX)

440 Dixon Landing Road Apt L210

STREET ADDRESS (NO P.O. BOX)

440 Dixon Landing Road Apt L210

CITY

Milpitas

MAILING ADDRESS (IF DIFFERENT)

STATE

CA

ZIP CODE

95035

AREA CODE/PHONE

4087264704

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)

voteanthonyphan@gmail.com

COUNTY OF DOMICILE

Santa Clara

JURISDICTION WHERE COMMITTEE IS ACTIVE

City of Milpitas

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)

Anthony Phan

STREET ADDRESS (NO P.O. BOX)

440 Dixon Landing Road Apt L210

CITY

Milpitas

STATE

CA

ZIP CODE

95035

AREA CODE/PHONE

4087264704

Attach additional information on appropriately labeled continuation sheets.

3. Verification

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

Executed on

7-31-17

DATE

By

SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on

7-31-17

DATE

By

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on

DATE

By

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on

DATE

By

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
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Page 2

I.D. NUMBER

1389973

COMMITTEE NAME

Neighbors for Anthony Phan 2016 - City Council

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION

Wells Fargo

AREA CODE/PHONE

4085867682

ADDRESS

1 S Milpitas Blvd

CITY

Milpitas

STATE

CA

ZIP CODE

95035

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROponent

Anthony Phan

ELECTIVE OFFICE SOUGHT OR HELD
(INCLUDE DISTRICT NUMBER IF APPLICABLE)

City Council

YEAR OF ELECTION

2016

PARTY

☒ Nonpartisan

☐ Nonpartisan

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)

CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION
(INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)

CHECK ONE

SUPPORT ☐

OPPOSE ☐

SUPPORT ☐

OPPOSE ☐

**Statement of Organization
Recipient Committee**

Statement Type ☒ Initial ☐ or
Not yet qualified ☒

☐ Amendment
List I.D. number: # 1384973

☐ Termination - See Part 5
List I.D. number: # 1384973

Date qualified as committee 08-14-16 Date of Termination 08-15-2016

1. Committee Information

NAME OF COMMITTEE

Neighbors for Anthony Phan 2016 - City Council

STREET ADDRESS (NO P.O. BOX)

312 Edgewater Dr

CITY

MILPITAS

STATE

CA

ZIP CODE

95035

AREA CODE/PHONE

(408) 725-4704

MAILING ADDRESS (IF DIFFERENT)

Same as above

FAX / E-MAIL ADDRESS

voteanthonyphan@gmail.com

COUNTY OF DOMICILE

Santa Clara

JURISDICTION WHERE COMMITTEE IS ACTIVE

City of Milpitas

2. Treasurer and Other Principal Officers

NAME OF TREASURER

Jonathan Le

STREET ADDRESS (NO P.O. BOX)

3789 Chilton Ct

CITY

San Jose

STATE

CA

ZIP CODE

95111

AREA CODE/PHONE

408 725 4704

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)

STREET ADDRESS (NO P.O. BOX)

CITY

STATE

ZIP CODE

AREA CODE/PHONE

Attach additional information on appropriately labeled continuation sheets.

3. Verification

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

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

Executed on 08-14-16 By Jonathan Le

SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

SIGNATURE OF CONTROLLING OFFICERHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
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Page 2

COMMITTEE NAME

Neighbors for Anthony Phan 2016 - City Council

I.D. NUMBER

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION

Wells Fargo

AREA CODE/PHONE

(908) 586-7682

BA

ADDRESS

1 S. Milpitas Blvd

CITY

Milpitas

STATE

CA

ZIP CODE

95035

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROponent

ANTHONY PHAN

ELECTIVE OFFICE SOUGHT OR HELD
(INCLUDE DISTRICT NUMBER IF APPLICABLE)

CITY COUNCIL

YEAR OF ELECTION

2016

PARTY

☒ Nonpartisan

☐ Nonpartisan

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)

CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION
(INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)

CHECK ONE

SUPPORT

OPPOSE

☐

☐

SUPPORT

OPPOSE

☐

☐

Exhibit A-8

43

1412775

Statement of Organization Recipient Committee

Statement Type

☒ Initial

☐ Not yet qualified
or
☐ Date qualification threshold met

☐ Amendment

☐ Termination - See Part 5

Date of termination

1. Committee Information

I.D. Number
(if applicable)

NAME OF COMMITTEE

South Bay SV Community Coalition PAC

2. Treasurer and Other Principal Officers

NAME OF TREASURER

Suzanna Trieu

STREET ADDRESS (NO P.O. BOX)

1422 W 223rd St

STREET ADDRESS (NO P.O. BOX)

437 Greathouse Drive

CITY

Milpitas

STATE

CA

ZIP CODE

95035

AREA CODE/PHONE

(408)726-4704

FULL MAILING ADDRESS (IF DIFFERENT)

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)

pac.svccc@gmail.com

COUNTY OF DOMICILE

Santa Clara

JURISDICTION WHERE COMMITTEE IS ACTIVE

State of California

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)

Anthony Phan

STREET ADDRESS (NO P.O. BOX)

437 Greathouse Drive

CITY

Milpitas

STATE

CA

ZIP CODE

95035

AREA CODE/PHONE

(408)726-4704

3. Verification

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

Executed on

10-8-18

By

SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on

10-8-18

By

SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, OR STATE MEASURE PROponent

Executed on

By

SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, OR STATE MEASURE PROponent

Executed on

By

SIGNATURE OF CONTROLLING OFFICER, CANDIDATE, OR STATE MEASURE PROponent

RECEIVED AND FILED
in the office of the Secretary of
of the State of California

CALIFORNIA 410
FORM

For Official Use Only

OCT 08 2018

Hand Delivered, Sacramento

Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
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Page 2

I.D. NUMBER

COMMITTEE NAME

South Bay SV Community Coalition PAC

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION To follow	AREA CODE/PHONE To follow	BANK ACCOUNT NUMBER To follow
ADDRESS		STATE
CITY		ZIP CODE

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan." Stating "No party preference" is acceptable.
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY CHECK ONE	Nonpartisan ☐	Partisan ☐	(list political party below)

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)
IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME.

CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION
(INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)

	CHECK ONE	
	SUPPORT ☐	OPPOSE ☐

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

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Page 3

I.D. NUMBER

COMMITTEE NAME

South Bay SV Community Coalition PAC

4. Type of Committee (Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

☐ CITY Committee

☐ COUNTY Committee

☒ STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

To support and oppose statewide and local candidates and initiatives throughout the South Bay and Silicon Valley regions.

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

AREA CODE/PHONE

Small Contributor Committee

☐ _____ / _____ / _____
Date qualified

5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
 - This committee does not anticipate receiving contributions or making expenditures in the future;
 - This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
 - This committee has no surplus funds; and
 - This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

Statement of Organization Recipient Committee

Statement Type

☐ Initial
☐ Not yet qualified
or
☐ Date qualification threshold met

☒ Amendment

Date qualification threshold met
10 09 18

☐ Termination - See Part 5

Date of termination

CALIFORNIA
FORM 410

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Date Stamp

City Clerk's Office

NOV 06 2018

RECEIVED

1. Committee Information

NAME OF COMMITTEE
South Bay SV Community Coalition PAC

I.D. Number
(if applicable)

1412775

2. Treasurer and Other Principal Officers

NAME OF TREASURER

Suzanna Trieu

STREET ADDRESS (NO P.O. BOX)

1422 W 223rd Street

STREET ADDRESS (NO P.O. BOX)

437 Greathouse Drive

CITY

Milpitas

STATE

CA

ZIP CODE

95035

AREA CODE/PHONE

(408)726-4704

CITY

Torrance

STATE

CA

ZIP CODE

90501

AREA CODE/PHONE

(310) 357-9942

NAME OF ASSISTANT TREASURER, IF ANY

FULL MAILING ADDRESS (IF DIFFERENT)

E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)

pac.svcc@gmail.com

COUNTY OF DOMICILE

Santa Clara

JURISDICTION WHERE COMMITTEE IS ACTIVE

State of California

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME OF PRINCIPAL OFFICER(S)

Anthony Phan

STREET ADDRESS (NO P.O. BOX)

437 Greathouse Dr

CITY

Milpitas

STATE

CA

ZIP CODE

95035

AREA CODE/PHONE

(408)726-4704

Attach additional information on appropriately labeled continuation sheets.

3. Verification

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

Executed on 10-19-18 By

DATE

By

Suzanna Trieu

SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on 10-19-18 By

DATE

By

Anthony Phan

SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on By

DATE

By

SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Executed on By

DATE

By

SIGNATURE OF CONTROLLING OFFICER/HOLDER, CANDIDATE, OR STATE MEASURE PROPONENT

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

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Page 2

I.D. NUMBER

1412775

COMMITTEE NAME
South Bay SV Community Coalition PAC

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION Wells Fargo	AREA CODE/PHONE (408) 586-7682
ADDRESS 1 S Milpitas Blvd	CITY Milpitas
	STATE CA
	ZIP CODE 95035

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan." Stating "No party preference" is acceptable.
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY CHECK ONE		(list political party below)
			Nonpartisan	Partisan	
			☐	☐	
			☐	☐	

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER) IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME.	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)		CHECK ONE	
			SUPPORT	OPPOSE
			☐	☐
			☐	☐

Statement of Organization Recipient Committee

INSTRUCTIONS ON REVERSE

CALIFORNIA
FORM 410

Page 3

I.D. NUMBER

1412775

COMMITTEE NAME
South Bay SV Community Coalition PAC

4. Type of Committee (Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:

☐ CITY Committee

☐ COUNTY Committee

☒ STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Political action committee formed to support and oppose candidates and initiatives in the Silicon Valley region.

