

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

6 Attorneys for Complainant

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

9
10 **STATE OF CALIFORNIA**

11 In the Matter of:) FPPC Nos.: 15/661 and 16/379
12)
13 I-CHINESE AMERICAN POLITICAL)
ACTION COMMITTEE AND VICTOR GAU,)
14)
15 (Government Code Sections 11506
and 11520)
16 Respondents.)

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

20 Pursuant to the California Administrative Procedure Act,¹ I-Chinese American Political Action
21 Committee (the "Committee") and Victor Gau ("Gau") have been served with all of the documents
22 necessary to conduct an administrative hearing regarding the above-captioned matter, including the
23 following:

- 24 1. An Order Finding Probable Cause;
25 2. An Accusation;
26 3. A Notice of Defense (Two Copies per Respondent);
27

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

1 4. A Statement to Respondent; and,

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

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

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

15
16 Dated: 1 March 17



Galena West, Chief of Enforcement
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent I-Chinese American Political Action Committee (the "Committee") is a state general purpose committee. The committee's treasurer is respondent Victor Gau ("Gau").

The Political Reform Act (the "Act")¹ requires an active committee to pay the Secretary of State ("SOS") an annual fee of \$50 by February 15, 2013, and then by January 15 each year thereafter until the termination of the committee. The Act also requires a committee to file campaign statements at specific times to disclose information regarding contributions received and expenditures made.

This matter arose out of a non-filer referral sent to the Fair Political Practices Commission's (the "Commission") Enforcement Division by SOS for the Committee's and Gau's failure to file a semi-annual campaign statement and non-payment of annual fees.

As a general purpose committee and its treasurer, the Committee and Gau had a duty to pay the annual fee each year. The Committee and Gau also had a duty to file semi-annual campaign statements. The Committee and Gau failed to pay annual fees for four years and failed to timely file three semi-annual campaign statements.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

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

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

² Section 83116.

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

⁴ Section 11503.

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.⁵

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

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-16, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against the Committee and Gau in this matter by serving them with a Report

⁵ Section 11506, subd. (a)(1)-(6).

⁶ Section 11506, subd. (c).

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail, return receipt requested,¹² on September 29, 2016. (Certification, Exhibit A-2.) The administrative action commenced on October 3, 2016, the date the certified mail receipt was signed (Certification, Exhibit A-2), 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 Gau contained a cover letter and a memorandum describing probable cause proceedings, advising that the Committee and Gau had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification, Exhibit A-3.) Neither the Committee nor Gau requested a probable cause conference or submitted a written response to the Report.

B. Ex Parte Request for a Finding of Probable Cause

Because the Committee and Gau 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 November 9, 2016. (Certification, Exhibit A-4.)

On November 17, 2016, Hearing Officer Jack Woodside, Senior Commission Counsel, Legal Division, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on the Committee and Gau. (Certification, Exhibit A-5.)

C. The Issuance and Service of the Accusation

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

Section 11503 states:

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

¹² Section 83115.5.

¹³ Regulation 18361.4, subd. (e).

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 11507.7.¹⁴ The APA also sets forth the language required in the accompanying statement to the respondent.¹⁵

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.¹⁶

On December 22, 2016, the Commission's Chief of Enforcement, Galena West, issued an Accusation against the Committee and Gau in this matter. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form for each respondent, copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7, were served on Gau on January 26, 2017. (Certification, Exhibit A-7.)

Along with the Accusation, the Enforcement Division served the Committee and Gau 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. (Certification, Exhibit A-8.) Neither the Committee nor Gau filed a Notice of Defense within the statutory time period, which ended on February 10, 2017.

As a result, on March 1, 2017, the Enforcement Division sent a letter to the Committee and Gau advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for March 16, 2017. (Certification, Exhibit A-16.) A copy of the Default Decision and Order, and this accompanying Exhibit I with attachments, was included with the letter.

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

SUMMARY OF THE LAW

An express purpose of the Act is to ensure voters are fully informed and improper practices are inhibited by requiring all candidates, as well as the committees that support or oppose them, to disclose all contributions and expenditures made throughout a campaign.¹⁷ In furtherance of this purpose, the Act requires a controlled committee to file a statement of organization with the Secretary of State ("SOS") and pay an annual fee, as well as to file semi-annual statements twice per year to disclose its campaign contributions and expenditures.¹⁸

Each committee required to file a statement of organization must pay SOS an annual fee of \$50 by February 15, 2013, and then by January 15 each year thereafter until the termination of the committee.¹⁹ A committee that fails to timely pay the annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is required to enforce this provision of the Act.²⁰

General purpose committees must file semi-annual campaign statements each year no later than July 31 for the reporting period ending on June 30, and no later than January 31 of the following year for the semi-annual reporting period ending December 31.²¹ When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.²²

SUMMARY OF THE EVIDENCE

The Committee qualified as a committee on or about January 19, 1999, when it filed a Statement of Organization with SOS. Gau became the Committee's treasurer on April 11, 2013.

Annual Fees

SOS sent letters to the Committee's address of record on file with SOS on November 6, 2012, December 2, 2013, November 20, 2014, October 1, 2015, November 20, 2015, June 10, 2016, and November 18, 2016, which reminded the Committee and Gau of their duty to pay the annual fee. (Certification, Exhibit A-9.) The Committee and Gau did not respond, and the matter was referred to the Enforcement Division.

The Enforcement Division contacted the Committee and Gau by U.S. mail on July 21, 2015 and December 16, 2015 in an attempt to settle this matter. Enforcement staff also emailed Gau regarding the Committee's past-due annual fees on December 16, 2015 and August 1, 2016. (Certification, Exhibit A-10.)

¹⁷ Section 81002, subd. (a).

¹⁸ Sections 84200.5, subd. (b), and 84101.5, subd. (b).

¹⁹ Section 84101.5, subd. (c).

²⁰ Section 84101.5, subd. (d).

²¹ Section 84200, subd. (a).

²² Regulation 18116.

As of February 22, 2017, the Committee and Gau have not paid the annual fees for 2013, 2014, 2015, or 2016, or paid the penalties for failing to timely pay the annual fees, but the Committee remains active.

Semi-Annual Campaign Statements

The Committee and Gau timely filed the Committee's semi-annual campaign statement for July 1, 2014 through December 31, 2014 on January 19, 2015. (Certification, Exhibit A-11.) This statement showed the Committee had an ending cash balance of \$8,616.99. The Committee and Gau did not file any subsequent campaign statements.

SOS sent a letter to the Committee and Gau on October 20, 2015 reminding them to file the semi-annual campaign statement for January 1, 2015 through June 30, 2015. (Certification, Exhibit A-12.) The Committee and Gau did not respond, and the matter was referred to the Enforcement Division on March 28, 2016. (Certification, Exhibit A-13.)

The Enforcement Division sent the Committee and Gau letters on April 18, 2016 and June 17, 2016, requesting that they file the delinquent campaign statements within 30 days. (Certification, Exhibit A-14.) Enforcement Division staff also sent Gau an email on August 18, 2016 regarding the Committee's campaign statements, and an email on September 7, 2016 regarding both the Committee's campaign statements and its unpaid annual fees. (Certification, Exhibit A-15.) In an attempt to settle this case, Enforcement Division staff left voicemails for Gau on September 7, 2016 and December 19, 2016. The Committee and Gau failed to respond.

Summary of Contact

Overall, the Committee and Gau were contacted 23 times regarding their duties to pay annual fees and file campaign statements, as follows:

- November 6, 2012: letter from SOS to the Committee regarding annual fees
- December 2, 2013: letter from SOS to the Committee and Gau regarding annual fees
- November 20, 2014: letter from SOS to the Committee and Gau regarding annual fees
- July 21, 2015: letter from the Enforcement Division to the Committee and Gau regarding settlement
- October 1, 2015: letter from SOS to the Committee and Gau regarding annual fees
- October 20, 2015: letter from SOS to the Committee and Gau regarding campaign statements
- November 20, 2015: letter from SOS to the Committee and Gau regarding annual fees
- December 16, 2015: letter from the Enforcement Division to the Committee and Gau regarding settlement
- December 16, 2015: email from the Enforcement Division to Gau regarding annual fees
- April 18, 2016: letter from the Enforcement Division to the Committee and Gau regarding campaign statements

- June 10, 2016: letter from SOS to the Committee and Gau regarding annual fees
- June 17, 2016: letter from the Enforcement Division to the Committee and Gau regarding campaign statements
- August 1, 2016: email from the Enforcement Division to Gau regarding annual fees
- August 18, 2016: email from the Enforcement Division to Gau regarding campaign statements
- September 7, 2016: email from the Enforcement Division to Gau regarding campaign statements and annual fees
- September 7, 2016: voicemail left for Gau by Enforcement Division staff regarding settlement
- October 3, 2016: Report in Support of a Finding of Probable Cause served on the Committee and Gau
- November 9, 2016: 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 Gau
- November 18, 2016 letter from SOS to the Committee and Gau regarding annual fees
- November 23, 2016: copy of Finding of Probable Cause and Order to Prepare and Serve an Accusation mailed to the Committee and Gau
- December 19, 2016: voicemail left for Gau by Enforcement Division staff regarding settlement
- January 26, 2017: accusation served upon the Committee and Gau
- March 1, 2017: Notice of Intent to Enter into Default Decision and Order mailed to the Committee and Gau

VIOLATIONS

The Committee and Gau committed seven violations of the Act, as follows:

COUNT 1

Failure to Timely Pay the 2013 Annual Fee and Penalty

The Committee had a duty to pay the 2013 annual fee to SOS by February 15, 2013. By failing to timely pay the \$50 annual fee, and failing to pay the \$150 penalty for failing to timely pay the annual fee, the Committee violated Government Code Section 84101.5, subdivisions (c) and (d).

COUNT 2

Failure to Timely Pay the 2014 Annual Fee and Penalty

The Committee and Gau had a duty to pay the 2014 annual fee to SOS by January 15, 2014. By failing to timely pay the \$50 annual fee, and failing to pay the \$150 penalty for failing to timely pay the annual fee, the Committee and Gau violated Government Code Section 84101.5,

subdivisions (c) and (d).

COUNT 3

Failure to Timely Pay the 2015 Annual Fee and Penalty

The Committee and Gau had a duty to pay the 2015 annual fee to SOS by January 15, 2015. By failing to timely pay the \$50 annual fee, and failing to pay the \$150 penalty for failing to timely pay the annual fee, the Committee and Gau violated Government Code Section 84101.5, subdivisions (c) and (d).

COUNT 4

Failure to Timely Pay the 2016 Annual Fee and Penalty

The Committee and Gau had a duty to pay the 2016 annual fee to SOS by January 15, 2016. By failing to timely pay the \$50 annual fee, and failing to pay the \$150 penalty for failing to timely pay the annual fee, the Committee and Gau violated Government Code Section 84101.5, subdivisions (c) and (d).

COUNT 5

Failure to Timely File a Semi-Annual Campaign Statement by July 31, 2015

The Committee and Gau had a duty to file a semi-annual campaign statement for the period of January 1, 2015 through June 30, 2015 by July 31, 2015. By failing to timely file this statement, the Committee and Gau violated Government Code Section 84200.

COUNT 6

Failure to Timely File a Semi-Annual Campaign Statement by February 1, 2016

The Committee and Gau had a duty to file a semi-annual campaign statement for the period of July 1, 2015 through December 31, 2015 by February 1, 2016. By failing to timely file this statement, the Committee and Gau violated Government Code Section 84200.

COUNT 7

Failure to Timely File a Semi-Annual Campaign Statement by August 1, 2016

The Committee and Gau had a duty to file a semi-annual campaign statement for the period of January 1, 2016 through June 30, 2016 by August 1, 2016. By failing to timely file this statement, the Committee and Gau violated Government Code Section 84200.

CONCLUSION

This matter consists of seven counts of violating the Act, which carry a maximum administrative penalty of \$35,000.²³

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in the context of the following factors set forth in Regulation 18361.5 subdivision (d)(1) through (6): (1) The seriousness of the violation; (2) The presence or absence of any intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or inadvertent; (4) Whether the violator demonstrated good faith by consulting the Commission staff or any other governmental agency in a manner not constituting complete defense under Government Code section 83114(b); (5) Whether the violation was isolated or part of a pattern and whether the violator has a prior record of violations of the Political Reform Act or similar laws; and (6) Whether the violator, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

In this matter, the Committee and Gau failed to timely pay annual fees and file semi-annual campaign statements. The failure to comply with these obligations denied the public information about the Committee's activity and the disposition of the Committee's \$8,616.99 cash balance as of December 31, 2014. The Committee and Gau are well aware of their obligations to pay annual fees and file campaign statements, as they have been contacted more than 20 times regarding these obligations.