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR

INDUSTRY GROUP OR AFFILIATION OF SPONSOR

STREET ADDRESS

NO. AND STREET

CITY

STATE

ZIP CODE

AREA CODE/PHONE

Small Contributor Committee

☐

_____/_____/_____
Date qualified

5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
 - This committee does not anticipate receiving contributions or making expenditures in the future;
 - This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
 - This committee has no surplus funds; and
 - This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
- Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

Statement of Organization
Recipient Committee

STATEMENT OF ORGANIZATION

Type or print in ink

Statement Type

☒ Initial

Not yet qualified ☒ or

10/8/2018

Date qualified as committee

☐ Amendment

List I.D. number:

#

☒ Termination - See Part 5

List I.D. number:

1412775

12/31/2018

Date of Termination

Date Stamp

CALIFORNIA
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Page 1

1. Committee Information

NAME OF COMMITTEE
SOUTH BAY SV COMMUNITY COALITION PAC

STREET ADDRESS (NO P. O. BOX)
437 GREATHOUSE DRIVE

CITY
MILPITAS

STATE
CA

ZIP CODE
95035

AREA CODE/PHONE
4087264704

MAILING ADDRESS (IF DIFFERENT)

OPTIONAL: FAX/E-MAIL ADDRESS
pac.svcc@gmail.com

COUNTY OF DOMICILE

COUNTY WHERE COMMITTEE IS ACTIVE IF DIFFERENT
THAN COUNTY OF DOMICILE

Attach additional information on appropriately labeled continuation sheets.

2. Treasurer and Other Principal Officers

NAME OF TREASURER
Suzanna Trieu

STREET ADDRESS
1422 W 223rd St

CITY
Torrance

STATE
CA

ZIP CODE
90501

AREA CODE/PHONE
3103579942

NAME OF ASSISTANT TREASURER, IF ANY

STREET ADDRESS

CITY

STATE

ZIP CODE

AREA CODE/PHONE

NAME AND POSITION OF OTHER PRINCIPAL OFFICER(S), IF APPLICABLE
Anthony Phan
Officer

MAILING ADDRESS
437 Greathouse Drive

CITY
Milpitas

STATE
CA

ZIP CODE
95035

AREA CODE/PHONE
4087264704

3. Verification

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

Executed on 07/10/2019 DATE

By Suzanna Trieu

SIGNATURE OF TREASURER OR ASSISTANT TREASURER

Executed on 07/10/2019 DATE

By Anthony Phan

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on DATE

By

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Executed on DATE

By

SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, OR STATE MEASURE PROponent

Statement of Organization
Recipient Committee

INSTRUCTIONS ON REVERSE

COMMITTEE NAME
SOUTH BAY SV COMMUNITY COALITION PAC

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "non-partisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
			☐ Non-Partisan
			☐ Non-Partisan

- List the financial institution where the campaign bank account is located (controlled "candidate election" committees only)

NAME OF FINANCIAL INSTITUTION Wells Fargo	AREA CODE/PHONE 4085867682	BANK ACCOUNT NUMBER 6699734957
ADDRESS 1 S Milpitas Blvd	CITY Milpitas	STATE CA
		ZIPCODE 95035

Primarily Formed Committee

Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDING DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE
		SUPPORT OPPOSE
		SUPPORT OPPOSE

Statement of Organization
Recipient Committee

STATEMENT OF ORGANIZATION

CALIFORNIA
FORM 410

Page 3

INSTRUCTIONS ON REVERSE

COMMITTEE NAME
SOUTH BAY SV COMMUNITY COALITION PAC

I.D. NUMBER
1412775

4. Type of Committee (Continued)

General Purpose Committee

Not formed to support or oppose specific candidates or measures in a single election. Check only one box:
☐ CITY Committee ☐ COUNTY Committee ☒ STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Political action committee formed to support and oppose candidates and initiatives in the Silicon Valley region.

Sponsored Committee

List additional sponsors on an attachment.

NAME OF SPONSOR		INDUSTRY GROUP OR AFFILIATION OF SPONSOR	
STREET ADDRESS	NO. AND STREET	CITY	STATE ZIP CODE

Small Contributor Committee

☐ Check box and provide the date this committee qualified as a small contributor committee. If the committee qualified as a small contributor committee on January 1, 2001, enter 1/1/01.

Date qualified

5. Termination Requirements

By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
 - This committee does not anticipate receiving contributions or making expenditure in the future;
 - This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
 - This committee has no surplus funds; and
 - This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
- There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
- Additional filing obligations will be incurred if, after terminating, the committee receives or spends any funds, or receives the forgiveness of a loan, repayments of loans made to others, or any other receipts.

Exhibit A-9

FAIR POLITICAL PRACTICES COMMISSION

INTERVIEW SUMMARY REPORT

FPPC CASE NO: 2019-00385

CASE NAME: South Bay SV Community Coalition PAC

REPORT NO. 06

REPORT TYPE: Interview Summary

REPORT DATE: August 30, 2022

PREPARED BY: Roone Petersen

CASE ATTORNEY: Bridgette Castillo

Interview tape recorded:	No
Manner of interview:	Telephone
Person interviewed:	Anthony Phan
Attorney:	N/A
Address:	N/A
Phone:	[REDACTED]
Email address:	[REDACTED]

NARRATIVE:

Phan started the Committee because he wanted to help candidates get elected who share his views. The candidates chosen were people he met who held similar views. Individuals who the Committee decided to oppose were people that did not align with Phan's views. Phan chose to support Barragan and Casillas because they were personable, had good rapport with him, and he liked them as candidates and as individual people. Phan believes he met both Barragan and Casillas through an event with Victor Gomez. Phan solicited contributions for the Committee through phone calls and meeting with people he knew and worked with. Victor Gomez also helped coordinate contributions. Trieu, who is listed as treasurer of the Committee, did not solicit contributions. Trieu only performed accounting duties for the Committee while Phan controlled the Committee. Phan did not report the independent expenditures opposing Richard Tran and Rolan Resendiz because he considered the mailers as educational pieces that did not expressly advocate a position to vote on. Phan confirmed that at the time of the mailings, both Tran and Resendiz were in an election year. Phan sought advice from the Milpitas City Clerk regarding the expenditures. Phan asked the City Clerk if he was required to file additional paperwork if he produced a "piece" referencing a candidate but did not advocate to vote one way or another. The clerk told him it was considered an educational piece and that he did not need to file any additional forms. I asked Phan if he thought to call the FPPC Advice line and Phan stated he did not. Phan confirmed the Milpitas City Clerk he spoke with was Mary Lavelle.

The mailers for Barragan, Casillas, and Resendiz were all designed and produced through a vendor called Meridian. The pieces specific to Milpitas which included mailers supporting Bob Nunez and hit pieces against Rich Tran were all designed by Phan. The invoices from AMS that were addressed to Bob Nunez were done so in error. The post office box reflected on the AMS invoices is Phan's old postal box from 2016 and there should be a record to confirm Phan was the owner. Phan never spoke with Nunez about the mailers and Nunez was not aware Phan was producing mailers supporting the campaign. Phan did coordinate with the Santa Clara

Republican Party (SCRIP) for the Nunez mailers. The SCRIP used the same mailers Phan designed to support Nunez and sent them to Republican voters. Phan sent the Nunez mailers to other registered voters. Phan was asked about the following expenditures made by the Committee and what the political, legislative, or governmental purpose was. Phan stated the expenditures were all related to meetings in which the Committee discussed the direction and goals of the Committee. During these meetings, the Committee also reviewed how they could have operated better. Victor Gomez was present on occasion as well as potential donors. Phan would not classify Gomez as an officer of the committee. Phan previously worked with, and has a relationship, with Gomez and views him as a mentor who provides advice and guidance on political issues. Gomez provided a lot of advice to Phan and the Committee.

Date	Expenditure	Amount
10/29/2018	Amazon	\$98.09
11/13/2018	Doordash Sen Dai	\$68.23
11/13/2018	Doordash Sen Dai	\$55.79
11/13/2018	Orenchi Santa Clara	\$50.24
11/14/2018	Doordash Sen Dai	\$87.90
11/16/2018	Amazon	\$16.98
11/19/2018	San Jose Crawfish	\$72.58
11/19/2018	Uber Eats	\$13.94
11/19/2018	Uber Eats	\$2.00
11/20/2018	Kenji Sushi	\$87.85
11/21/2018	Kokoro Ramen	\$46.51
11/23/2018	Happy Lemon	\$11.97
11/23/2018	Milpitas Buffet	\$50.76
11/26/2018	Andersen - Great Mall San Jose	\$7.15
11/26/2018	Maggianos San Jose	\$44.22
	Total	\$714.21

San Benito Medical Associates Contribution

Phan was asked why the Committee reported a \$12,500 contribution from San Benito Medical Associates (SBMA) when bank records reflect the contribution check was actually from Pinnacle Strategy. Phan stated that the contribution from SBMA was “self-reported by the contributor” and Victor Gomez requested that the contribution be reported that way. Phan further stated he reports the contribution based on the information given to him despite what the physical check reflects. I asked Phan if he questioned Gomez regarding the contribution check not matching the contributor information and initially Phan said no, but then said he did. Per Phan, Pinnacle Strategy “represented” SBMA at some point and SBMA asked Pinnacle to coordinate the contribution. Phan does not know if Pinnacle Strategy was reimbursed. Phan admitted he was “way over his head” when controlling the Committee and does not participate in political action committees anymore. Phan is trying to follow the rules and has learned a lot from the mistakes he made in the past.

Exhibit A-10

Recipient Committee Campaign Statement Cover Page

ORIGINAL

COVER PAGE

CALIFORNIA 460
FORM

Page 1 of 14

For Official Use Only

SEE INSTRUCTIONS ON REVERSE

Statement covers period
from 9/23/18
through 10/20/18

Date of election if applicable
(Month, Day, Year)
11-06-18

RECEIVED AND FILED
Office of the Secretary of State
of the State of California

NOV 06 2018

4mx

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

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

2. Type of Statement Hand Delivered, Sacramento

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

3. Committee Information

ID NUMBER
1412775

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
South Bay SV Community Coalition PAC

Treasurer(s)

NAME OF TREASURER
Suzanna Trileu

MAILING ADDRESS
1422 W 223rd Street

STREET ADDRESS (NO P.O. BOX)
437 Greathouse Drive

CITY Milpitas STATE CA ZIP CODE 95035 AREA CODE/PHONE 408/264704

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX / E-MAIL ADDRESS

4. Verification

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

Executed on 10-19-18 Date

Executed on 10-19-18 Date

Executed on Date

Executed on Date

By  Signature of Treasurer or Assistant Treasurer

By  Signature of Controlling Officerholder, Candidate, State Measure Proponent or Responsible Officer of Sponsor

By  Signature of Controlling Officerholder, Candidate, State Measure Proponent

By  Signature of Controlling Officerholder, Candidate, State Measure Proponent

Exhibit A-11

Recipient Committee
Campaign Statement
(Government Code Sections 84200-84216.5)

Type or print in ink.

COVER PAGE

CALIFORNIA
2001/02
FORM 460

Page 1 of 15
For Official Use Only

Date of election if applicable:
(Month, Day, Year)

Statement covers period
from 10/21/2018
through 12/31/2018

SEE INSTRUCTIONS ON REVERSE

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

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

2. Type of Statement:

- ☐ Pre-election Statement
☐ Semi-annual Statement
☒ Termination Statement
☒ Amendment (Explain below)

Reflect accurate verification dates and accurate contact information

3. Committee Information

I.D.NUMBER
1412775

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
SOUTH BAY SV COMMUNITY COALITION PAC

Treasurer(s)

NAME OF TREASURER
Suzanna Tricu

STREET ADDRESS (NO P.O. BOX)

MAILING ADDRESS

CITY MILPITAS STATE CA ZIP CODE 95035 AREA CODE/PHONE (408)726-4704

MAILING ADDRESS (IF DIFFERENT) NO. AND STREET OR P.O. BOX

NAME OF ASSISTANT TREASURER, IF ANY

CITY STATE ZIP CODE AREA CODE/PHONE

MAILING ADDRESS

OPTIONAL: FAX/E-MAIL ADDRESS
pac.svccc@gmail.com

CITY STATE ZIP CODE AREA CODE/PHONE

OPTIONAL: FAX/E-MAIL ADDRESS

4. Verification

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

Executed on 07/10/2019 By Suzanna Tricu SIGNATURE OF TREASURER OR ASSISTANT TREASURER
Executed on 07/10/2019 By Anthony Phan SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, STATE MEASURE PROponent OR RESPONSIBLE OFFICER OF SPONSOR
Executed on DATE By SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, STATE MEASURE PROponent
Executed on DATE By SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, STATE MEASURE PROponent

Exhibit A-12

Schedule A Monetary Contributions Received

Amounts may be rounded
to whole dollars.

SCHEDULE A

Statement covers period from <u>9/23/18</u> through <u>10/20/18</u>		CALIFORNIA 460 FORM	
		Page <u>4</u> of <u>14</u>	
NAME OF FILER South Bay SV Community Coalition PAC		I.D. NUMBER 1412775	

SEE INSTRUCTIONS ON REVERSE

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10-08-18	Transparent Silicon Valley #1401777 255 W Julian St 95110	☐ IND ☒ COM ☐ OTH ☐ PTY ☐ SCC	N/A	\$3,000	\$3000	
10-08-18	San Benito Medical Associates 930 Sunnyslope Rd 95023	☐ IND ☐ COM ☒ OTH ☐ PTY ☐ SCC	N/A	\$12,500	\$12,500	
10-12-18	TTLIC Tarob 4, LLC 1350 17th St 80202	☐ IND ☐ COM ☒ OTH ☐ PTY ☐ SCC	N/A	\$2500	\$2500	
		☐ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC				
		☐ IND ☐ COM ☐ OTH ☐ PTY ☐ SCC				
SUBTOTAL \$				15,500		

Schedule A Summary

1. Amount received this period - itemized monetary contributions.
(Include all Schedule A subtotals.)\$ 18,000

2. Amount received this period - unitemized monetary contributions of less than \$100\$ 0

3. Total monetary contributions received this period.
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) TOTAL \$ 18,000

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

Exhibit A-13

PINNACLE STRATEGY
[REDACTED]

16-49 467
1220

1020

DATE 10/8/2018

PAY TO THE ORDER OF South Bay SV Community Coalition PAC \$12,500.⁰⁰

Twelve Thousand Five Hundred [Signature] DOLLARS

UnionBank
(800) 238-4486
unionbank.com

MEMO Contribution

1220004961 [REDACTED] 1020

MP

Security Features
Eagle, etc.
Details on Back

ENDORSE HERE

CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT

DATE

DO NOT WRITE, STAMP OR SIGN BELOW THIS
RESERVED FOR FINANCIAL INSTITUTION USE *

ORIGINAL DOCUMENT

[REDACTED]

Security Features:
The security features listed below, as well as those not listed, exceed industry guidelines.

Security Features:
Microprint Line
Optically Variable Paper
Security Ribbon

Results of document alteration:
MP Serial type in line appears as dotted line when photocopied
Stains or spots may appear with chemical alteration
Absence of "Original Document" markings on back of check

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

Exhibit A-14

FAIR POLITICAL PRACTICES COMMISSION

INTERVIEW SUMMARY REPORT

FPPC CASE NO: 2019-00385

CASE NAME: South Bay SV Community Coalition PAC

REPORT NO. 08

REPORT TYPE: Interview Summary

REPORT DATE: February 8, 2023

PREPARED BY: Roone Petersen

CASE ATTORNEY: Bridgette Castillo

Interview tape recorded:	No
Manner of interview:	Telephone
Person interviewed:	Victor Gomez
Attorney:	N/A
Address:	N/A
Phone:	
Email address:	N/A

NARRATIVE:

On 02/08/2023 I received a call back from Victor Gomez, President of Pinnacle Strategy. The following is a summary of the interview.

Gomez does not recall the committee South Bay SV Community Coalition PAC (herein the Committee), who they were supporting, or if he ever made a contribution to the Committee. Gomez only works as a consultant for the committee Silicon Valley Business PAC and does not give advice or consultation to other committees. Gomez does not give legal advice to any committee. Gomez acknowledges he knows Anthony Phan and that Phan may have solicited contributions for the Committee. When asked about the specific \$12,500 contribution he made to the Committee from Pinnacle Strategy, Gomez stated he did not recall making the contribution. Gomez deals with a lot of committees and candidates so it is difficult to remember the contribution from 2018. Gomez was told that Phan had stated Gomez directed the \$12,500 contribution to be reported as being from San Benito Medical Associates (SBMA). Gomez stated he does not recall instructing Phan to do so. When Gomez solicits contributions, he makes the contributor fill out required reporting information. Gomez stated he may have had SBMA as a client before but does not remember the specifics. Gomez does not recall if he filed as a Major Donor in 2018 and has Laura Stephenson handle his filings. Gomez reiterated that he made a lot of various contributions in 2018 and does not recall having discussions with Phan about the Committee or giving any type of guidance. Gomez stated he typically contributes to a committee based on who they are supporting but does not remember who the Committee was supporting in 2018.

Exhibit A-15

Schedule D

Summary of Expenditures Supporting/Opposing Other Candidates, Measures and Committees

Amounts may be rounded
to whole dollars.

SCHEDULE D

Statement covers period from <u>9/23/18</u> through <u>10/20/18</u>	CALIFORNIA FORM 460
Page <u>9</u> of <u>14</u>	I.D. NUMBER <u>1412775</u>

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

South Bay SV Community Coalition PAC

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
10-18-18	Frank Barragan, San Benito Healthcare District #2	☐ Monetary Contribution ☐ Nonmonetary Contribution ☒ Independent Expenditure	Mallings	\$4,706.28	\$4,706.28	
	☒ Support ☐ Oppose					
10-18-18	Mary Cacillas, San Benito Healthcare Hospital District #4	☐ Monetary Contribution ☐ Nonmonetary Contribution ☒ Independent Expenditure	Mallings	\$5,071.35	\$5,071.35	
	☒ Support ☐ Oppose					
	☐ Support ☐ Oppose					
SUBTOTAL \$				9,777.63		

Schedule D Summary

- Itemized contributions and independent expenditures made this period. (Include all Schedule D subtotals.) \$ 0
- Unitemized contributions and independent expenditures made this period of under \$100 \$ 0
- Total contributions and independent expenditures made this period. (Add Lines 1 and 2. Do not enter on the Summary Page.) TOTAL... \$ 9,777.63

Schedule D
Summary of Expenditures
Supporting/Opposing Other
Candidates, Measures and Committees

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

SCHEDULE D

CALIFORNIA
FORM 460

Statement covers period

from 10/21/2018

through 12/31/2018

Page 8 of 15

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER

SOUTH BAY SV COMMUNITY COALITION PAC

I.D. NUMBER

1412775

DATE	NAME OF CANDIDATE, OFFICE, AND DISTRICT, OR MEASURE NUMBER OR LETTER AND JURISDICTION, OR COMMITTEE	TYPE OF PAYMENT	DESCRIPTION (IF REQUIRED)	AMOUNT THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN.1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
11/2/2018	Bob Nuñez Mayor Jurisdiction: Milpitas	☒ Monetary Contribution ☐ Nonmonetary Contribution ☐ Independent Expenditure	Independent Expenditure	\$3,685.55	\$3,685.55	
	☒ Support ☐ Oppose					
10/28/2018	Janet Nguyen for Senate Memo Reference: 12	☒ Monetary Contribution ☐ Nonmonetary Contribution ☐ Independent Expenditure	Direct contribution	\$500.00	\$500.00	
	☒ Support ☐ Oppose					
		☐ Monetary Contribution ☐ Nonmonetary Contribution ☐ Independent Expenditure				
	☐ Support ☐ Oppose					

SUBTOTAL \$4,185.55

Schedule D Summary

- Contributions and independent expenditures made this period of \$100 or more. (Include all Schedule D subtotals.) \$4,185.55
- Unitemized contributions and independent expenditures made this period of under \$100 \$0.00
- Total contributions and independent expenditures made this period. (Add Lines 1 and 2. Do not enter on the Summary Page.) TOTAL \$4,185.55

Exhibit A-16

496 Independent Expenditure Report

Amounts may be rounded to whole dollars.