Between Gau's appointment as the Committee's treasurer on April 11, 2013 and the violations charged in this case, the Committee filed one campaign statement late. The Committee's semi-annual campaign statement for the period of July 1, 2013 through December 31, 2013 was filed more than six months late on August 11, 2014.

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

Counts 1-4

- *In the Matter of Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez*, FPPC No. 15/218. (The Commission approved a default decision on February 16, 2017.) The respondents failed to timely pay the annual fees for 2014 and 2015, and failed to pay the \$150 penalty for failing to timely pay the annual fees. The Commission imposed a penalty of \$3,000 per violation, for a total penalty of \$6,000 for the unpaid annual fees.

²³ Section 83116, subd. (c).

Counts 5–7

- *In the Matter of Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez*, FPPC No. 15/218. (The Commission approved a default decision on February 16, 2017.) The respondents failed to file two semi-annual campaign statements, despite being contacted 21 times regarding their violations. The Commission imposed a penalty of \$5,000 per violation, for a total penalty of \$10,000 for the unfiled semi-annual campaign statements. Mendez was in office at the time of the unfiled statements and Enforcement Division action, where the instant case involves a general purpose committee and the statements do not appear to be linked to any particular election.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, penalties of \$3,000 each for Counts 1–4 and \$4,000 each for Counts 5–7 are recommended, for a total penalty of \$24,000.



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as a Staff Services Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. As such, I am authorized to certify copies of those records as being true and correct copies of the original business records which are in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case Nos. 15/661 and 16/379; I-Chinese American Political Action Committee and Victor Gau*, 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 27, 2016
- EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated September 29, 2016; Return Receipt received on October 3, 2016; and USPS Tracking Information
- EXHIBIT A-3: Cover letter to the Respondent regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated September 29, 2016
- EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated November 9, 2016
- EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated November 17, 2016, and Proof of Service, dated November 23, 2016

- EXHIBIT A-6: Accusation, dated December 22, 2016
- EXHIBIT A-7: Proof of Service on January 26, 2017 and Declaration of Due Diligence for Accusation and accompanying documents from process server, dated January 30, 2017
- EXHIBIT A-8: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated January 12, 2017
- EXHIBIT A-9: Letters from Secretary of State to the I-Chinese American Political Action Committee regarding annual fees, dated November 6, 2012, December 2, 2013, November 20, 2014, October 1, 2015, November 20, 2015, June 10, 2016, and November 18, 2016
- EXHIBIT A-10: Emails from Enforcement Division staff to Victor Gau regarding annual fees, dated December 16, 2015 and August 1, 2016
- EXHIBIT A-11: Semi-annual campaign statement for I-Chinese American Political Action Committee for July 1, 2014 through December 31, 2014, filed January 19, 2015
- EXHIBIT A-12: Letter from Secretary of State to the I-Chinese American Political Action Committee and Victor Gau regarding campaign statements, dated October 30, 2015
- EXHIBIT A-13: Campaign statement non-filer referral from Secretary of State to the Enforcement Division, dated March 28, 2016
- EXHIBIT A-14: Letters from the Enforcement Division to the I-Chinese American Political Action Committee and Victor Gau regarding campaign statements, dated April 18, 2016 and June 17, 2016
- EXHIBIT A-15: Emails from Enforcement Division staff to Victor Gau, dated August 18, 2016 and September 7, 2016
- EXHIBIT A-16: Notice of Intent to Enter into Default Decision and Order, dated March 1, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 1, 2017, at Sacramento, California.



Dominika Wojenska
Staff Services Analyst, Enforcement Division
Fair Political Practices Commission

Exhibit A-1

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379

1 GALENA WEST
Chief of Enforcement
2 DAVE BAINBRIDGE
Assistant Chief of Enforcement
3 **FAIR POLITICAL PRACTICES COMMISSION**
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 322-5660
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission
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8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**

9 **STATE OF CALIFORNIA**

10
11 In the Matter of) FPPC Nos. 15/661 and 16/379
12 I-CHINESE AMERICAN POLITICAL ACTION) **AMENDED REPORT IN SUPPORT OF A**
COMMITTEE AND VICTOR GAU,) **FINDING OF PROBABLE CAUSE**
13)
14) Conference Date: TBA
15) Conference Time: TBA
16) Conference Location: Commission Offices
428 J Street, Suite 620
Sacramento, CA 95814
17 Respondents.)

18 **INTRODUCTION**

19 Respondent I-Chinese American Political Action Committee (the "Committee") is a state general
20 purpose committee. The committee's treasurer is respondent Victor Gau ("Gau"). The Political Reform
21 Act (the "Act")¹ requires an active committee to pay an annual fee of \$50 each year to the Secretary of
22 State ("SOS") until the committee is terminated.² A committee must also file a semi-annual campaign
23

24
25 ¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are
26 to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18110 through 18997 of Title 2 of
the California Code of Regulations, and all regulatory references are to this source.

² Section 84101.5, subd. (a).

1 statement each year by January 31 for the period ending December 31.³ The Committee and Gau failed
2 to pay the required annual fees for the years 2013–2016, and failed to file three semi-annual statements.

3 **SUMMARY OF THE LAW**

4 All legal references and discussions of law pertain to the Act’s provisions as they existed in 2013–
5 2016.

6 Jurisdiction

7 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to
8 enforce the provisions of the Act.⁴

9 Probable Cause Proceedings

10 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
11 the Commission or her designee (the “hearing officer”), must make a finding that there is probable cause
12 to believe the respondent has violated the Act.⁵ After a finding of probable cause, the Commission may
13 hold a noticed hearing in accordance with the Administrative Procedure Act⁶ to determine whether
14 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁷

15 The initial Report in Support of a Finding of Probable Cause (“PC Report”), issued June 10, 2016
16 and served June 13, 2016, is superseded by this amended PC Report.

17 Standard for Finding Probable Cause

18 To make a finding of probable cause, the hearing officer must be presented with sufficient
19 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
20 that a respondent committed or caused a violation.⁸

21 ///

22 ///

24 ³ Section 84200.

25 ⁴ Section 83116.

26 ⁵ Section 83115.5, and Regulations 18361 and 18361.4.

27 ⁶ Section 11500, et seq.

28 ⁷ Section 83116, and Regulation 18361.4, subd. (e).

⁸ Section 18361.4, subd. (e).

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

2 When enacting the Political Reform Act, the people of the state of California found and declared
3 that previous laws regulating political practices suffered from inadequate enforcement by state and local
4 authorities.⁹ To that end, the Act must be liberally construed to achieve its purposes.¹⁰

5 There are many purposes of the Act. Among these purposes are to ensure voters are fully informed
6 and improper practices are inhibited by requiring all committees that support or oppose candidates or
7 measures to disclose all contributions and expenditures made throughout a campaign.¹¹ Another is to
8 provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹²

9 Annual Fee

10 Each committee that is required to file a statement of organization must pay the SOS a \$50 annual
11 fee until the termination of the committee. Each committee was required to pay the 2013 annual fee by
12 February 15, 2013, and then by January 15 every year thereafter.¹³ A committee that fails to timely pay
13 the annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is
14 required to enforce this provision of the Act.¹⁴

15 Semi-Annual Campaign Statements

16 The Act requires candidates and committees to file semi-annual campaign statements that disclose
17 its campaign contributions and expenditures each year no later than July 31 for the period ending June
18 30, and no later than January 31 for the period ending December 31, or the next business day if the
19 deadline falls on a weekend or holiday.¹⁵

20 ///

21 ///

22 ///

23 ⁹ Section 81001, subd. (h).

24 ¹⁰ Section 81003.

25 ¹¹ Section 81002, subd. (a).

26 ¹² Section 81002, subd. (f).

27 ¹³ Section 84101.5, subd. (c).

28 ¹⁴ Section 84101.5, subd. (d).

¹⁵ Section 84200; Regulation 18116 subd. (a).

1 Treasurer Liability

2 Every committee must have a treasurer.¹⁶ It is the duty of the treasurer to ensure that the
3 committee complies with all of the requirements of the Act concerning the receipt and expenditure of
4 funds and the reporting of such funds.¹⁷ A committee's treasurer may be held jointly and severally liable
5 with the committee for any reporting violations.¹⁸

6 Liability for Violations

7 Any person who violates any provision of the Act, who purposely or negligently causes any other
8 person to violate any provision of the Act, or who aids and abets any other person in the violation
9 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹⁹ This only
10 applies to persons who have filing or reporting obligations under the Act, or who are compensated for
11 services involving the planning, organizing, or directing of any activity regulated or required by the Act.²⁰

12 **SUMMARY OF THE EVIDENCE**

13 The Committee qualified as a state general purpose committee on or about January 19, 1999.
14 Gau became the Committee's treasurer on April 11, 2013.

15 The Committee and Gau failed to pay a \$50 annual fee to SOS for the years of 2013, 2014, 2015,
16 and 2016 by the deadline each year. They also failed to pay the subsequent penalties for failing to pay
17 the annual fee.

18 Additionally, the Committee and Gau failed to file semi-annual statements for 2015 and the first
19 half of 2016. On its last filed semi-annual statement, which was for the period of July 1, 2014 through
20 December 31, 2014, the Committee showed an ending cash balance of \$8,616.99.

21 SOS sent the Committee and Gau multiple notices of their failure to pay the delinquent annual
22 fees and penalties. The Committee and Gau did not pay, so SOS referred the matter to the Enforcement
23 Division. The Enforcement Division contacted the Committee and Gau five times by letter and four times

24 ¹⁶ Section 84100.

25 ¹⁷ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

26 ¹⁸ Sections 83116.5 and 91006.

27 ¹⁹ Sections 83116 and 83116.5.

28 ²⁰ Section 83116.5.

1 by email. On June 13, 2016, the Committee and Gau were served with the original PC Report that this
2 amended PC Report supersedes. The Committee and Gau did not respond to the original PC Report.

3 The original PC Report included three counts against the Committee and Gau for failure to timely
4 pay the 2013, 2014, and 2015 annual fees. This PC Report has been amended to include the Committee's
5 and Gau's violations for failure to timely pay the 2016 annual fee and failure to timely file semi-annual
6 statements for the periods of January 1, 2015 through June 30, 2015, July 1, 2015 through December 31,
7 2015, and January 1, 2016 through June 30, 2016.

8 As of September 15, 2016, neither the Committee nor Gau has paid any of the annual fees or
9 penalties, or filed the outstanding semi-annual statements.

10 VIOLATIONS

11 Count 1: Failure to Timely Pay the 2013 Annual Fee and Penalty

12 The Committee and Gau failed to pay the 2013 annual fee by the February 15, 2013 due date and
13 failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
14 subdivisions (c) and (d).

15 Count 2: Failure to Timely Pay the 2014 Annual Fee and Penalty

16 The Committee and Gau failed to pay the 2014 annual fee by the January 15, 2014 due date and
17 failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
18 subdivisions (c) and (d).

19 Count 3: Failure to Timely Pay the 2015 Annual Fee and Penalty

20 The Committee and Gau failed to pay the 2015 annual fee by the January 15, 2015 due date and
21 failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
22 subdivisions (c) and (d).

23 Count 4: Failure to Timely Pay the 2016 Annual Fee and Penalty

24 The Committee and Gau failed to pay the 2016 annual fee by the January 15, 2016 due date and
25 failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
26 subdivisions (c) and (d).

1 Count 5: Failure to Timely File a Semi-Annual Statement

2 The Committee failed to timely file the semi-annual statement due February 2, 2015, in violation
3 of Section 84200.

4 Count 6: Failure to Timely File a Semi-Annual Statement

5 The Committee failed to timely file the semi-annual statement due February 1, 2016, in violation
6 of Section 84200.

7 Count 7: Failure to Timely File a Semi-Annual Statement

8 The Committee failed to timely file the semi-annual statement due July 31, 2016, in violation of
9 Section 84200.

10 **OTHER RELEVANT MATERIAL**

11 The Enforcement Division is not aware of any other relevant information.

12 **EXCULPATORY AND MITIGATING INFORMATION**

13 The Enforcement Division is not aware of any relevant exculpatory or mitigating information.

14 **CONCLUSION**

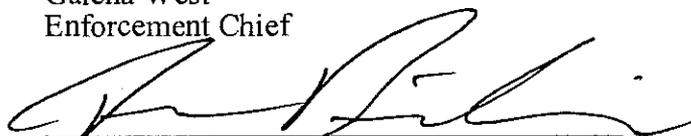
15 Probable cause exists to believe that the Committee and Gau violated the Act by failing to pay
16 the 2013, 2014, 2015 and 2016 annual fee and penalties, and failing to file three semi-annual statements.
17 The Enforcement Division respectfully requests an order finding probable cause pursuant to Section
18 83115.5 and Regulation 18361.4.