NAME OF FILER South Bay SV Community Coalition PAC		Date of This Filing 10/19/18		Date Stamp FILE IN SAN BENITO COUNTY		CALIFORNIA FORM 496 For Official Use Only	
AREA CODE/PHONE NUMBER 4087284704		ID. NUMBER (if applicable) 1412775		Report No. SBSVCC1			
STREET ADDRESS 437 Greathouse Dr		STATE CA		ZIP CODE 95035			
CITY Milpitas				☐ Amendment to Report No. (explain below)			
				No. of Pages 2			
				BY JOE PAUL GONZALEZ, COUNTY CLERK			
				DEPUTY CLERK			
				NOV 07 2018			

1. List Only One Candidate or Ballot Measure

NAME OF CANDIDATE SUPPORTED OR OPPOSED Frank Barragan				NAME OF BALLOT MEASURE SUPPORTED OR OPPOSED			
OFFICE SOUGHT OR HELD San Benito Health Care District		DISTRICT NO. 2	SUPPORT ☒	OPPOSE ☐	BALLOT NO./LETTER		SUPPORT ☐
							OPPOSE ☐

2. Independent Expenditures Made Attach additional information on appropriately labeled continuation sheets.

DATE	DESCRIPTION OF EXPENDITURE	AMOUNT
10-18-18	Mailings	\$4,706.28

Reason for Amendment:

496 Independent Expenditure Report

Amounts may be rounded to whole dollars.

NAME OF FILER South Bay SV Community Coalition PAC		Date Stamp FILE IN SAN BENITO COUNTY NOV 07 2018		CALIFORNIA FORM 496	
AREA CODE/PHONE NUMBER 4087264704		ID. NUMBER (# applicable) 1412775		Report No. SBSVCC2	
STREET ADDRESS 437 Greathouse Dr		STATE CA		ZIP CODE 95035	
CITY Milpitas		☐ Amendment to Report No. (explain below) No. of Pages 1		BY JOE PAUL GONZALEZ, COUNTY CLERK DEPUTY CLERK	

1. List Only One Candidate or Ballot Measure

NAME OF CANDIDATE SUPPORTED OR OPPOSED Mary Casillas				NAME OF BALLOT MEASURE SUPPORTED OR OPPOSED			
OFFICE SOUGHT OR HELD San Benito Healthcare District	DISTRICT NO. 4	SUPPORT ☒	OPPOSE ☐	BALLOT NO./LETTER	JURISDICTION	SUPPORT	OPPOSE

2. Independent Expenditures Made Attach additional information on appropriately labeled continuation sheets.

DATE	DESCRIPTION OF EXPENDITURE	AMOUNT
10-18-18	Mallings	\$5,071.35

Reason for Amendment: _____

Exhibit A-17

496 Independent Expenditure Report

Amounts may be rounded to whole dollars.

NAME OF FILER South Bay SV Community Coalition PAC		Date Stamp City Clerk's Office NOV 06 2018 RECEIVED		CALIFORNIA FORM 496 For Official Use Only
AREA CODE/PHONE NUMBER 4087264704	I.D. NUMBER (if applicable) 1412775	Date of This Filing 11/03/18	Report No. SBSVCC3	
STREET ADDRESS 437 Greathouse Dr		☐ Amendment to Report No. (explain below)		
CITY Milpitas	STATE CA	ZIP CODE 95035	No. of Pages 2	

1. List Only One Candidate or Ballot Measure

NAME OF CANDIDATE SUPPORTED OR OPPOSED Bob Nuñez				NAME OF BALLOT MEASURE SUPPORTED OR OPPOSED			
OFFICE SOUGHT OR HELD Mayor, City of Milpitas	DISTRICT NO. N/A	SUPPORT ☒	OPPOSE ☐	BALLOT NO./LETTER	JURISDICTION	SUPPORT	OPPOSE

2. Independent Expenditures Made Attach additional information on appropriately labeled continuation sheets.

DATE	DESCRIPTION OF EXPENDITURE	AMOUNT
11-2-18	Printing for Mailings	\$3,685.55

Reason for Amendment: _____

Exhibit A-18

South Bay SV Community Coalition PAC
437 Greathouse Drive
Milpitas, CA, 95035

City Council Candidate **ROLAN RESENDIZ**

ARRESTED

PC 275.5(A) inflict corporal punishment
on spouse/cohabitant

PC 273A(B) willful cruelty to a child

FREE LANCE

"Resendiz confirmed he had been arrested
'some time in 2016,' due to a domestic dispute."

Hollister Free Lance, www.SanPerezto.com, 8/30/18

**PHYSICAL ABUSE
IS NEVER JUSTIFIED**



Official records show that Hollister City Council candidate, Rolan Resendiz, was arrested for inflicting corporal injury on spouse/cohabitant and willful cruelty to a child.

Rolan was later fined by the Board of Vocational Nursing and Psychiatric Technicians.


UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
 400 ...
 ...
 ...

CITIZENSHIP ORDER

Pursuant to Executive Order 12812, Section 1(a), the Bureau of Citizenship Training and
 ...

Being Granted
 ...

...	...
...	...

...

Explanation of Violation

The Board commenced a formal investigation after receiving notification from the Department of Justice indicating that you were arrested on or about May 19, 2016 for PC 273.5(A) – inflict corporal injury on spouse/cohabitant and PC 273.5(B) – willful cruelty to a child. The Board's investigation found that, on June 16, 2016, the aforementioned charges were dismissed.



Estimation of β

[illegible]

ROLAN RESENDIZ CANNOT BE TRUSTED

Paid for by South Bay SV Community Coalition PAC.
This advertisement was not authorized or paid for by a candidate for this office
or committee controlled by a candidate for this office.

Exhibit A-19



**RICH TRẦN: LAM SUY YEU HET THONG DAN CHU THANH
VA MANG TIENG MAT MAT CHO NGUOI VIET BANG CA**

...giành giật quyền lợi và rút
quyền dân chủ cử tri...

Ngày 10 Tháng 3, 2017

The Mercury News

"Bốn tháng sau khi được thắng cử
Milpitas, Richard Trần tuyên bố rằng
muốn kéo dài nhiệm kỳ của ông..."

nhệm sự liên lạc với tòa
Cộng Sản...

BÁO
NEWS

Ngày 9 Tháng 8, 2017

ic trao đổi thảo luận giữa các nghị viên,
Bob Nunez đã đặt ra vấn đề tòa lãnh sự
Việt Nam đã gửi thư phản đối đến cho
g Rich Trần.."

...giấu nhem những quyết định

Ngày 18 Tháng 1, 2017

"...Trần đã vi phạm luật pháp (Brown
Act)..Luật tiểu bang bắt buộc gần mỗi
án công cộng phải thực hiện nơi ngoài
để chặn những quyết định bí mật hình
thành sau cửa đóng kín..."

..không tôn trọng cộng đồng,
àm nhục cờ vàng ba sọc đỏ...
ảnh: Rich Trần choàng lá cờ như khăn tắm

...cấm đối lập lên tiếng và hoạt
động trên phương tiện truyền
thông xã hội...

nguyên nhân: lời khiếu nại của ông Tom Clavel



**AN: MỘT SỰ XẤU HỔ CHO
Ể MILPITAS VÀ RÕ RÀNG
KỨNG ĐÁNG LÀM THỊ
G CHÚNG TA**

NHẬT BÁO The Mercury News

Ngày 14 Tháng 6, 2018

"Thị Trưởng Rich Trần Bị Đòi
Tù Chức, Sẽ Bị Khiển Trách"



RICH TRẦN

một ngôi sao vàng tranh đấu cho a

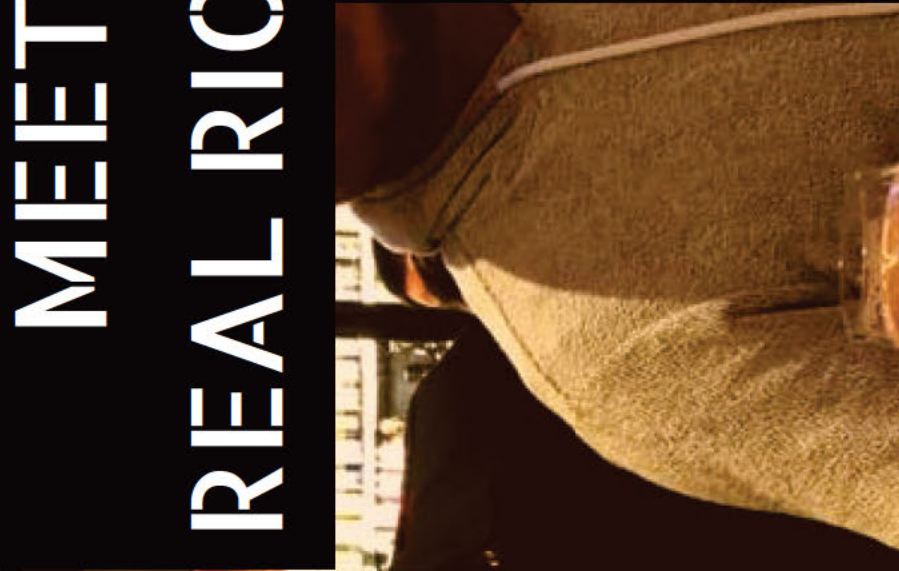
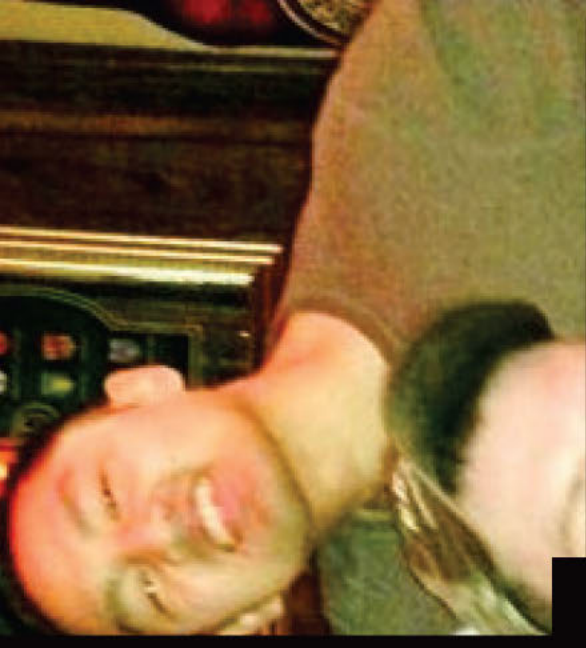
Quảng cáo này được tài trợ qua hội South Bay SV Community Coalition PAC, FPPC# 1412775. Quảng cáo không có ủy quyền hay chấp thuận của ứng cử viên nào hay ủy ban vận động riêng của ứng cử viên tự điều



PO BOX 360334, Milpitas, CA 95036



ý mở dưới đây
biết sự thật về
rường Rich Trần



MEET THE REAL RICH TRAN



NT IN THE COMMUNITY. UNLESS THERE'S FREE DRINK

TOO MANY BLURRY NIGHTS. TOO MANY PROBLEMS.

JUNE 12, 2018

The Milpitas City Council on Monday issued a sharp rebuke, describing Tran as unprofessional, disrespectful and, essentially, a black eye on a community struggling to repair its tarnished reputation.



JUNE 8, 2018

..documents obtained by this news organization suggest Milpitas Mayor Rich Tran..likely "engaged in conduct of a sexual nature" with a department head at a holiday party.

WANTED

IF YOU OR ANYONE YOU KNOW HAVE ALSO BEEN HARASSED
BY RICHARD TRAN, PLEASE REPORT TO MILPITAS PD



Exhibit A-20

EDUARDO E. BRUGMAN
EMILY S. BRUGMAN
[REDACTED]

437
90-7172/3222

10-25- 20 18

PAY TO THE ORDER OF South Bay SV Community Coalition PAC \$ 2500.00
Twenty five hundred and no DOLLARS

CITIBANK, N.A. BR. #173
3580 TYLER STREET
RIVERSIDE, CA 92503

FOR Contribution

[REDACTED] 0437

Security features are included. Details on back.

MP

© Disney/Pixar

Security Features exceed industry standards and include:

- The security watermark pattern on the back designed to deter check fraud
- Microprint lines printed on front and back
- The words "ORIGINAL DOCUMENT" clearly apparent across the back
- Pinlock icon visible on front and back

Do not cash if:

- Any of the features listed above are missing or appear altered
- Faint lines on back look pink or have disappeared
- Green stains and colored spots appear on both front and back
- The word "VOID" appears clearly to the right of this message

DO NOT WRITE, STAMP OR SIGN BEYOND THIS LINE

NEVER REDEEM FOR FINANCIAL INSTITUTION USE

Anthony R.

19

TRUE WATERMARK PAPER HOLD TO LIGHT TO VIEW HEAT SENSITIVE PINK IMAGE DISAPPEARS WITH HEAT PAPER CONTAINS VISIBLE FIBERS



TTLIC Tarob 4, LLC
1350 17th St.
Suite 350
Denver, CO 80202

Bank of Arizona Operating
7000 E. Mayo Blvd., #22
Phoenix, AZ 85054

91-549/1221

PAY EXACTLY *****2,500 DOLLARS AND 00 CENTS

TO THE
ORDER
OF

South Bay SV PAC
FPPC# 1412775

DATE
10/12/18

CHECK NO.
001038

CHECK AMOUNT
*****2,500.00

AUTHORIZED SIGNATURE

⑈001038⑈

ENCLOSURE HERE

☐ CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT
DATE _____
DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
REDEEMED FOR FINANCIAL INSTITUTION USE ONLY

The security features listed below, as well as those not listed, exceed industry guidelines.

Security Features:

Heat Sensitive Ink

True Watermark

Invisible Fibers

Blended Background Design

Chemically Sensitive Paper

Microprinting

High Resolution Warning Based
Toner Adhesion Properties

Chemical Wash Detection Area

Original Document Back Pattern

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

TRANSPARENT SILICON VALLEY

ID# 1401777
PO BOX 1775
HOLLISTER, CA 95024

16-49 487
1220

135

DATE 10/8/2018

PAY TO THE
ORDER OF

South Bay SV Community Coalition PAC \$3000.00
Three thousand

DOLLARS



Security Features
Included
Details on Back



UnionBank

(800) 238-4485
unionbank.com

FOR

Contribution

[Signature]

MP

0135

ENDORSE HERE

☐ CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT

DATE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

ORIGINAL DOCUMENT

The security features listed below, as well as those not listed, exceed industry guidelines.

- Security Features:
 - Microprint Line
 - Chemically Sensitive Paper
 - Security Screen
- Results of document alteration:
 - MP Serial type in line appears as dotted line when photocopying
 - Stamps or spots may appear with chemical alteration
 - Absence of Original Document watermark on back of check

* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

PINNACLE STRATEGY
[REDACTED]

16-49 467
1220

1020

DATE 10/8/2018

PAY TO THE ORDER OF South Bay SV Community Coalition PAC \$12,500.⁰⁰

Twelve Thousand Five Hundred [Signature] DOLLARS

UnionBank
(800) 238-4486
unionbank.com

MEMO Contribution

[REDACTED] 1020

Security Features
Includes:
Details on Back

MP

ENDORSE HERE

CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT

DATE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

ORIGINAL DOCUMENT

[REDACTED]

Security Features:
The security features listed below, as well as those not listed, exceed industry guidelines.

Security Features:
Microprint Line
Optically Variable Paper
Security Ribbon

Results of document alteration:
MP Serial type in line appears as dotted line when photocopied
Stains or spots may appear with chemical alteration
Absence of "Original Document" markings on back of check

RF-02

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

TRANSPARENT SILICON VALLEY

ID# 1401777
PO BOX 1775
HOLLISTER, CA 95024

18-49 487
1220

140

DATE 11/5/2018

PAY TO THE
ORDER OF

South Bay SV Community Coalition PAC \$2500.00
Two thousand five hundred

DOLLARS



Security Features
Included
Details on Back



UnionBank

(800) 238-4486
unionbank.com

FOR



0140

MP

ORIGINAL
DOCUMENT



CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT

DATE 11/5/18

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

ENDORSE HERE

Andrew R

Exhibit A-21



Production Authorization - 31234

925 University Ave
Sacramento CA 95825

Date 9/28/2018

t: 916 648 1222 f: 916 471 0264

Bill to:

South Bay SV Community Coalition PAC
437 Greathouse Drive
Milpitas, CA. 95035

Project: _____

P.O. _____

Ship To

Description	Cost	Quantity	Total
Design of No on Rolan sub vendor Magma Creative - 750.00 530 Oak Street Roseville CA 95678	880.00	1	880.00T
Data from Data Vendor Political Data, Inc. - 125.00 12501 Imperial Hwy Ste 200 Norwalk CA 90650	0.11132	1,321	147.06T
Printing of 8.5 x 11 oversized postcard on 9 pt matte	1.07316	1,321	1,417.65T
Address, qualify file and assemble mail	0.65459	1,321	864.71
Postage	0.285	1,321	376.49
Shipping and Handling	350.00	1	350.00T
Sub vendor Creative Marketing & Advertising - \$2,241.50 1011 S. Linwood Ave. Santa Ana, CA 92705			

I approve production of the above item(s)

Signature

Print Name

Date

Subtotal	\$4,035.91
Sales Tax (9.0%)	\$251.52
Total	\$4,287.43

Exhibit A-22



Production Authorization - 31293

925 University Ave
Sacramento CA 95825

Date 9/28/2018

t: 916 648 1222 f: 916 471 0264

Bill to:

South Bay SV Community Coalition PAC
437 Greathouse Drive
Milpitas, CA. 95035

Project: _____

P.O. _____

Ship To

Description	Cost	Quantity	Total
Design of M1 Barragan sub vendor Magma Creative - 750.00 530 Oak Street Roseville CA 95678	880.00	1	880.00T
Data from Data Vendor Political Data, Inc. - 125.00 12501 Imperial Hwy Ste 200 Norwalk CA 90650	0.0643	2,287	147.06T
Printing of 8.5 x 11 oversized postcard on 9 pt matte	0.67745	2,287	1,549.33T
Address, qualify file and assemble mail	0.3781	2,287	864.71
Postage	0.285	2,287	651.80
Shipping and Handling	350.00	1	350.00T
Sub vendor Creative Marketing & Advertising - \$3,053.73 1011 S. Linwood Ave. Santa Ana, CA 92705			

I approve production of the above item(s)

Signature

Print Name

Date

Subtotal \$4,442.90

Sales Tax (9.0%) \$263.38

Total \$4,706.28

Exhibit A-23



Production Authorization - 31316

925 University Ave
Sacramento CA 95825

Date 9/28/2018

t: 916 648 1222 f: 916 471 0264

Bill to:

South Bay SV Community Coalition PAC
437 Greathouse Drive
Milpitas, CA. 95035

Project: _____

P.O. _____

Ship To

Description	Cost	Quantity	Total
Design of Mary Casillas postcard sub vendor Kari Keane - 750.00 2351 Sunset Blvd. Ste 170-435 Rocklin CA 95765	880.00	1	880.00T
Data from Data Vendor Political Data, Inc. - 125.00 12501 Imperial Hwy Ste 200 Norwalk CA 90650	0.05344	2,752	147.06T
Printing of 8.5 x 11 oversized postcard on 9 pt matte	0.64051	2,752	1,762.68T
Address, qualify file and assemble mail	0.31421	2,752	864.71
Postage	0.285	2,752	784.32
Shipping and Handling	350.00	1	350.00T
Sub vendor Creative Marketing & Advertising - \$2,942.60 1011 S. Linwood Ave. Santa Ana, CA 92705			