19
20 Dated: 9/27/16

21 Respectfully Submitted,

22 **FAIR POLITICAL PRACTICES COMMISSION**

23 Galena West
24 Enforcement Chief



25 By: Dave Bainbridge
26 Assistant Chief
27 Enforcement Division

Exhibit A-2

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814. On September 29, 2016, I served the following document(s):

1. Letter dated September 29, 2016 from Dave Bainbridge;
2. FPPC Nos. 15/661 and 16/379 Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

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

X 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

Victor Gau
I-Chinese American Political Action
Committee
133 E. Las Tunas Dr.
San Gabriel, CA 91776

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 9-29-16.



Amanda C. Kelly

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:

Victor Gau
 I-Chinese American Political
 Action Committee
 133 E. Las Tunas Dr.
 San Gabriel, CA 91776



9590 9402 2077 6132 0044 84

2. Article Number (Transfer from service label)

7016 0340 0000 7163 8176

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1? Yes
 If YES, enter delivery address below: No

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
- Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

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

Domestic Return Receipt

USPS TRACKING#
 9590 9402 2077 6132 0044 84
 PM 10 L



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

United States Postal Service

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

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

RECEIVED
 FAIR POLITICAL
 PRACTICES COMMISSION

16 OCT -6 AM 2:00

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Certified Mail Fee	
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<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
\$	
Total Postage and Fees	
\$	

Postmark
Here

Victor Gau
I-Chinese American Political Action Committee
133 E. Las Tunas Dr.
San Gabriel, CA 91776



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Tracking Number: 7016034000071638176

Updated Delivery Day: Monday, October 3, 2016

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME

STATUS OF ITEM

LOCATION

October 3, 2016 , 10:03 am

Delivered, Front Desk/Reception

SAN GABRIEL, CA 91776

Your item was delivered to the front desk or reception area at 10:03 am on October 3, 2016 in SAN GABRIEL, CA 91776.

October 3, 2016 , 7:49 am

Sorting Complete

SAN GABRIEL, CA 91778

October 3, 2016 , 5:46 am

Arrived at Unit

SAN GABRIEL, CA 91778

October 3, 2016 , 1:24 am

Departed USPS Facility

CITY OF INDUSTRY, CA 91715

September 30, 2016 , 3:17 pm

Arrived at USPS Facility

CITY OF INDUSTRY, CA 91715

September 30, 2016 , 1:23 am

Departed USPS Facility

WEST SACRAMENTO, CA 95799

September 29, 2016 , 9:10 pm

Arrived at USPS Facility

WEST SACRAMENTO, CA 95799

Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

.....

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS >



Exhibit A-3

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379



FAIR POLITICAL PRACTICES COMMISSION

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

September 29, 2016

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Victor Gau
I-Chinese American Political Action Committee
133 E. Las Tunas Dr.
San Gabriel, CA 91776

**In the Matter of I-Chinese American Political Action Committee and Victor Gau; FPCC
Nos. 15/661 and 16/379**

Dear Mr. Gau:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") is proceeding with an administrative action against you for your failure to comply with the filing and disclosure provisions of the Political Reform Act (the "Act"), as described in our previous correspondence dated July 21, 2015, August 25, 2015, December 16, 2015, and June 10, 2016. The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence. This Report supersedes the previous Report issued June 10, 2016 and served June 13, 2016.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Commission's General Counsel (the "Hearing Officer"). In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office, which is located at 428 J Street, Ste. 620, Sacramento, CA 95814. You may appear at the conference in person or by telephone and you are entitled to be represented by counsel. *If you wish to submit a written response or request a probable cause conference, it must be filed with the Commission Assistant at the address listed above within 21 days from the date of service of this letter.* You can reach the Commission Assistant at (916) 327-8269.

Please note: probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. *If you are interested in reaching a settlement in this matter, please contact Amanda Kelly at (916) 322-7771 or akelly@sppc.ca.gov.*

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

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

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

Sincerely,



Dave Bainbridge
Assistant Chief
Enforcement Division

Enclosures

DB: ack

PROBABLE CAUSE FACT SHEET

INTRODUCTION

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

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

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

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

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

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

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to Complaint Files

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

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

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

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

§ 18361.2. Memorandum Respecting Civil Litigation.

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

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

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

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

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

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

Exhibit A-4

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379

GALENA WEST
Chief of Enforcement
DAVE BAINBRIDGE
Assistant Chief of Enforcement
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of) FPPC Nos. 15/661 and 16/379
I-CHINESE AMERICAN POLITICAL)
ACTION COMMITTEE AND VICTOR) EX PARTE REQUEST FOR A FINDING OF
GAU,) PROBABLE CAUSE AND AN ORDER THAT
Respondents.) AN ACCUSATION BE PREPARED AND
) SERVED
)
) 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 I-Chinese American Political Action Committee (the "Committee") and Victor Gau ("Gau") were served with a copy of a report in support of a finding of probable cause ("Report") in the above-entitled matter.² The 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 and Gau on September 29, 2016, by certified mail, with a return receipt requested, and received by the Committee and Gau on October 3, 2016. A copy of the return receipt is attached as "Exhibit B."

In the cover letter dated September 29, 2016, and the attached materials, the Committee and Gau were advised that they could respond in writing to the Report and orally present the case to the Hearing

¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in §§ 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

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

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

8 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by the
9 Hearing Officer that probable cause exists to believe that the Committee and Gau committed seven
10 violations of the Act, stated as follows:
11

12 Count 1: The Committee and Gau failed to pay the 2013 annual fee by the February 15, 2013 due
13 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
14 violation of Section 84101.5, subdivisions (c) and (d).

15 Count 2: The Committee and Gau failed to pay the 2014 annual fee by the January 15, 2014 due
16 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
17 violation of Section 84101.5, subdivisions (c) and (d).

18 Count 3: The Committee and Gau failed to pay the 2015 annual fee by the January 15, 2015 due
19 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
20 violation of Section 84101.5, subdivisions (c) and (d).

21 Count 4: The Committee and Gau failed to pay the 2016 annual fee by the January 15, 2016 due
22 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
23 violation of Section 84101.5, subdivisions (c) and (d).

24 Count 5: The Committee and Gau failed to timely file the semi-annual statement due February 2,
25 2015, in violation of Section 84200.

26 Count 6: The Committee and Gau failed to timely file the semi-annual statement due February 1,
27 2016, in violation of Section 84200.

28 Count 7: The Committee and Gau failed to timely file the semi-annual statement due July 31,
2016, in violation of Section 84200.

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

3 A copy of this Request was mailed via U.S. Mail to the Committee and Gau on November 9, 2016,
4 at the last known address, as follows:

5
6 Victor Gau
7 I-Chinese American Political Action Committee
8 133 E. Las Tunas Dr.
9 San Gabriel, CA 91776

10 Dated: 11/9/16

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION

Galena West
Chief of Enforcement



By: Dave Bainbridge
Assistant Chief
Enforcement Division

27 ³ Gov. Code § 11503.

EXHIBIT A

1 GALENA WEST
Chief of Enforcement
2 DAVE BAINBRIDGE
Assistant Chief of Enforcement
3 **FAIR POLITICAL PRACTICES COMMISSION**
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 322-5660
5 Facsimile: (916) 322-1932

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

8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**
10

11 In the Matter of) FPPC Nos. 15/661 and 16/379
12 I-CHINESE AMERICAN POLITICAL ACTION) **AMENDED REPORT IN SUPPORT OF A**
13 COMMITTEE AND VICTOR GAU,) **FINDING OF PROBABLE CAUSE**
14) Conference Date: TBA
15) Conference Time: TBA
16 Respondents.) Conference Location: Commission Offices
428 J Street, Suite 620
Sacramento, CA 95814
17

18 **INTRODUCTION**

19 Respondent I-Chinese American Political Action Committee (the "Committee") is a state general
20 purpose committee. The committee's treasurer is respondent Victor Gau ("Gau"). The Political Reform
21 Act (the "Act")¹ requires an active committee to pay an annual fee of \$50 each year to the Secretary of
22 State ("SOS") until the committee is terminated.² A committee must also file a semi-annual campaign
23

24
25 ¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references are
26 to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18110 through 18997 of Title 2 of
the California Code of Regulations, and all regulatory references are to this source.

² Section 84101.5, subd. (a).

1 statement each year by January 31 for the period ending December 31.³ The Committee and Gau failed
2 to pay the required annual fees for the years 2013–2016, and failed to file three semi-annual statements.

3 SUMMARY OF THE LAW

4 All legal references and discussions of law pertain to the Act’s provisions as they existed in 2013–
5 2016.

6 Jurisdiction

7 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to
8 enforce the provisions of the Act.⁴

9 Probable Cause Proceedings

10 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
11 the Commission or her designee (the “hearing officer”), must make a finding that there is probable cause
12 to believe the respondent has violated the Act.⁵ After a finding of probable cause, the Commission may
13 hold a noticed hearing in accordance with the Administrative Procedure Act⁶ to determine whether
14 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁷

15 The initial Report in Support of a Finding of Probable Cause (“PC Report”), issued June 10, 2016
16 and served June 13, 2016, is superseded by this amended PC Report.

17 Standard for Finding Probable Cause

18 To make a finding of probable cause, the hearing officer must be presented with sufficient
19 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
20 that a respondent committed or caused a violation.⁸

21 ///

22 ///

24 ³ Section 84200.

25 ⁴ Section 83116.

26 ⁵ Section 83115.5, and Regulations 18361 and 18361.4.

27 ⁶ Section 11500, et seq.

28 ⁷ Section 83116, and Regulation 18361.4, subd. (e).

⁸ Section 18361.4, subd. (e).

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

2 When enacting the Political Reform Act, the people of the state of California found and declared
3 that previous laws regulating political practices suffered from inadequate enforcement by state and local
4 authorities.⁹ To that end, the Act must be liberally construed to achieve its purposes.¹⁰

5 There are many purposes of the Act. Among these purposes are to ensure voters are fully informed
6 and improper practices are inhibited by requiring all committees that support or oppose candidates or
7 measures to disclose all contributions and expenditures made throughout a campaign.¹¹ Another is to
8 provide adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹²

9 Annual Fee

10 Each committee that is required to file a statement of organization must pay the SOS a \$50 annual
11 fee until the termination of the committee. Each committee was required to pay the 2013 annual fee by
12 February 15, 2013, and then by January 15 every year thereafter.¹³ A committee that fails to timely pay
13 the annual fee is subject to a penalty equal to three times the amount of the fee. The Commission is
14 required to enforce this provision of the Act.¹⁴

15 Semi-Annual Campaign Statements

16 The Act requires candidates and committees to file semi-annual campaign statements that disclose
17 its campaign contributions and expenditures each year no later than July 31 for the period ending June
18 30, and no later than January 31 for the period ending December 31, or the next business day if the
19 deadline falls on a weekend or holiday.¹⁵

20 ///

21 ///

22 ///

23 ⁹ Section 81001, subd. (h).

24 ¹⁰ Section 81003.

25 ¹¹ Section 81002, subd. (a).

26 ¹² Section 81002, subd. (f).

27 ¹³ Section 84101.5, subd. (c).

28 ¹⁴ Section 84101.5, subd. (d).

¹⁵ Section 84200; Regulation 18116 subd. (a).

1 Treasurer Liability

2 Every committee must have a treasurer.¹⁶ It is the duty of the treasurer to ensure that the
3 committee complies with all of the requirements of the Act concerning the receipt and expenditure of
4 funds and the reporting of such funds.¹⁷ A committee's treasurer may be held jointly and severally liable
5 with the committee for any reporting violations.¹⁸

6 Liability for Violations

7 Any person who violates any provision of the Act, who purposely or negligently causes any other
8 person to violate any provision of the Act, or who aids and abets any other person in the violation
9 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹⁹ This only
10 applies to persons who have filing or reporting obligations under the Act, or who are compensated for
11 services involving the planning, organizing, or directing of any activity regulated or required by the Act.²⁰

12 **SUMMARY OF THE EVIDENCE**

13 The Committee qualified as a state general purpose committee on or about January 19, 1999.
14 Gau became the Committee's treasurer on April 11, 2013.

15 The Committee and Gau failed to pay a \$50 annual fee to SOS for the years of 2013, 2014, 2015,
16 and 2016 by the deadline each year. They also failed to pay the subsequent penalties for failing to pay
17 the annual fee.

18 Additionally, the Committee and Gau failed to file semi-annual statements for 2015 and the first
19 half of 2016. On its last filed semi-annual statement, which was for the period of July 1, 2014 through
20 December 31, 2014, the Committee showed an ending cash balance of \$8,616.99.

21 SOS sent the Committee and Gau multiple notices of their failure to pay the delinquent annual
22 fees and penalties. The Committee and Gau did not pay, so SOS referred the matter to the Enforcement
23 Division. The Enforcement Division contacted the Committee and Gau five times by letter and four times

24 ¹⁶ Section 84100.

25 ¹⁷ Sections 81004, 84100, 84104, and 84213, and Regulation 18427.

26 ¹⁸ Sections 83116.5 and 91006.

27 ¹⁹ Sections 83116 and 83116.5.

28 ²⁰ Section 83116.5.

1 by email. On June 13, 2016, the Committee and Gau were served with the original PC Report that this
2 amended PC Report supersedes. The Committee and Gau did not respond to the original PC Report.

3 The original PC Report included three counts against the Committee and Gau for failure to timely
4 pay the 2013, 2014, and 2015 annual fees. This PC Report has been amended to include the Committee's
5 and Gau's violations for failure to timely pay the 2016 annual fee and failure to timely file semi-annual
6 statements for the periods of January 1, 2015 through June 30, 2015, July 1, 2015 through December 31,
7 2015, and January 1, 2016 through June 30, 2016.

8 As of September 15, 2016, neither the Committee nor Gau has paid any of the annual fees or
9 penalties, or filed the outstanding semi-annual statements.

10 VIOLATIONS

11 Count 1: Failure to Timely Pay the 2013 Annual Fee and Penalty

12 The Committee and Gau failed to pay the 2013 annual fee by the February 15, 2013 due date and
13 failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
14 subdivisions (c) and (d).

15 Count 2: Failure to Timely Pay the 2014 Annual Fee and Penalty

16 The Committee and Gau failed to pay the 2014 annual fee by the January 15, 2014 due date and
17 failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
18 subdivisions (c) and (d).

19 Count 3: Failure to Timely Pay the 2015 Annual Fee and Penalty

20 The Committee and Gau failed to pay the 2015 annual fee by the January 15, 2015 due date and
21 failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
22 subdivisions (c) and (d).

23 Count 4: Failure to Timely Pay the 2016 Annual Fee and Penalty

24 The Committee and Gau failed to pay the 2016 annual fee by the January 15, 2016 due date and
25 failed to pay a penalty of \$150 for failing to timely pay the annual fee, in violation of Section 84101.5,
26 subdivisions (c) and (d).

1 Count 5: Failure to Timely File a Semi-Annual Statement

2 The Committee failed to timely file the semi-annual statement due February 2, 2015, in violation
3 of Section 84200.

4 Count 6: Failure to Timely File a Semi-Annual Statement

5 The Committee failed to timely file the semi-annual statement due February 1, 2016, in violation
6 of Section 84200.

7 Count 7: Failure to Timely File a Semi-Annual Statement

8 The Committee failed to timely file the semi-annual statement due July 31, 2016, in violation of
9 Section 84200.

10 **OTHER RELEVANT MATERIAL**

11 The Enforcement Division is not aware of any other relevant information.

12 **EXCULPATORY AND MITIGATING INFORMATION**

13 The Enforcement Division is not aware of any relevant exculpatory or mitigating information.

14 **CONCLUSION**

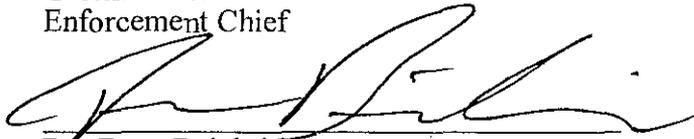
15 Probable cause exists to believe that the Committee and Gau violated the Act by failing to pay
16 the 2013, 2014, 2015 and 2016 annual fee and penalties, and failing to file three semi-annual statements.
17 The Enforcement Division respectfully requests an order finding probable cause pursuant to Section
18 83115.5 and Regulation 18361.4.

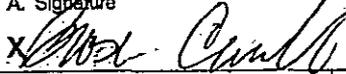
19
20 Dated: 9/27/16

21 Respectfully Submitted,

22 **FAIR POLITICAL PRACTICES COMMISSION**

23 Galena West
24 Enforcement Chief

25 
26 By: Dave Bainbridge
27 Assistant Chief
28 Enforcement Division

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>																
<p>1. Article Addressed to:</p> <p style="text-align: center;">Victor Gau I-Chinese American Political Action Committee 133 E. Las Tunas Dr. San Gabriel, CA 91776</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
 9590 9402 2077 6132 0044 84	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td><input type="checkbox"/> Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail	<input type="checkbox"/> Restricted Delivery	<input type="checkbox"/> Insured Mail Restricted Delivery	
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PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

EXHIBIT B

Exhibit A-5

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of) FPPC Nos. 15/661 and 16/379
)
)
I-CHINESE AMERICAN POLITICAL) FINDING OF PROBABLE CAUSE AND
ACTION COMMITTEE AND VICTOR) ORDER TO PREPARE AND SERVE AN
GAU,) ACCUSATION
)
) Gov. Code § 83115.5
Respondents.)

By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an Accusation Be Prepared and Served, dated November 9, 2016, 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 I-Chinese American Political Action Committee (the "Committee") and Victor Gau ("Gau") concerning this matter on October 3, 2016, by certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed the Committee and Gau 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. During the 21 days that followed service of the PC Report, the Committee and Gau did not file a response to the PC Report or request a probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4, determination of probable cause may be made solely on papers submitted when the respondent does not request a probable cause conference.¹

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

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 18110 through 18997 of Title 2 of the California Code of Regulations.

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

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

6
7 Count 1: The Committee and Gau failed to pay the 2013 annual fee by the February 15, 2013 due
8 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
9 violation of Section 84101.5, subdivisions (c) and (d).

10 Count 2: The Committee and Gau failed to pay the 2014 annual fee by the January 15, 2014 due
11 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
12 violation of Section 84101.5, subdivisions (c) and (d).

13 Count 3: The Committee and Gau failed to pay the 2015 annual fee by the January 15, 2015 due
14 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
15 violation of Section 84101.5, subdivisions (c) and (d).

16 Count 4: The Committee and Gau failed to pay the 2016 annual fee by the January 15, 2016 due
17 date and failed to pay a penalty of \$150 for failing to timely pay the annual fee, in
18 violation of Section 84101.5, subdivisions (c) and (d).

19 Count 5: The Committee and Gau failed to timely file the semi-annual statement due February 2,
20 2015, in violation of Section 84200.

21 Count 6: The Committee and Gau failed to timely file the semi-annual statement due February 1,
22 2016, in violation of Section 84200.

23 Count 7: The Committee and Gau failed to timely file the semi-annual statement due July 31,
24 2016, in violation of Section 84200.

25 Based on the Ex Parte Request given to me, I find that notice has been given to the Committee and
26 Gau.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause to
27 believe the Committee and Gau violated the Political Reform Act as alleged in Counts 1 through 7, as
28 identified above.

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

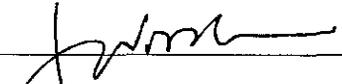
³ Government Code § 83115.5; Cal. Code Reg., tit. 2, § 18361.4, subd. (b).

1 to believe the Committee and Gau violated the Political Reform Act as alleged in Counts 1 through 7, as
2 identified above.

3 I therefore direct that the Enforcement Division issue an accusation against the Committee and
4 Gau in accordance with this finding.

5 IT IS SO ORDERED.

6 Dated: 11-17-16

7 
8 Jack Woodside, Hearing Officer
9 Fair Political Practices Commission

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FPPC No. 15/661 and 16/379, In the matter of I-Chinese American Political Action Committee and Victor Gau

PROOF OF SERVICE

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

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

MANNER OF SERVICE

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

SERVICE LIST

Mr. Victor Gau
I-Chinese American Political Action Committee
133 East Las Tunas Drive
San Gabriel, CA 91776

(By Personal Service) On Wednesday, November 23, 2016, at approximately 1:15 p.m., I personally served:

Galena West, Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.
Dave Bainbridge, Assistant Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on November 23, 2016.


Sheva Tabatabaiejad

Exhibit A-6

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379

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

6 Attorneys for Complainant

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

10
11 In the Matter of) FPPC Nos. 15/661 and 16/379
12)
13)
13 I-CHINESE AMERICAN POLITICAL) **ACCUSATION**
14 ACTION COMMITTEE AND VICTOR)
14 GAU,)
15) (Gov. Code §11503)
16 Respondents.)

17
18 Complainant, the Enforcement Division of the Fair Political Practices Commission, after a finding
19 of probable cause pursuant to Government Code section 83115.5, alleges the following:

20 **JURISDICTION**

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

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

1 penalty equal to three times the amount of the fee. The Commission is required to enforce this provision
2 of the Act.⁶

3 **B. Duty to File Annual Semi-Annual Campaign Statements**

4 9. The Act requires candidate-controlled committees to file campaign statements at specific
5 times disclosing information regarding campaign contributions received and expenditures made by the
6 campaign committees.⁷

7 10. Candidate-controlled committees must file semi-annual campaign statements each year no
8 later than July 31 for the reporting period ending on June 30, and no later than January 31 of the following
9 year for the semi-annual reporting period ending December 31.⁸ When a filing deadline falls on a Saturday,
10 Sunday, or official state holiday, the filing deadline is extended to the next business day.⁹

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

12 11. In framing a proposed order following a finding of a violation pursuant to Section 83116,
13 the Commission and the administrative law judge shall consider all the surrounding circumstances
14 including but not limited to: (1) The seriousness of the violation; (2) The presence or absence of any
15 intention to conceal, deceive or mislead; (3) Whether the violation was deliberate, negligent or inadvertent;
16 (4) Whether the violator demonstrated good faith by consulting the Commission staff or any other
17 government agency in a manner not constituting a complete defense under Section 83114(b); (5) Whether
18 the violation was isolated or part of a pattern and whether the violator has a prior record of violations of
19 the Act or similar laws; and (6) Whether the violator, upon learning of a reporting violation, voluntarily
20 filed amendments to provide full disclosure.¹⁰

21 **GENERAL FACTS**

22 12. The Committee qualified as a state general purpose committee on or about January 19,
23 1999. Gau became the Committee's treasurer on April 11, 2013.

24
25
26 ⁶ Section 84101.5, subd. (d).

27 ⁷ Sections 84200 through 84225.

28 ⁸ Section 84200, subd. (a).

⁹ Regulation 18116.

¹⁰ Reg. 18361.5, subd. (d).

1 13. The Committee and Gau failed to pay the \$50 annual fee to SOS for the years of 2013,
2 2014, 2015, and 2016 by the deadline each year. They also failed to pay the subsequent penalties for
3 failing to pay the annual fee.

4 14. The Committee's semi-annual statement for the period of July 1, 2014 to December 31,
5 2014 was timely filed on January 19, 2015. That statement reported an ending cash balance of \$8,616.99.

6 15. The Committee and Gau failed to file semi-annual statements for 2015 and the first half of
7 2016.

8 16. SOS sent the Committee and Gau multiple notices of their failure to pay the delinquent
9 annual fees and penalties. The Committee and Gau did not pay, so SOS referred the matter to the
10 Enforcement Division.

11 17. The Enforcement Division attempted to contact the Committee and Gau multiple times by
12 letter and email. The Committee and Gau failed to respond.

13 18. As of December 9, 2016, the Committee and Gau have not filed semi-annual statements
14 for the periods of January 1, 2015 to June 30, 2015, July 1, 2015 to December 31, 2015, and January 1,
15 2016 to June 30, 2016. The Committee and Gau also have not paid the \$50 annual fee and subsequent late
16 penalties to SOS for the years of 2013, 2014, 2015, and 2016.

17 **PROCEDURAL HISTORY**

18 19. The Enforcement Division attempted to contact the Committee and Gau by U.S. mail on
19 July 21, 2015, August 25, 2015, December 16, 2015, April 18, 2016, and June 17, 2016. The
20 Enforcement Division also attempted to contact the Committee and Gau by email on December 16,
21 2015, August 1, 2016, and September 7, 2016.

22 20. As of December 9, 2016, neither the Committee nor Gau have filed semi-annual
23 statements for the periods of January 1, 2015 to June 30, 2015, July 1, 2015 to December 31, 2015, and
24 January 1, 2016 to June 30, 2016 or paid the annual fees and penalties to SOS for 2013, 2014, 2015, and
25 2016.