I approve production of the above item(s)

Signature

Print Name

Date

Subtotal	\$4,788.77
Sales Tax (9.0%)	\$282.58
Total	\$5,071.35

Exhibit A-24

NATIONAL PRINTING CO.
510 N. FIFTH STREET
SAN JOSE, CA 95112 US
408-295-7875
natprint@sbcglobal.net

Invoice

**BILL TO**

Anthony Phan
Invictus Strategy

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
181024D	10/24/2018	\$0.00	10/24/2018	Due on receipt	

ACTIVITY	QTY	AMOUNT
Post Cards 6x11 4/4, 100lb gloss cover	3,000	400.00T

SUBTOTAL	400.00
TAX	37.00
TOTAL	437.00
PAYMENT	437.00
BALANCE DUE	\$0.00

PAID

NATIONAL PRINTING COMPANY
510 N. FIFTH STREET
SAN JOSE, CA 95112 US
408-295-7875
natprint@sbcglobal.net

Invoice

**BILL TO**

Anthony Phan
Invictus Strategy

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
181031E	11/01/2018	\$0.00	11/01/2018	Due on receipt	

ACTIVITY	QTY	AMOUNT
Post Cards 6x11, 4/4, 100lb gloss cover, deliver to AMS on 10/31- Bob Nunez, Republican	1,600	490.00T
Post Cards 6x11, 4/4, 100lb gloss cover, deliver to AMS on 10/31- Bob Nunez, Republican	700	120.00T

SUBTOTAL	610.00
TAX	56.43
TOTAL	666.43
PAYMENT	666.43
BALANCE DUE	\$0.00

NATIONAL PRINTING COMPANY
510 N. FIFTH STREET
SAN JOSE, CA 95112 US
408-295-7875
natprint@sbcglobal.net

Invoice

**BILL TO**

Anthony Phan
Invictus Strategy

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
181030D	11/01/2018	\$0.00	11/01/2018	Due on receipt	

ACTIVITY	QTY	AMOUNT
Post Cards 6x11, 4/4, 100lb gloss cover, deliver AMS on 10/30 - Bob Nunez, Vietnamese	1,600	240.00T

SUBTOTAL	240.00
TAX	22.20
TOTAL	262.20
PAYMENT	262.20
BALANCE DUE	\$0.00

PAID

NATIONAL PRINTING COMPANY
 510 N. FIFTH STREET
 SAN JOSE, CA 95112 US
 408-295-7875
 natprint@sbcglobal.net

Invoice



BILL TO
South Bay SV Community Coalition PAC

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
181031F	11/01/2018	\$0.00	11/01/2018	Due on receipt	

ACTIVITY	QTY	AMOUNT
Post Cards 12x11, 4/4, 80lb gloss cover, deliver to AMS on 11/1- Rich Viet hit	2,300	975.00T
Post Cards 6x11, 4/4, 100lb gloss cover, deliver to AMS on 11/1- Bob Nunez, Indian	1,300	200.00T
Post Cards 8.5x11, 4/4, 100lb gloss cover, deliver to AMS on 11/1- Bob Nunez, PAC	1,500	385.00T
Post Cards 8.5x14, 4/4, 100lb gloss cover, deliver to AMS on 10/31- Bob Nunez, Women	800	370.00T

SUBTOTAL	1,930.00
TAX	178.53
TOTAL	2,108.53
PAYMENT	2,108.53
BALANCE DUE	\$0.00

Exhibit A-25



Advertisers Mailing Service
1725 De La Cruz Blvd., Suite 6
Santa Clara, CA 95050
408.938.9000
408.938.9005 Fax

Invoice

DATE	INVOICE #
10/31/2018	27777

BILL TO

Bob Nunez
PO Box 360334
Milpitas, CA 95036

REP	P.O. NUMBER	TERMS	DUE DATE	PROJECT
	Nunez_Indian_M2	Upon Receipt	10/31/2018	62091
QUANTITY	DESCRIPTION			AMOUNT
1	Computer set-up per individual excel file			75.00
1	NCOA Update (National Change of Address)			0.00
1	Machine set-up			25.00
1,300	Inkjet direct address impression			90.00
1	Post Office delivery - San Jose			35.00
1,300	Postage			300.00
				0.00

Thank you kindly for your business! We greatly appreciate it.

Subtotal \$525.00

Terms: Credit accounts are due upon receipt of invoice. Interest charged at 1.5% per month, which is an Annual Percentage Rate of 18%. Should it be necessary to place this account with an attorney for collection, I hereby agree to pay reasonable attorney, collector or suit fees. All printing and lithographing trade customs as established by trade associations apply to this sale. The Printing Company hereby transfers all right and title in any paste-ups, layouts, negatives or plates on printing jobs of the herein named customer. Said paste-ups, negatives and plates will be retained on file for a reasonable length of time and will be available upon notice by the customer. It is also hereby acknowledged that a storage fee will be charged on the aforementioned items after 30 days. In no case would the storage fee exceed the cost of the value of said property. This agreement supercedes all previous agreements both written & verbal will be in effect until such date that a new agreement is made.

Total \$525.00

Payments/Credits \$0.00

Balance Due \$525.00



Advertisers Mailing Service
1725 De La Cruz Blvd., Suite 6
Santa Clara, CA 95050
408.938.9000
408.938.9005 Fax

Invoice

DATE	INVOICE #
10/31/2018	27778

BILL TO

Bob Nunez
PO Box 360334
Milpitas, CA 95036

REP	P.O. NUMBER	TERMS	DUE DATE	PROJECT
	Nunez_Womens_M3	Upon Receipt	10/31/2018	62090
QUANTITY	DESCRIPTION			AMOUNT
1	Computer set-up per individual excel file			75.00
1	NCOA Update (National Change of Address)			0.00
1	Machine set-up			25.00
900	Inkjet direct address impression			45.00
1	Post Office delivery - San Jose			35.00
900	Postage			320.00
				0.00

Thank you kindly for your business! We greatly appreciate it.

Subtotal \$500.00

Terms: Credit accounts are due upon receipt of invoice. Interest charged at 1.5% per month, which is an Annual Percentage Rate of 18%. Should it be necessary to place this account with an attorney for collection, I hereby agree to pay reasonable attorney, collector or suit fees. All printing and lithographing trade customs as established by trade associations apply to this sale. The Printing Company hereby transfers all right and title in any paste-ups, layouts, negatives or plates on printing jobs of the herein named customer. Said paste-ups, negatives and plates will be retained on file for a reasonable length of time and will be available upon notice by the customer. It is also hereby acknowledged that a storage fee will be charged on the aforementioned items after 30 days. In no case would the storage fee exceed the cost of the value of said property. This agreement supercedes all previous agreements both written & verbal will be in effect until such date that a new agreement is made.

Total \$500.00

Payments/Credits \$0.00

Balance Due \$500.00



Advertisers Mailing Service
1725 De La Cruz Blvd., Suite 6
Santa Clara, CA 95050
408.938.9000
408.938.9005 Fax

Invoice

DATE	INVOICE #
10/31/2018	27779

BILL TO

Bob Nunez
PO Box 360334
Milpitas, CA 95036

REP	P.O. NUMBER	TERMS	DUE DATE	PROJECT
	Nunez_Viet_NGOP_M4	Upon Receipt	10/31/2018	62089
QUANTITY	DESCRIPTION			AMOUNT
1	Computer set-up per individual excel file			75.00
1	NCOA Update (National Change of Address)			0.00
1	Machine set-up			25.00
1,540	Inkjet direct address impression			90.00
1	Post Office delivery - San Jose			35.00
1,540	Postage			350.00
				0.00

Thank you kindly for your business! We greatly appreciate it.

Subtotal \$575.00

Terms: Credit accounts are due upon receipt of invoice. Interest charged at 1.5% per month, which is an Annual Percentage Rate of 18%. Should it be necessary to place this account with an attorney for collection, I hereby agree to pay reasonable attorney, collector or suit fees. All printing and lithographing trade customs as established by trade associations apply to this sale. The Printing Company hereby transfers all right and title in any paste-ups, layouts, negatives or plates on printing jobs of the herein named customer. Said paste-ups, negatives and plates will be retained on file for a reasonable length of time and will be available upon notice by the customer. It is also hereby acknowledged that a storage fee will be charged on the aforementioned items after 30 days. In no case would the storage fee exceed the cost of the value of said property. This agreement supercedes all previous agreements both written & verbal will be in effect until such date that a new agreement is made.

Total \$575.00

Payments/Credits \$0.00

Balance Due \$575.00



Advertisers Mailing Service
1725 De La Cruz Blvd., Suite 6
Santa Clara, CA 95050
408.938.9000
408.938.9005 Fax

Invoice

DATE	INVOICE #
11/2/2018	27787

BILL TO

Bob Nunez
PO Box 360334
Milpitas, CA 95036

REP	P.O. NUMBER	TERMS	DUE DATE	PROJECT
	Nunez_NGOP_M6	Upon Receipt	11/2/2018	
QUANTITY	DESCRIPTION			AMOUNT
1	Computer set-up per individual excel file			75.00
1	NCOA Update (National Change of Address)			0.00
1	Machine set-up			25.00
1,500	Inkjet direct address impression			90.00
1,500	Sort & sack			30.00
1	Post Office delivery - San Jose			35.00
1,500	Postage			525.00
				0.00

Thank you kindly for your business! We greatly appreciate it.