26 21. The Enforcement Division initiated the administrative action against the Committee and
27 Gau in this matter by serving them with a packet containing a cover letter, a Report in Support of a Finding
28 of Probable Cause ("PC Report"), a fact sheet regarding probable cause proceedings, selected sections of

1 the Government Code regarding probable cause proceedings for the Commission, and selected regulations
2 of the Commission regarding probable cause proceedings.

3 22. The Committee and Gau were served via certified mail on October 3, 2016 with the PC
4 Report. The information contained in the PC Report packet advised the Committee and Gau that they had
5 21 days in which to request a probable cause conference and/or to file a written response to the PC Report.
6 As of the date of this Accusation, the Committee and Gau have not responded to the PC Report.

7 23. By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that
8 an Accusation Be Prepared and Served ("Ex Parte Request"), dated November 9, 2016, the Enforcement
9 Division submitted the matter to the Hearing Officer for a determination of probable cause.

10 24. On or about November 17, 2016, the Hearing Officer issued an order finding, based on the
11 Ex Parte Request and the PC Report, that there was probable cause to believe the Committee and Gau
12 violated the Act and directed the Enforcement Division to issue an accusation against the Committee and
13 Gau in accordance with the finding.

14 **VIOLATIONS**

15 25. The Committee and Gau committed seven violations of the Act as follows:

16 **Count 1**

17 **Failure to Timely Pay the 2013 Annual Fee and Penalty**

18 26. Complainant incorporates paragraphs 1 – 25 of this Accusation, as though completely set
19 forth herein.

20 27. As an active committee and its treasurer, the Committee and Gau had a duty to pay an
21 annual fee for 2013 to the Secretary of State by February 15, 2013.

22 28. The Committee failed to pay the annual fee by the due date and failed to pay the resulting
23 late payment penalty of \$150 levied by the Secretary of State.

24 29. By failing to timely pay the annual fee and resulting penalty, the Committee and Gau
25 violated Section 84101.5, subdivisions (c) and (d).

26 ///

27 ///

28 ///

1 Count 2

2 Failure to Timely Pay the 2014 Annual Fee and Penalty

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

5 31. As an active committee and its treasurer, the Committee and Gau had a duty to pay an
6 annual fee for 2014 to the Secretary of State by January 15, 2014.

7 32. The Committee failed to pay the annual fee by the due date and failed to pay the resulting
8 late payment penalty of \$150 levied by the Secretary of State.

9 33. By failing to timely pay the annual fee and resulting penalty, the Committee and Gau
10 violated Section 84101.5, subdivisions (c) and (d).

11 Count 3

12 Failure to Timely Pay the 2015 Annual Fee and Penalty

13 34. Complainant incorporates paragraphs 1 – 33 of this Accusation, as though completely set
14 forth here.

15 35. As an active committee and its treasurer, the Committee and Gau had a duty to pay an
16 annual fee for 2015 to the Secretary of State by January 15, 2015.

17 36. The Committee failed to pay the annual fee by the due date and failed to pay the resulting
18 late payment penalty of \$150 levied by the Secretary of State.

19 37. By failing to timely pay the annual fee and resulting penalty, the Committee and Gau
20 violated Section 84101.5, subdivisions (c) and (d).

21 Count 4

22 Failure to Timely Pay the Pay the 2016 Annual Fee and Penalty

23 38. Complainant incorporates paragraphs 1 – 37 of this Accusation, as though completely set
24 forth here.

25 39. As an active committee and its treasurer, the Committee and Gau had a duty to pay an
26 annual fee for 2016 to the Secretary of State by January 15, 2016.

27 40. The Committee failed to pay the annual fee by the due date and failed to pay the resulting
28 late payment penalty of \$150 levied by the Secretary of State.

1 41. By failing to timely pay the annual fee and resulting penalty, the Committee and Gau
2 violated Section 84101.5, subdivisions (c) and (d).

3 **Count 5**

4 **Failure to Timely File a Semi-Annual Statement**

5 42. Complainant incorporates paragraphs 1 – 41 of this Accusation, as though completely set
6 forth here.

7 43. As an active Committee and its treasurer, the Committee and Gau had a duty to file a semi-
8 annual statement for the period of January 1, 2015 through June 30, 2015 by July 31, 2015.

9 44. The Committee and Gau failed to timely file the semi-annual statement for the period of
10 January 1, 2015 through June 30, 2015 by the deadline.

11 45. By failing to timely file the semi-annual statement by July 31, 2015, the Committee and
12 Gau violated Section 84200.

13 **Count 6**

14 **Failure to Timely File a Semi-Annual Statement**

15 46. Complainant incorporates paragraphs 1 – 45 of this Accusation, as though completely set
16 forth here.

17 47. As an active Committee and its treasurer, the Committee and Gau had a duty to file a semi-
18 annual statement for the period of July 1, 2015 through December 31, 2015 by February 1, 2016.

19 48. The Committee and Gau failed to timely file the semi-annual statement for the period of
20 July 1, 2015 through December 31, 2015 by the deadline.

21 49. By failing to timely file the semi-annual statement by February 1, 2016, the Committee
22 and Gau violated Section 84200.

23 **Count 7**

24 **Failure to Timely File a Semi-Annual Statement**

25 50. Complainant incorporates paragraphs 1 – 49 of this Accusation, as though completely set
26 forth here.

27 51. As an active Committee and its treasurer, the Committee and Gau had a duty to file a semi-
28 annual statement for the period of January 1, 2016 through June 30, 2016 by July 31, 2016.

1 (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political
2 Reform Act alleged in **Count 4**;

3 6. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
4 order Committee and Gau to pay a monetary penalty of at least One Thousand Dollars
5 (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political
6 Reform Act alleged in **Count 5**;

7 7. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
8 order Committee and Gau to pay a monetary penalty of at least One Thousand Dollars
9 (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political
10 Reform Act alleged in **Count 6**;

11 8. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
12 order Committee and Gau to pay a monetary penalty of at least One Thousand Dollars
13 (\$1,000) and not more than Five Thousand Dollars (\$5,000) for the violation of the Political
14 Reform Act alleged in **Count 7**;

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

25 ///

26 ///

27 ///

28

Exhibit A-7

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379

ATTORNEY OR PARTY WITHOUT ATTORNEY: Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814 TELEPHONE NO.: (916) 322-7643 ATTORNEY FOR:	FOR COURT USE ONLY
THE FAIR POLITICAL PRACTICES COMMISSION COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: The Fair Political Practices Commission RESPONDENT: I-Chinese American Political Action Committee and Victor Gau	CASE NUMBER: 15/661 AND 16/379
PROOF OF SERVICE	Ref. No. or File No.: 15/661 & 16/379

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - f. other (specify documents):
 Accusation; Statement to Respondent; FPPC Case Nos. 15/661 and 16/379; Notice of Defense (Two Copies per Respondent); Selected Sections of the California Government Code, Administrative Procedure Act.
3. a. Party served:
 Victor Gau, individually and on behalf of I-Chinese American Political Action Committee
4. Address where the party was served:
 17309 Alexandra Circle, Cerritos, CA 90703
5. I served the party
 - b. **by substituted service.** On 1/26/2017 at 5:10 pm I left the documents listed in item 2 with or in the presence of:
 John Doe / Co-Occupant
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where copies were left (Code Civ. Proc., 415.20). I mailed the documents on 1/27/2017 from Tustin, CA
 - (5) I attached a **declaration of diligence** stating actions taken first to attempt personal service.
6. The "Notice to the Person Served" (on the summons) was completed as follows:
 - a. as an individual defendant.

PLAINTIFF: The Fair Political Practices Commission
RESPONDENT: I-Chinese American Political Action Committee
and Victor Gau .

CASE NUMBER:
15/661 AND 16/379

7. **Person who served papers**

- a. Name: George Sano
Firm: GSI
- b. Address: 360 E. 1st St., Suite 773, Tustin, CA 92780
- c. Telephone number: (714) 486-3606
- d. The fee for the service was: \$55.00
- e. I am:
 - (3) a registered California process server:
 - (i) owner
 - (ii) Registration No.: PSC2623
 - (iii) County: Orange

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

Date: 1-30-17

George Sano

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY: Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814 TELEPHONE NO.: (916) 322-7643 ATTORNEY FOR:	FOR COURT USE ONLY
THE FAIR POLITICAL PRACTICES COMMISSION COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: The Fair Political Practices Commission RESPONDENT: I-Chinese American Political Action Committee and Victor Gau	CASE NUMBER: 15/661 AND 16/379
DECLARATION OF DUE DILIGENCE	Ref. No. or File No.: 15/661 & 16/379

1. I George Sano, am at least 18 years of age and not a party to this action.

2. Documents to be served:

Accusation; Statement to Respondent; FPPC Case Nos. 15/661 and 16/379: Notice of Defense (Two Copies per Respondent); Selected Sections of the California Government Code, Administrative Procedure Act.

3. Party to be served:

Victor Gau, individually and on behalf of I-Chinese American Political Action Committee, 17309 Alexandra Circle, Cerritos, CA 90703

4. Details of diligence:

01/13/2017 6:35 PM No Answer
 01/16/2017 7:40 PM Not in per female who would not open the door.
 01/19/2017 8:15 AM No Answer
 01/23/2017 8:15 PM No Answer per the same female who still would not open the door.
 01/26/2017 5:10 PM Not in. Subservd the documents on a male who refused to identify himself and would not open the door. Honda 6XTR569 and Infinity 7TZA572 were present.

5. Person attesting to diligence:

Name: George Sano
 Firm: GSI
 Address: 360 E. 1st St., Suite 773, Tustin, CA 92780
 Telephone Number: (714) 486-3606
 I am a registered California process server: owner
 Registration No.: PSC2623
 County: Orange

The fee for service was: \$55.00

PLAINTIFF: The Fair Political Practices Commission
RESPONDENT: I-Chinese American Political Action Committee
and Victor Gau

CASE NUMBER:
15/661 AND 16/379

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

Date: 1-30-17

George Sano

(PRINTED NAME)



(SIGNATURE)

Exhibit A-8

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379



FAIR POLITICAL PRACTICES COMMISSION

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

STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

I-Chinese American Political Action Committee and Victor Gau FPPC Case Nos. 15/661 and 16/379

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

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

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

If you desire a list of the names and addresses of witnesses against you, or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code that are in the possession, custody, or control of this agency, or if you wish to discuss the possibility of resolving this matter without a formal hearing, you may contact Amanda Kelly, Commission Counsel, Enforcement Division, at (916) 322-7771 or at akelly@fppc.ca.gov.

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

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

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



Before the Fair Political Practices Commission

State of California

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
)	
I-CHINESE AMERICAN POLITICAL	)	FPPC Case Nos. 15/661 and 16/379
ACTION COMMITTEE AND VICTOR)	
GAU,)	
)	
)	
Respondents.)	
)	

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

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
)	
I-CHINESE AMERICAN POLITICAL)	FPPC Case Nos. 15/661 and 16/379
ACTION COMMITTEE AND VICTOR)	
GAU,)	
)	
)	
Respondents.)	
)	

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
)	
I-CHINESE AMERICAN POLITICAL	)	FPPC Case Nos. 15/661 and 16/379
ACTION COMMITTEE AND VICTOR)	
GAU,)	
)	
)	
Respondents.)	
)	

I-Chinese American Political Action Committee, a respondent named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUND FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
)	
I-CHINESE AMERICAN POLITICAL	)	FPPC Case Nos. 15/661 and 16/379
ACTION COMMITTEE AND VICTOR)	
GAU,)	
)	
)	
Respondents.)	
)	

I-Chinese American Political Action Committee, a respondent named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

///

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814. On 01/12/2017, I served the following document(s):

- 1. Statement to Respondent;
- 2. FPPC Case Nos. 15/661 and 16/379: Accusation;
- 3. Notice of Defense (Two Copies per Respondent);
- 4. Selected Sections of the California Government Code, Administrative Procedure Act.

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

By personal service. At 11:25 a.m./p.m.:

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

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

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

SERVICE LIST

Personal Delivery

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

Personal Service

Victor Gau
I-Chinese American Political Action
Committee
133 East Las Tunas Dr.
San Gabriel, CA 91776

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 01/12/2017.



Roone Peterson

Exhibit A-9

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel (916) 653-6224 | Fax (916) 653-5045 | www.sos.ca.gov

November 6, 2012

FRANK YEH, TREASURER
INDOCHINESE AMERICAN POLITICAL ACTION COMMITTEE,
ID#1075743
3203 DEL MAR AVE., STE. B-2
ROSEMEAD CA 91770

Dear Committee Treasurer:

As of January 1, 2013, Government Code section 84101.5, requires the Secretary of State to charge each qualified recipient committee that files a Statement of Organization (Form 410) \$50 per year, until the committee terminates pursuant to Government Code section 84214, subject to the following:

- Committees that existed prior to January 1, 2013, that do not terminate by January 31, 2013, are required to pay the fee by February 15, 2013, and every year thereafter by January 15. No fee is due if a committee in existence prior to January 1, 2013, terminates before January 31, 2013.
- Committees that form on or after January 1, 2013, must pay the \$50 fee within 15 days of filing a Statement of Organization (Form 410). The fee is due every year thereafter on January 15, until the committee terminates.
- Committees that form during the last three months of a calendar year must pay the \$50 fee within 15 days of filing a Statement of Organization (Form 410), but are not subject to the fee in the following year.

Any committee that does not pay the fee is subject to a penalty of \$150.

Because your committee is in existence prior to January 1, 2013, you are required to pay the \$50 fee by February 15, 2013. However, if you intend to terminate your committee, I encourage you to file your termination statement, using the Form 410 (Statement of Organization), no later than January 31, 2013. Be sure to spend any remaining campaign funds according to permitted uses. For questions regarding the permitted uses for your committee type, please contact the FPPC at advice@fppc.ca.gov or 866-275-3772. If you intend for your committee to remain active, please remit the \$50 fee to the Secretary of State no later than February 15, 2013, to the following address:

Secretary of State
Political Reform Division
P.O. Box 1467
Sacramento, CA 95812-1467

(over)

Committee Treasurer
November 6, 2012
Page 2

If you have any questions regarding this new law, please contact the Secretary of State's Political Reform Division at (916) 653-6224. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Reynolds".

CHRIS REYNOLDS, Chief
Political Reform Division



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel (916) 653-6224 | Fax (916) 653-5045 | www.sos.ca.gov

December 2, 2013

VICTOR GAU, TREASURER
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE,
ID#990150
133 E. LAS TUNAS DR.
SAN GABRIEL CA 91776

Dear Committee Treasurer:

The committee identified above has been assessed a \$150 penalty for failure to pay an annual \$50 fee imposed by the Legislature in 2013 on all active campaign committees (see Government Code section 84101.5).

The committee identified above is still an active committee, according to our records, and no payment of the \$50 annual fee was received by the deadline prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

Please remit your annual fee and penalty (\$200) to: Secretary of State
Political Reform Division
1500 11th Street, Rm 495
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.

Please note that this is an *annual* fee, which will be assessed again for 2014 and in future years. If you intend for your committee to be active on January 1, 2014, please avoid any further penalties by also including that \$50 annual fee payment, which is due January 15, 2014.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm. (Please note the rules for terminating a committee found in the FPPC manuals available online at <http://www.fppc.ca.gov/index.php?id=633>. See the appropriate chapter for your committee type, in most cases titled "After the Election.")

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 653-6038.

Sincerely,

Chris Reynolds, Chief
Political Reform Division



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel (916) 653-6224 | Fax (916) 653-5045 | www.sos.ca.gov

November 20, 2014

VICTOR GAU, TREASURER
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE, ID#990150
133 E. LAS TUNAS DR.
SAN GABRIEL CA 91776

Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2015 for the above referenced committee if the committee will continue to exist in 2015, regardless of the level of activity.**

If the fee is due and not paid by the January 15, 2015 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).

If the committee will cease activity by no later than December 31, 2014, no fee for 2015 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** at the address shown below by January 31, 2015, allowing it to be submitted with your year-end committee campaign statement.

An online fillable Form 410 can be accessed at the Secretary of State's webpage at www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm. (Please note the rules for terminating a committee found in the FPPC manuals available online at <http://www.fppc.ca.gov/index.php?id=633>. See the appropriate chapter for your committee type, in most cases titled "After the Election.")

Your committee will **not** receive any further notice or invoice in advance of the January 15, 2015, annual fee payment deadline.

Please remit your annual fee payment (\$50) to:

Secretary of State
Political Reform Division
1500 11th Street – Room 495
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 653-6038.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

October 1, 2015

VICTOR GAU
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE
133 E. LAS TUNAS DR.
SAN GABRIEL CA 91776

Dear Committee Treasurer:

The committee identified above, **990150**, is still an active committee, according to our records, and no payment for the 2015 \$50 annual fee was **received by the deadline** prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

If the annual fee of \$50 has been paid, the \$150 penalty is due immediately.

Please remit your penalty and/or annual fee to: Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number in the memo field on the lower left portion of the check to ensure the payment is posted to your account.

If payment is not received in a timely manner then the committee will be referred to the Fair Political Practices Commission which may result in enforcement action and additional penalties.

Please note that this is an **annual** fee, which will be assessed again for 2016 and in future years until the committee is terminated.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at: <http://www.sos.ca.gov/campaign-lobbying/campaign-disclosure-and-requirements/campaign-forms-and-instructions/>. Terminating the committee does **not** relieve the committee of its obligation to pay the annual fee and/or penalty owed at this time.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 653-6038.

Sincerely,

---CHRIS REYNOLDS, Chief
Political Reform Division



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

November 20, 2015

VICTOR GAU
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE ID#990150
133 E. LAS TUNAS DR.
SAN GABRIEL CA 91776

Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2016 for the above referenced committee if the committee will continue to exist in 2016, regardless of the level of activity.**

If the fee is not paid by the January 15, 2016 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).

If the committee will cease activity by no later than December 31, 2015, no fee for 2016 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** by January 31, 2016.

An online fillable Form 410 can be accessed at the Secretary of State's webpage at www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm. The rules can be found at the FPPC website, <http://www.fppc.ca.gov/index.php?id=633>.

Your committee will **not** receive any further notice or invoice in advance of the January 15, 2016, annual fee payment deadline.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief

Political Reform Division

Please detach and enclose with your payment
Committee ID # **990150**

Amount Enclosed _____

Please remit your annual fee payment (\$50),
along with any forms to:

Secretary of State
Political Reform Division
1500 11th Street – Room 495
Sacramento, CA 95814

Make your check payable to the **Secretary of State** and please write your committee ID number on the lower left portion of the check to ensure the payment is posted to your account.



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

June 10, 2016

VICTOR GAU
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE #990150
133 E. LAS TUNAS DR.
SAN GABRIEL CA 91776

Dear Committee Treasurer:

The committee identified above is still an active committee, according to our records, and no payment for the 2016 \$50 annual fee was **received by the deadline** prescribed by law. Therefore, the committee owes a penalty of \$150, in addition to the original annual fee of \$50 (for a total of \$200), payable immediately.

If the annual fee of \$50 has been paid, the \$150 penalty is due immediately.

Please remit your penalty and/or annual fee to:

Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

Make your check payable to the Secretary of State and please write your committee ID number in the memo field on the lower left portion of the check to ensure the payment is posted to your account.

If payment is not received in a timely manner then the committee will be referred to the Fair Political Practices Commission which may result in enforcement action and additional penalties.

Please note that this is an **annual** fee, which will be assessed again for 2017 and in future years until the committee is terminated.

If you intend to terminate your committee, please submit a Statement of Organization (Form 410) terminating the committee. An online fillable Form 410 can be accessed at the Secretary of State's webpage at: <http://www.sos.ca.gov/campaign-lobbying/campaign-disclosure-and-requirements/campaign-forms-and-instructions/>. Terminating the committee does **not** relieve the committee of its obligation to pay the annual fee and/or penalty owed at this time.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

November 18, 2016

VICTOR GAU
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE #990150
133 E. LAS TUNAS DR.
SAN GABRIEL CA 91776

Dear Committee Treasurer:

Government Code section 84101.5 imposes an annual fee on all active (not terminated) state and local campaign committees. **The annual fee of \$50 is due and payable on January 15, 2017 for the above referenced committee if the committee will continue to exist in 2017 regardless of the level of activity.**

If the fee is due and not paid by the January 15, 2017 deadline, the law imposes an additional \$150 penalty, which will require the committee pay a total of \$200 (the \$50 annual fee plus the \$150 penalty).

If the committee will cease activity by no later than December 31, 2016, no fee for 2017 will be due. However a terminating Statement of Organization (Form 410) will need to be **filed with the Secretary of State's Office** by January 31, 2017. An online fillable Form 410 can be accessed at the Secretary of State's webpage at www.sos.ca.gov/prd/campaign-info/forms-instructions/compend-camp-forms.htm. The rules can be found at the FPPC website, <http://www.fppc.ca.gov/index.php?id=633>. Your committee will **not** receive any further notice or invoice in advance of the January 15, 2017, annual fee payment deadline.

If you have any questions about this notice, please contact Nancy Landers at the Secretary of State's office at (916) 695-1535.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

Please detach and enclose with your payment

Committee ID #990150

Amount Enclosed _____

Please remit your annual fee payment (\$50),
along with any forms to:
Political Reform Division
1500 11th Street – Room 495
Sacramento, CA 95814

Secretary of State

Make your check payable to the **Secretary of State** and please write your **committee ID number** on the lower left portion of the check to ensure the payment is posted to your account.

Exhibit A-10

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379

Chloe Hackert

From: Chloe Hackert
Sent: Wednesday, December 16, 2015 12:27 PM
To: 'victorgau@msn.com'
Subject: FPPC Annual Fee

Dear Mr. Gau,

In 2012, the Legislature passed Senate Bill 1001. SB 1001, Chaptered at section 84101.5 of the Political Reform Act⁽¹⁾ (the "Act") and effective as of January 1, 2013, requires every recipient committee in California to pay a \$50 annual fee to the Secretary of State's office. Committees that fail to pay the fee on time are subject to a \$150 penalty, in addition to the fee, which is enforceable by the Fair Political Practices Commission ("Commission"). As a result, I-Chinese American Political Action Committee was referred to the Commission's Enforcement Division. The annual fee and penalty are past due. Additionally, you were offered to enter into our streamline program for the violations of the Act.

The Enforcement Division sent streamline stipulations in this regard, and have not been contacted regarding either of these committees. The fees and penalties will increase if you do not resolve this case in a timely manner. Please contact me to resolve this case. I can be reached at (916)322-8190.

Chloe Hackert
Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814
(916) 322-8190

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any review, use, disclosure, or distribution not authorized by the intended recipient(s) is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

⁽¹⁾ The Act is contained in Government Code sections 81000 through 91014. The Commission's regulations are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations.

Elizabeth Enea

From: Elizabeth Enea
Sent: Monday, August 01, 2016 11:37 AM
To: 'victorgau@msn.com'
Subject: Campaign Violation, Action Needed.

Importance: High

Good morning Mr. Gau,

I am contact you regarding I-Chinese American Political Action Committee failure to pay its \$50 Annual Fee and penalties for 2013, 2014, and 2015.

In 2012, the Legislature passed Senate Bill 1001. SB 1001, effective January 1, 2013, became section 84101.5 of the Political Reform Act (the "Act") and requires every recipient committee in California to pay a \$50 annual fee to the Secretary of State's office ("SOS"). Committees that fail to pay the fee on time are subject to a \$150 fine, in addition to the fee, which is enforceable by the Fair Political Practices Commission ("Commission").

Is the Committee still active?

The Enforcement Division has commenced an enforcement action against you, and can obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per violation. Please contact me as soon as possible, my supervisor will not allow me to keep your case stalled past July 22, 2016.



Elizabeth Enea
Law Clerk, Enforcement Division
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620 | Sacramento, CA 95814
(916) 323-2689 | eneea@fppc.ca.gov

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Exhibit A-11

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379

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

Type or print in ink.

COVER PAGE

Date Stamp

**CALIFORNIA
2001/02
FORM 460**

Page 1 of 15

For Official Use Only

Statement covers period from <u>07/01/2014</u> through <u>12/31/2014</u>	Date of election if applicable: (Month, Day, Year) <u>11/04/2014</u>
--	--

SEE INSTRUCTIONS ON REVERSE

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

- | | |
|---|--|
| <input type="checkbox"/> Officeholder, Candidate Controlled Committee | <input type="checkbox"/> Ballot Measure Committee |
| <input type="radio"/> State Candidate Election Committee | <input type="radio"/> Primary Formed |
| <input type="radio"/> Recall | <input type="radio"/> Controlled |
| (Also Complete Part 5.) | <input type="radio"/> Sponsored |
| <input checked="" type="checkbox"/> General Purpose Committee | (Also Complete Part 6.) |
| <input type="radio"/> Sponsored | <input type="checkbox"/> Primary Formed Candidate/
Officeholder Committee |
| <input type="radio"/> Small Contributor Committee | (Also Complete Part 7.) |
| <input type="radio"/> Political Party/Central Committee | |

2. Type of Statement:

- | | |
|---|--|
| <input type="checkbox"/> Pre-election Statement | <input type="checkbox"/> Quarterly Statement |
| <input checked="" type="checkbox"/> Semi-annual Statement | <input type="checkbox"/> Special Odd-Year Report |
| <input type="checkbox"/> Termination Statement | <input type="checkbox"/> Supplemental Preelection
Statement - Attach Form 495 |
| <input type="checkbox"/> Amendment (Explain below) | |

3. Committee Information

I.D. NUMBER
990150

COMMITTEE NAME (OR CANDIDATE'S NAME IF NO COMMITTEE)
1-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

STREET ADDRESS (NO P.O. BOX)
133 E. LAS TUNAS DR.