Subtotal \$780.00

Terms: Credit accounts are due upon receipt of invoice. Interest charged at 1.5% per month, which is an Annual Percentage Rate of 18%. Should it be necessary to place this account with an attorney for collection, I hereby agree to pay reasonable attorney, collector or suit fees. All printing and lithographing trade customs as established by trade associations apply to this sale. The Printing Company hereby transfers all right and title in any paste-ups, layouts, negatives or plates on printing jobs of the herein named customer. Said paste-ups, negatives and plates will be retained on file for a reasonable length of time and will be available upon notice by the customer. It is also hereby acknowledged that a storage fee will be charged on the aforementioned items after 30 days. In no case would the storage fee exceed the cost of the value of said property. This agreement supercedes all previous agreements both written & verbal will be in effect until such date that a new agreement is made.

Total \$780.00

Payments/Credits \$0.00

Balance Due \$780.00



Advertisers Mailing Service
1725 De La Cruz Blvd., Suite 6
Santa Clara, CA 95050
408.938.9000
408.938.9005 Fax

Invoice

DATE	INVOICE #
11/2/2018	27788

BILL TO

Bob Nunez
PO Box 360334
Milpitas, CA 95036

REP	P.O. NUMBER	TERMS	DUE DATE	PROJECT
	Nunez_M7	Upon Receipt	11/2/2018	12x11
QUANTITY	DESCRIPTION			AMOUNT
1	Computer set-up per individual excel file			75.00
1	NCOA Update (National Change of Address)			0.00
1	Machine set-up			25.00
1,600	Inkjet direct address impression, add permit			125.00
1,600	Sort & sack			30.00
1	Post Office delivery - San Jose			35.00
1,600	Postage			700.00
				0.00

Thank you kindly for your business! We greatly appreciate it.

Subtotal \$990.00

Terms: Credit accounts are due upon receipt of invoice. Interest charged at 1.5% per month, which is an Annual Percentage Rate of 18%. Should it be necessary to place this account with an attorney for collection, I hereby agree to pay reasonable attorney, collector or suit fees. All printing and lithographing trade customs as established by trade associations apply to this sale. The Printing Company hereby transfers all right and title in any paste-ups, layouts, negatives or plates on printing jobs of the herein named customer. Said paste-ups, negatives and plates will be retained on file for a reasonable length of time and will be available upon notice by the customer. It is also hereby acknowledged that a storage fee will be charged on the aforementioned items after 30 days. In no case would the storage fee exceed the cost of the value of said property. This agreement supercedes all previous agreements both written & verbal will be in effect until such date that a new agreement is made.

Total \$990.00

Payments/Credits \$0.00

Balance Due \$990.00

Exhibit A-26

record of empowering women and a platform towards gender equality



expanding opportunities

A career educator with two daughters, Bob Nuñez has devoted a lifetime of service towards expanding educational and career opportunities for girls in underserved communities.



a seat at the table

Running in a field of all-male candidates, Bob Nuñez recognizes the disparity of women in government. He's committed to ensuring women a seat at the table and will work towards appointing more women on boards and commissions, supporting female candidates for office, and hiring more women in leadership roles. Earlier this year, he helped break the glass ceiling by hiring the first female City Manager in Milpitas history!



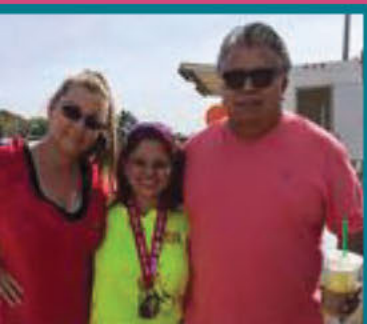
a fairer workplace

Bob Nuñez is committed to equal pay for equal work in Milpitas -- it is unacceptable that women are paid less than their male counterparts. As superintendent, he implemented paid maternal leave for new mothers. He'll keep fighting to make the workplace more equitable for women, as he always done so throughout his career.



women's health

When Congress threatened to defund Planned Parenthood, Bob Nuñez stepped up and provided \$1 million in funding through his foundation, so that critical women's health services remain accessible. He is the



*Vote by
November 6th!*

WOMEN LEADERS BELIEVE IN BOB NUÑEZ

for Mayor



CINDY CHAVEZ
County Supervisor



JANET NGUYEN
State Senator



MARSHA GRILLI
Vice Mayor



LAURIE SMITH
Sheriff



PATTIE CORTESE
School Trustee



MAGDALENA CARRASCO
SJ Vice Mayor

a proven record of empowering women



Smarter Transportation
21st Century Jobs
Better Schools



BOB NUÑEZ
for Milpitas MAYOR

The Mercury News

The Newspaper of Silicon Valley

Editorial - June 16, 2017

Headline: Bob Nuñez emerges as a strong leader

With over 40 years of experience in education, Bob Nuñez has worked tirelessly to deliver results for our community and our kids. As a Director of the VTA, he's taking the lead in bringing BART to Milpitas and will invest in smarter transportation so you can get to your destinations faster. As a councilmember, he helped host Diwali in Milpitas. Under his leadership, the City hired the first Indian American Assistant City Manager in its entire history. She is now one of the highest ranking Indian Americans in local government in the country. Bob Nuñez is always fighting for us, vote Bob Nuñez for Mayor!

PO Box 360334 | Milpitas, CA 95036

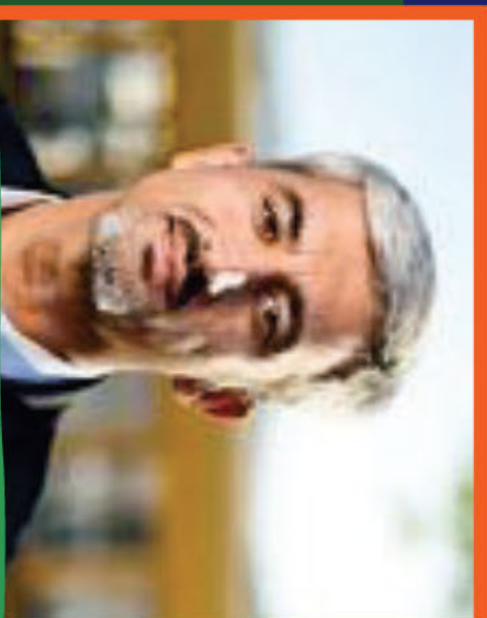
Post Std
US Postage
Paid
Permit 5294
San Jose, CA

We are proud to support **BOB NUÑEZ** for Milpitas MAYOR!



fmr Fremont Vice-Mayor

**Anu
Natarajan**



fmr CEO, Silicon Valley Education Foundation

**Muhammed
Chaudhry**



Fremont Councilmember

**Raj
Salwan**

Paid for by South Bay SV Community Coalition PAC FPPC# 1412775.

This advertisement is not authorized or approved by any candidate or committee-controlled committee.

South Bay SV Community Coalition PAC
437 Greathouse Drive
Milpitas, CA 95025

Vote Frank Barragan

FOR SAN BENITO HEALTH CARE DISTRICT



“

*I am running to ensure the future of
the hospital in San Benito County.*

— Frank Barragan

”

Efficiency. Transparency. Accountability.

Frank Barragan

SAN BENITO HEALTH CARE DISTRICT

Frank Barragan

An Experienced Leader Committed to
Affordable, High-Quality Health Care



As our Hospital Board Member,
Frank Barragan will stand up for
our community's health.

- Improve transparency of the Hospital Board
- Ensure the hospital remains under local control
- Focus on patient-centered care

Ready to Serve

- Husband and Father of Two
- Law Degree
- Masters in Business Administration



ENDORSED BY: San Benito Medical Associates - Hollister's Neighborhood Physicians

Paid for by South Bay SV Community Coalition PAC.
This advertisement was not authorized or paid for by a candidate for
this office or committee controlled by a candidate for this office.

Frank Barragan

SAN BENITO HEALTH CARE DISTRICT

South Bay SV Community Coalition PAC
437 Greathouse Drive
Milpitas, CA 95035



VOTE

MARY CASILLAS

FOR SAN BENITO HEALTH CARE DISTRICT



A Lifetime Commitment to Our Community

Mary Casillas was born at Hazel Hawkins Hospital, had her daughter there, and her mother worked at the hospital for 40 years. Mary has two decades experience in health care and will be a strong advocate for our community.

Experience We Can Depend On

Performance Excellence Director,
Dignity Health

Director of Transformational Care,
Dominican Hospital

Director of Imaging Services,
Dominican Hospital

Master's Degree in Health Care Administration

MARY CASILLAS

San Benito Health Care District

VÀO NGÀY 6, THÁNG 11 HÃY BỎ PHIẾU CHO

BOB NUÑEZ

THỊ TRƯỞNG
MILPITAS

MỘT NGƯỜI BẠN THÂN THIẾT TRONG CỘNG ĐỒNG NGƯỜI VIỆT

CHÚNG TÔI HỖ TRỢ NUÑEZ CHO THỊ TRƯỞNG!



Quảng cáo này được tài trợ qua hội South Bay SV Community Coalition PAC, FPPC# 1412775. Quảng cáo này không có ủy quyền hay chấp thuận của ứng cử viên nào hay ủy ban vận động riêng của ứng cử viên tự điều khiển.



NGHỊ VIÊN ỦY VIÊN GIÁO DỤC THƯỢNG NGHỊ SĨ ỦY VIÊN GIÁO DỤC
ANTHONY PHAN THANH TRẦN JANET NGUYỄN LÂN NGUYỄN TÂM NGUYỄN

PO BOX 360334, Milpitas, CA 95036



PSST SCS
US Postage
Paid
Permit 5294
San Jose, CA

BOB NUÑEZ

**LUÔN PHỤC VỤ VÀ TRANH ĐẤU
CHO CỘNG ĐỒNG NGƯỜI VIỆT**

Là cựu giám đốc học khu, Bob Nuñez đã thành lập nền giáo dục phẩm chất cao cho con em chúng ta.



Bob Nuñez đã giúp tạo nên lịch sử khi ông bổ nhiệm Tom Huỳnh, hiệu trưởng gốc Việt đầu tiên nước Mỹ.



Trong hội đồng thành phố, ông đã giúp đồng thuận cấm cờ đỏ CSVN



Vì sự lãnh đạo của ông trong hội đồng thành phố, hơn 100 gia đình gốc Việt giữ được chỗ ở khi xem bị chủ đất trục xuất.