CITY	STATE	ZIP CODE	AREA CODE/PHONE
<u>SAN GABRIEL</u>	<u>CA</u>	<u>91776</u>	<u>6269406438</u>

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

CITY	STATE	ZIP CODE	AREA CODE/PHONE
------	-------	----------	-----------------

OPTIONAL: FAX/E-MAIL ADDRESS
victorgau@msn.com

Treasurer(s)

NAME OF TREASURER
Yuan Gau

MAILING ADDRESS
133 E. Las Tunas Dr

CITY	STATE	ZIP CODE	AREA CODE/PHONE
<u>San Gabriel</u>	<u>CA</u>	<u>91776</u>	<u>6262480883</u>

NAME OF ASSISTANT TREASURER, IF ANY

MAILING ADDRESS

CITY	STATE	ZIP CODE	AREA CODE/PHONE
------	-------	----------	-----------------

OPTIONAL: FAX/E-MAIL ADDRESS

4. Verification

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

Executed on <u>12/31/2014</u>	By <u>Yuan Gau</u>	SIGNATURE OF TREASURER OR ASSISTANT TREASURER
Executed on _____	By _____	SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, STATE MEASURE PROPONENT OR RESPONSIBLE OFFICER OF SPONSOR
Executed on _____	By _____	SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, STATE MEASURE PROPONENT
Executed on _____	By _____	SIGNATURE OF CONTROLLING OFFICEHOLDER, CANDIDATE, STATE MEASURE PROPONENT

FPPC Form 460 (June 01)
FPPC Toll-Free Helpline: 866/ASK-FPPC
State of California

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

Type or print in ink.

COVER PAGE - PART 2

**CALIFORNIA
FORM 460**

Page 2 of 15

5. Officeholder or Candidate Controlled Committee

NAME OF OFFICEHOLDER OR CANDIDATE

OFFICE SOUGHT OR HELD (INCLUDE LOCATION AND DISTRICT NUMBER IF APPLICABLE)

RESIDENTIAL/BUSINESS ADDRESS (NO. AND STREET) CITY STATE ZIP

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

COMMITTEE NAME I.D. NUMBER

NAME OF TREASURER CONTROLLED COMMITTEE?
 YES NO

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

CITY STATE ZIP CODE AREA CODE/PHONE

COMMITTEE NAME I.D. NUMBER

NAME OF TREASURER CONTROLLED COMMITTEE?
 YES NO

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

CITY STATE ZIP CODE AREA CODE/PHONE

6. Ballot Measure Committee

NAME OF BALLOT MEASURE

BALLOT NO. OR LETTER JURISDICTION SUPPORT OPPOSE

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

NAME OF OFFICEHOLDER, CANDIDATE, OR PROPONENT

OFFICE SOUGHT OR HELD DISTRICT NO. IF ANY

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

NAME OF OFFICEHOLDER OR CANDIDATE OFFICE SOUGHT OR HELD SUPPORT OPPOSE

NAME OF OFFICEHOLDER OR CANDIDATE OFFICE SOUGHT OR HELD SUPPORT OPPOSE

NAME OF OFFICEHOLDER OR CANDIDATE OFFICE SOUGHT OR HELD SUPPORT OPPOSE

NAME OF OFFICEHOLDER OR CANDIDATE OFFICE SOUGHT OR HELD SUPPORT OPPOSE

Attach continuation sheets if necessary

**Schedule A
Monetary Contributions Received**

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

SCHEDULE A

Statement covers period		CALIFORNIA FORM 460
from	07/01/2014	
through	12/31/2014	Page 4 of 15
NAME OF FILER I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE		I.D. Number 990150

SEE INSTRUCTIONS ON REVERSE

DATE RECEIVED	FULL NAME, MAILING 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)
7/1/2014	HOCEAN Inc. 2444 Saybrook Avenue Commercc, CA 90040	<input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$650.00	\$3,650.00	
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				

SUBTOTAL \$650.00

Schedule A Summary

1. Amount received this period - contributions of \$100 or more. (Include all Schedule A subtotals.)	\$650.00
2. Amount received this period - unitemized contributions of less than \$100	\$0.00
3. Total monetary contributions received this period. (Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.)	TOTAL \$650.00

*Contributor Codes
IND - Individual
COM - Recipient Committee
(other than PTY or SCC)
OTH - Other
PTY - Political Party
SCC - Small Contributor Committee

FPPC Form 460 (JUNE/01)
FPPC Toll-Free Helpline: 866/ASK-FPPC

**Schedule B - Part 1
Loans Received**

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

Statement covers period from <u>07/01/2014</u> through <u>12/31/2014</u>	CALIFORNIA FORM 460
	Page <u>5</u> of <u>15</u>
	I.D. NUMBER 990150

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
1-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

FULL NAME, STREET ADDRESS AND ZIP CODE OF LENDER (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT RECEIVED THIS PERIOD	(c) AMOUNT PAID OR FORGIVEN THIS PERIOD*	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST PAID THIS PERIOD	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE CONTRIBUTIONS TO DATE
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				<input type="checkbox"/> PAID <input type="checkbox"/> FORGIVEN		RATE %		CALENDAR YEAR PER ELECTION**
					DATE DUE		DATE INCURRED	
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				<input type="checkbox"/> PAID <input type="checkbox"/> FORGIVEN		RATE %		CALENDAR YEAR PER ELECTION**
					DATE DUE		DATE INCURRED	
<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				<input type="checkbox"/> PAID <input type="checkbox"/> FORGIVEN		RATE %		CALENDAR YEAR PER ELECTION**
					DATE DUE		DATE INCURRED	

SUBTOTALS

Schedule B Summary

1. Loans received this period. _____
(Total Column (b) plus unitemized loans less than \$100.)

2. Loans paid or forgiven this period _____
(Total Column (c) plus loans under \$100 paid or forgiven.)
(Include loans paid by a third party that are also itemized on Schedule A.)

3. Net change this period. (Subtract Line 2 from Line 1.) _____ **Net** _____
Enter the net here and on the Summary Page, Column A, Line 2. (may be a negative number)

(Enter (e) on
Schedule E, Line 3)

* Amounts forgiven or paid by
another party also must be
reported on Schedule A.

** If required.

* Contributor Codes
IND-Individual COM-Recipient Committee (other than PTY or SCC) OTH-Other PTY-Political Party SCC-Small Contributor Committee

FPPC Form 460 (June/01)
FPPC Toll-Free Helpline: 866/ASK-FPPC

**Schedule B - Part 2
Loan Guarantors**

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

SCHEDULE B - PART 2

Statement covers period from <u>07/01/2014</u> through <u>12/31/2014</u>	CALIFORNIA 460 FORM
	Page <u>6</u> of <u>15</u>
I.D. Number 990150	

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

FULL NAME, STREET ADDRESS AND ZIP CODE OF GUARANTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	LOAN	AMOUNT GUARANTEED THIS PERIOD	CUMULATIVE TO DATE	BALANCE OUTSTANDING TO DATE
	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR _____ PER ELECTION (IF REQUIRED) _____	
	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR _____ PER ELECTION (IF REQUIRED) _____	
	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR _____ PER ELECTION (IF REQUIRED) _____	
	<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		LENDER _____ DATE _____		CALENDAR YEAR _____ PER ELECTION (IF REQUIRED) _____	
SUBTOTAL						Enter on Summary Page, Line 17 only

**Schedule C
Nonmonetary Contributions Received**

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

SCHEDULE C

Statement covers period from <u>07/01/2014</u> through <u>12/31/2014</u>	CALIFORNIA FORM 460
	Page 7 of 15
I.D. Number 990150	

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.O. NUMBER)	CONTRIBUTOR CODE	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	DESCRIPTION OF GOODS OR SERVICES	AMOUNT/FAIR MARKET VALUE	CUMULATIVE TO DATE CALENDAR YEAR (JAN 1 - DEC 31)	PER ELECTION TO DATE (IF REQUIRED)
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC					
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC					
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC					
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC					
Attach additional information on appropriately labeled continuation sheets.						SUBTOTAL	

Schedule C Summary

1. Amount received this period - nonmonetary contributions of \$100 or more.
(Include all Schedule C subtotals.).....
2. Amount received this period - unitemized nonmonetary contributions of less than \$100
3. Total nonmonetary contributions received this period.
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Lines 4 and 10.) **TOTAL**

*Contributor Codes	
IND - Individual	
COM - Recipient Committee (other than PTY or SCC)	
OTH - Other	
PTY - Political Party	
SCC - Small Contributor Committee	

FPPC Form 460 (JUNE/01)
FPPC Toll-Free Helpline: 866/ASK-FPPC

**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

Statement covers period from <u>07/01/2014</u> through <u>12/31/2014</u>	CALIFORNIA FORM 460
Page <u>8</u> of <u>15</u>	I.D. NUMBER 990150

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
1-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

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)
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
	<input type="checkbox"/> Support <input type="checkbox"/> Oppose	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Nonmonetary Contribution <input type="checkbox"/> Independent Expenditure				
SUBTOTAL						

Schedule D Summary

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

FPPC Form 460 (June/01)
FPPC Toll-Free Helpline: 866/ASK-FPPC

**Schedule E
Payments Made**

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

SCHEDULE E

Statement covers period		CALIFORNIA FORM 460
from 07/01/2014	through 12/31/2014	
		Page 9 of 15
		I.D. NUMBER 990150

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

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

- | | | |
|---|---|---|
| CMP campaign paraphernalia/misc. | MBR member communications | RAD radio airtime and production costs |
| CNS campaign consultants | MTG meetings and appearances | RFD returned contributions |
| CTB contribution (explain nonmonetary)* | OFC office expenses | SAL campaign workers' salaries |
| CVC civic donations | PET petition circulating | TEL t.v. or cable airtime and production costs |
| FIL candidate filing/ballot fees | PHO phone banks | TRC candidate travel, lodging, and meals |
| FND fundraising events | POL polling and survey research | TRS staff/spouse travel, lodging, and meals |
| IND independent expenditure supporting/opposing others (explain)* | POS postage, delivery and messenger services | TSF transfer between committees of the same candidate/sponsor |
| LEG legal defense | PRO professional services (legal, accounting) | VOT voter registration |
| LIT campaign literature and mailings | PRT print ads | WEB information technology costs (internet, email) |

NAME AND ADDRESS OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Capital Seafood 753 W. Garvey Ave. Monterey Park, CA 91754 Memo Reference: 2	MTG		Meeting	\$2,359.49
New Dream Flower 809 E. Garvey Ave Monterey Park, CA 91755	OFC		flower	\$150.00
Yuan Mission 261 216 E Mission Dr San Gabriel, CA 91776	MTG		Meeting	\$400.00

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

SUBTOTAL

Schedule E Summary

1. Payments made this period of \$100 or more. (Include all Schedule E subtotals.)	\$3,509.49
2. Unitemized payments made this period of under \$100.	\$0.00
3. Total interest paid this period on loans. (Enter amount from Schedule B, Part 1, Column (e).)	\$0.00
4. Total payments made this period. (Add lines 1, 2, and 3. Enter here and on the Summary Page, Column A, Line 6.)	TOTAL \$3,509.49

FPPC Form 460 (June/01)
FPPC Toll-Free Helpline: 866/ASK-FPPC

**Schedule E
(Continuation Sheet)
Payments Made**

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

SCHEDULE E (CONT.)