Bob Nuñez luôn có mặt và lắng nghe những vấn đề quan trọng nhất đối với cộng đồng chúng ta.



VÀO NGÀY 6 THÁNG 11, HÃY BỎ PHIẾU CHO **BOB NUÑEZ** THỊ TRƯỞNG

BOLDER, BRIGHTER, BETTER *for Milpitas*



BELIEVE *in* **BOB** *for Mayor*

Former Mayors
(who actually got
things done)
support
Bob Nuñez for
Mayor



**BOB
LIVENGOOD**



**DENNY
WEISGERBER**



**PETE "PRIMO"
MCHUGH**



ON NOVEMBER 6th, VOTE

BOB NUÑEZ
for Mayor

A NEW MAYOR FOR MILPITAS

The Mercury News

The Newspaper of Silicon Valley

June 16, 2017

Milpitas Post Editorial: Bob Nuñez emerges as a strong leader

While Milpitas' city council members are still sorting out their major priorities, at least one councilman has decided to push vigorously ahead on the affordable housing front..

Bob Nuñez, former local school board member and a retired education administrator, is taking the lead in trying to put together some significant ways to aid the residents of the 171 units at Sunnyhills Apartments at 1724 Sunnyhills Drive who are threatened with being forced out of their homes by next spring...

Under Councilman Nuñez' prodding, the city has already instructed staff to draw up a law declaring a temporary freeze on the destruction of affordable housing..

Councilman Nuñez has already been working with County Board President Dave Cortese, County Executive Jeff Smith and the director of the county housing authority to explore the possibility of somehow saving the Sunnyhills Apartments..

That's why it is heartening to see Councilman Nuñez taking a proactive lead on this important issue.



**RICH TRẦN: LAM SUY YEU HET THONG DAN CHU THANH
VÀ MANG TIẾNG MẤT MẶT CHO NGƯỜI VIỆT BẰNG CÁ**

...giành giật quyền lợi và rút
quyền dân chủ cử tri...

Ngày 10 Tháng 3, 2017

The Mercury News

"Bốn tháng sau khi được thắng cử
Milpitas, Richard Trần tuyên bố rằng
muốn kéo dài nhiệm kỳ của ông..."

nhệm sự liên lạc với tòa
Cộng Sản...

BÁO
NEWS

Ngày 9 Tháng 8, 2017

ic trao đổi thảo luận giữa các nghị viên,
Bob Nunez đã đặt ra vấn đề tòa lãnh sự
Việt Nam đã gửi thư phản đối đến cho
g Rich Trần.."

...giấu nhem những quyết định

Ngày 18 Tháng 1, 2017

"...Trần đã vi phạm luật pháp (Brown
Act)..Luật tiểu bang bắt buộc gần mỗi
án công cộng phải thực hiện nơi ngoài
để chặn những quyết định bí mật hình
thành sau cửa đóng kín..."

..không tôn trọng cộng đồng,
àm nhục cờ vàng ba sọc đỏ...
ảnh: Rich Trần choàng lá cờ như khăn tắm

...cấm đối lập lên tiếng và hoạt
động trên phương tiện truyền
thông xã hội...

nguyên nhân: lời khiếu nại của ông Tom Clavel



**AN: MỘT SỰ XẤU HỔ CHO
Ể MILPITAS VÀ RÕ RÀNG
KỨNG ĐÁNG LÀM THỊ
G CHÚNG TA**

NHẬT BÁO The Mercury News

Ngày 14 Tháng 6, 2018

"Thị Trưởng Rich Trần Bị Đòi
Tù Chức, Sẽ Bị Khiển Trách"



RICH TRẦN

một ngôi sao vàng tranh đấu cho a

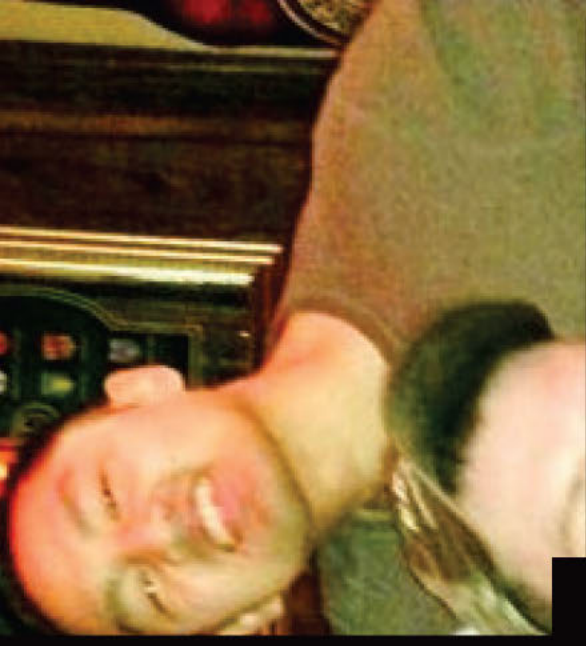
Quảng cáo này được tài trợ qua hội South Bay SV Community Coalition PAC, FPPC# 1412775. Quảng cáo không có ủy quyền hay chấp thuận của ứng cử viên nào hay ủy ban vận động riêng của ứng cử viên tự điều



PO BOX 360334, Milpitas, CA 95036



ý mở dưới đây
biết sự thật về
rường Rich Trần



MEET THE REAL RICH TRAN



NT IN THE COMMUNITY. UNLESS THERE'S FREE DRINK

TOO MANY BLURRY NIGHTS. TOO MANY PROBLEMS.

JUNE 12, 2018

The Milpitas City Council on Monday issued a sharp rebuke, describing Tran as unprofessional, disrespectful and, essentially, a black eye on a community struggling to repair its tarnished reputation.



JUNE 8, 2018

..documents obtained by this news organization suggest Milpitas Mayor Rich Tran..likely "engaged in conduct of a sexual nature" with a department head at a holiday party.

WANTED

IF YOU OR ANYONE YOU KNOW HAVE ALSO BEEN HARASSED
BY RICHARD TRAN, PLEASE REPORT TO MILPITAS PD



South Bay SV Community Coalition PAC
437 Greathouse Drive
Milpitas, CA, 95035

City Council Candidate **ROLAN RESENDIZ**

ARRESTED

PC 275.5(A) inflict corporal punishment
on spouse/cohabitant

PC 273A(B) willful cruelty to a child

FREE LANCE

"Resendiz confirmed he had been arrested
'some time in 2016,' due to a domestic dispute."

Hollister Free Lance, www.SanPerez.com, 8/30/18

**PHYSICAL ABUSE
IS NEVER JUSTIFIED**



Official records show that Hollister City Council candidate, Rolan Resendiz, was arrested for inflicting corporal injury on spouse/cohabitant and willful cruelty to a child.

Rolan was later fined by the Board of Vocational Nursing and Psychiatric Technicians.


UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
 400 ...
 ...
 ...

CITIZENSHIP ORDER

Pursuant to Executive Order 12812, Section 1(a), the Bureau of Citizenship Training and
 Naturalization (BCTN) is hereby ordered to ...

Being Granted
 ...
 ...

... ...	
------------	------------

...

Explanation of Violation

The Board commenced a formal investigation after receiving notification from the Department of Justice indicating that you were arrested on or about May 19, 2016 for PC 273.5(A) – inflict corporal injury on spouse/cohabitant and PC 273(A)(B) – willful cruelty to a child. The Board's investigation found that, on June 16, 2016, the aforementioned charges were dismissed.



Estimation of β

On the basis of the investigation, the Board decided to recommend that the Department of Justice be advised that the Board had no further business with the Department of Justice and that the Department of Justice be advised that the Board had no further business with the Department of Justice.

ROLAN RESENDIZ CANNOT BE TRUSTED

Paid for by South Bay SV Community Coalition PAC.
This advertisement was not authorized or paid for by a candidate for this office
or committee controlled by a candidate for this office.

Exhibit A-27



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

October 2, 2025

Anthony Phan, individually and o/b/o
South Bay SV Community Coalition PAC
[REDACTED]

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC No. 2019-00385; In the Matter of South Bay SV Community Coalition PAC and Anthony Phan

Dear Anthony Phan:

On January 9, 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 **October 16, 2025**. This agenda will be public and you could be contacted by the media with questions. The Commission will be asked to adopt the default at the subsequent public meeting on **November 20, 2025** and impose an administrative penalty of **\$56,500** against you.

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

You may still resolve this matter informally by way of a stipulated settlement if an agreement can be reached prior to this matter appearing for consideration by the Commission. Please contact me at (279) 237-3764 or bcastillo@fppc.ca.gov if you wish to enter into a settlement to resolve this matter in its entirety.

Sincerely,

Bridgette Castillo

Bridgette Castillo
Senior Commission Counsel
Enforcement Division

¹ Government Code section 11505.

Exhibit A-28



STATE OF CALIFORNIA

FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3050 • Sacramento, CA 95811 • (916) 322-5660

May 27, 2026

Anthony Phan, individually and o/b/o South Bay SV Community Coalition PAC
1422 W. 223rd Street
Torrance, CA 90501

NOTICE OF DEFAULT DECISION AND ORDER

Re: FPPC No. 2019-00385; In the Matter of South Bay SV Community Coalition PAC and Anthony Phran

Dear Anthony Phran:

On January 9, 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 **October 16, 2025**. The Commission will be asked to adopt the default at its public meeting scheduled for **June 18, 2026** and impose an administrative penalty of \$56,500 against you. A copy of the default, decision, and order and accompanying exhibits the Commission will consider at its meeting on **June 18, 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 **June 18, 2026** meeting. Please contact me at (279) 237-3764 or bcastillo@fppc.ca.gov if you wish to enter into a negotiated settlement.

¹ Government Code Section 11505.

Sincerely,

Bridgette Castillo

Bridgette Castillo
Senior Commission Counsel
Enforcement Division

Enclosures: Default Decision and Order, Exhibit 1 and attachments