Statement covers period from <u>07/01/2014</u> through <u>12/31/2014</u>	CALIFORNIA FORM 460
Page <u>10</u> of <u>15</u>	I.D. NUMBER 990150

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

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

- | | | |
|---|---|---|
| CMP campaign paraphernalia/misc. | MBR member communications | RAD radio airtime and production costs |
| CNS campaign consultants | MTG meetings and appearances | RFD returned contributions |
| CTB contribution (explain nonmonetary)* | OFC office expenses | SAL campaign workers' salaries |
| CVC civic donations | PET petition circulating | TEL t.v. or cable airtime and production costs |
| FIL candidate filing/ballot fees | PHO phone banks | TRC candidate travel, lodging, and meals |
| FND fundraising events | POL polling and survey research | TRS staff/spouse travel, lodging, and meals |
| IND independent expenditure supporting/opposing others (explain)* | POS postage, delivery and messenger services | TSF transfer between committees of the same candidate/sponsor |
| LEG legal defense | PRO professional services (legal, accounting) | VOT voter registration |
| LIT campaign literature and mailings | PRT print ads | WEB information technology costs (internet, email) |

NAME AND ADDRESS OF PAYEE OR CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE	OR	DESCRIPTION OF PAYMENT	AMOUNT PAID
Yuan Chinese-American Elected Officials 126 E Valley Blvd Alhambra, CA 91801	FND		Fund raising	\$600.00

* Payments that are contributions or independent expenditures must also be summarized on Schedule D. **SUBTOTAL** \$3,509.49

**Schedule F
Accrued Expenses (Unpaid Bills)**

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

Statement covers period from <u>07/01/2014</u> through <u>12/31/2014</u>	CALIFORNIA FORM 460
	Page <u>11</u> of <u>15</u>
	I.D. NUMBER 990150

SEE INSTRUCTIONS ON REVERSE
NAME OF FILER
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

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

- | | | |
|---|---|---|
| CMP campaign paraphernalia/misc. | MBR member communications | RAD radio airtime and production costs |
| CNS campaign consultants | MTG meetings and appearances | RFD returned contributions |
| CTB contribution (explain nonmonetary)* | OFC office expenses | SAL campaign workers' salaries |
| CVC civic donations | PET petition circulating | TEL t.v. or cable airtime and production costs |
| FIL candidate filing/ballot fees | PHO phone banks | TRC candidate travel, lodging, and meals |
| FND fundraising events | POL polling and survey research | TRS staff/spouse travel, lodging, and meals |
| IND independent expenditure supporting/opposing others (explain)* | POS postage, delivery and messenger services | TSF transfer between committees of the same candidate/sponsor |
| LEG legal defense | PRO professional services (legal, accounting) | VOT voter registration |
| LIT campaign literature and mailings | PRT print ads | WEB information technology costs (internet, email) |

NAME AND ADDRESS OF CREDITOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CODE OR DESCRIPTION OF PAYMENT	(a) OUTSTANDING BALANCE BEGINNING OF THIS PERIOD	(b) AMOUNT INCURRED THIS PERIOD	(c) AMOUNT PAID THIS PERIOD (ALSO REPORT ON E)	(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD

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

SUBTOTALS

Schedule F Summary

- Total accrued expenses incurred this period. (Include all Schedule F, Column (b) subtotals for accrued expenses of \$100 or more, plus total unitemized accrued expenses under \$100.)..... **INCURRED TOTALS** _____
- Total accrued expenses paid this period. (Include all Schedule F, Column (c) subtotals for payments on accrued expenses of \$100 or more, plus total unitemized payments on accrued expenses under \$100.)..... **PAID TOTALS** _____
- Net change this period. (**Subtract** Line 2 from Line 1. Enter the difference here and on the Summary Page, Column A, Line 9.)..... **NET** _____
May be a negative number.

**Schedule H -
Loans Made to Others***

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

SCHEDULE H

Statement covers period from <u>07/01/2014</u> through <u>12/31/2014</u>	CALIFORNIA FORM 460
Page <u>13</u> of <u>15</u>	I.D. NUMBER 990150

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
T-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

FULL NAME, STREET ADDRESS AND ZIP CODE OF RECIPIENT (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	(a) OUTSTANDING BALANCE BEGINNING THIS PERIOD	(b) AMOUNT LOANED THIS PERIOD	(c) REPAYMENT OR FORGIVENESS THIS PERIOD*		(d) OUTSTANDING BALANCE AT CLOSE OF THIS PERIOD	(e) INTEREST RECEIVED	(f) ORIGINAL AMOUNT OF LOAN	(g) CUMULATIVE LOANS TO DATE
				<input type="checkbox"/> PAID	<input type="checkbox"/> FORGIVEN					DATE DUE	DATE INCURRED
				<input type="checkbox"/> PAID			RATE %		CALENDAR YEAR
				<input type="checkbox"/> FORGIVEN			RATE %		PERFECTION**
				<input type="checkbox"/> PAID			RATE %		CALENDAR YEAR
				<input type="checkbox"/> FORGIVEN			RATE %		PERFECTION**
SUBTOTALS									

*Loans that are contributions to another candidate or committee must also be summarized on Schedule D. Loans forgiven must also be reported on Schedule E.

(Enter (e) on
Schedule I, Line 3)

Schedule H Summary

- Loans made this period
(Total Column (b) plus unitemized loans less than \$100.)
- Payments received on loans
(Total Column (c) plus unitemized payments less than \$100.)
- Net change this period. (Subtract Line 2 from Line 1.) **NET**
(Enter the net here and on the Summary Page, Column A, Line 7.)

**** If Required**

FPPC Form 460 (June/01)
FPPC Toll-Free Helpline: 866/ASK-FPPC

**Schedule I
Miscellaneous Increases to Cash**

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

SCHEDULE I

Statement covers period		CALIFORNIA FORM 460
from	07/01/2014	
through	12/31/2014	Page 14 of 15
NAME OF FILER I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE		I.D. NUMBER 990150

SEE INSTRUCTIONS ON REVERSE

NAME OF FILER
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

DATE RECEIVED	FULL NAME AND ADDRESS OF SOURCE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	DESCRIPTION OF RECEIPT	AMOUNT OF INCREASE TO CASH

Attach additional information on appropriately labeled continuation sheets.

SUBTOTALS \$0.00

Schedule I Summary

1. Increases to cash of \$100 or more this period.....	\$0.00
2. Unitemized increases to cash under \$100 this period.....	\$0.00
3. Total of all interest received this period on loans made to others. (Schedule H, Column (e).).....	\$0.00
4. Total miscellaneous increases to cash this period. (Add Lines 1, 2, and 3. Enter here and on the Summary Page, Line 14.).....	TOTAL \$0.00

FPPC Form 460 (June/01)
FPPC Toll-Free Helpline: 866/ASK-FPPC

Memo Reference: 2
479.49. 180. 500. 1200 four meetings

Exhibit A-12

DEFAULT DECISION AND ORDER FPPC NGS. 15/661 and 16/379



ALEX PAOLLA | SECRETARY OF STATE | STATE OF CALIFORNIA
POLITICAL REFORM

1500 11th Street, Room 495 | Sacramento, CA 95814 | Tel 916.653.6224 | Fax 916.653.5045 | www.sos.ca.gov

October 30, 2015

VICTOR GAU
I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE,
ID# 990150
133 E. LAS TUNAS DR.
SAN GABRIEL CA 91776

Dear Filer:

Pursuant to Government Code Section 84605, you are required to file your campaign statements electronically.

Our records show that your committee has filed electronic statements, but has not yet filed the statement(s) specified below electronically. Please file your campaign statement(s) electronically with this office as soon as possible.

The Secretary of State's Office offers free online filings for recipient committees. Please visit our website at: <http://www.sos.ca.gov/prd/electronic-filing-info/> for more detailed information.

You may choose to use our free online filing form or you may secure the services of an approved electronic filing vendor.

Pursuant to Government Code Section 91013, any person who files an original document after an imposed deadline shall be liable in the amount of \$10.00 per day after the deadline until the document is filed. For purposes of imposing penalties for late filing of a campaign statement the electronic version of a statement is considered to be an original (CA FPPC Opinion No. 0-99-315). No liability shall be waived if a statement or report is not filed within five days for a campaign statement that is required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

IF NO RESPONSE IS RECEIVED WITHIN 10 DAYS OF THE DATE OF THIS LETTER, THE MATTER WILL BE REFERRED TO THE ENFORCEMENT DIVISION OF THE FAIR POLITICAL PRACTICES COMMISSION. YOU WILL NOT RECEIVE ANY FURTHER NOTIFICATION REGARDING THIS MATTER FROM THIS OFFICE.

If you have any questions or need further assistance, please contact Gail Jackson at (916) 653-8063.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

MISSING ELECTRONIC STATEMENTS

Name of Filer: I - Chinese American Political Action Committee
Form Required: Form 460
Period Covered: January 1, 2015 through June 30, 2015
Date Due: July 31, 2015

Exhibit A-13

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION

Memorandum

16 MAR 29 AM 11:34

TO: Galena West, Chief
Enforcement Division
Fair Political Practices Commission

DATE: 03/28/2016

FROM: Chris Reynolds, Chief
Political Reform Division
Secretary of State

SUBJECT: Report of Apparent Violation of the Political Reform Act
Pursuant to Government Code Section 81010(d):

Nonfiler (electronic)

REFERRAL

NO.: 2016-CE1070

NAME OF ENTITY / INDIVIDUAL REFERRED

I-CHINESE AMERICAN POLITICAL ACTION COMMITTEE

ID NUMBER (if applicable)

990150

DATES (if applicable)

Qualified as Committee: 1/19/1999

Terminated: No

DESCRIPTION OF APPARENT VIOLATION

Document Required: Form 460
Period Covered: 1/01/2015 through 6/30/2015
Date Due: 7/31/2015
Date of First Written Notice: 10/30/2015

*Report
Elec.*

Copies of applicable documents are attached.

Approved:

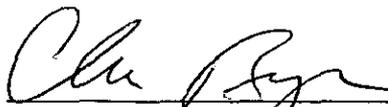

Chris Reynolds, Chief

Exhibit A-14

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379



FAIR POLITICAL PRACTICES COMMISSION

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

April 18, 2016

I-Chinese American Political Action Committee
Victor Gau, Treasurer
133 E. Las Tunas Drive
San Gabriel, CA 91776

RE: Failure to File Campaign Statements: FPPC No. 16/379

Dear Committee and Mr. Gau:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ The Enforcement Division has received a referral from the Secretary of State's office regarding I-Chinese American Political Action Committee failure to file the following campaign statements in paper and electronic formats:

Statement/Report Type	Reporting Period	Filing Deadline
Semi-Annual	1/1/15-6/30/15	7/31/15
Semi-Annual	7/1/15-12/31/15	2/1/16

Failing to timely file a campaign statement is a violation of the Act. As the controlling treasurer, you are liable for the committee's filing violation. The Enforcement Division has commenced an enforcement action against you, and can obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per violation.²

On May 21, 2015, the Fair Political Practices Commission approved an Enforcement Streamlined Program that allows committees who failed to file campaign statements to qualify for a reduced fine, in certain circumstances, through the Enforcement Division's streamlined program. In order to qualify for this program, you must first **file all past-due campaign statements** with your filing officer and **provide** a copy of the file stamped statements to the Enforcement Division **within 30 days** of the date of this letter. Once the Enforcement Division receives your campaign statement, we will examine your statement to determine whether you meet the streamline qualification criteria. If you qualify for the program, the Enforcement Division staff will contact you to settle this matter for a significantly reduced fine.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.

² Section 83116.

Failing to file the statement identified above within 30 days of the date of this letter will automatically disqualify you from the streamlined program even if you would have otherwise been eligible. By not responding you could incur a fine of up to \$5,000 per violation. These fines can be pursued against you personally even if you choose not to respond or update your filings.

For more information on your campaign forms, visit our website at www.fppc.ca.gov. If you have any questions regarding this letter or your filing obligations, please contact me at (916)327-2018 or Trindahl@fppc.ca.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Teri Rindahl".

Teri Rindahl
Political Reform Consultant
Enforcement Division

/tr



FAIR POLITICAL PRACTICES COMMISSION

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

June 17, 2016

I-Chinese American Political Action Committee
Victor Gau, Treasurer
17309 Alexandra Circle
Cerritos, CA 90703

RE: Failure to File Campaign Statements: FPPC No. 16/379

Dear Committee and Mr. Gau:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the "Act").¹ The Enforcement Division has received a referral from the Secretary of State's office regarding I-Chinese American Political Action Committee failure to file the following campaign statements in paper and electronic formats:

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For more information on your campaign forms, visit our website at www.fppc.ca.gov. If you have any questions regarding this letter or your filing obligations, please contact me at (916)327-2018 or Trindahl@fppc.ca.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Teri Rindahl".

Teri Rindahl
Political Reform Consultant
Enforcement Division

/tr

Exhibit A-15

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379

Teri Rindahl

From: Teri Rindahl
Sent: Thursday, August 18, 2016 7:14 AM
To: victorgau@msn.com
Subject: FPPC No. 16/379; I-Chinese American Political Action Committee

Mr. Gau,

The Enforcement Division of the Fair Political Practices Commission has been attempting to contact you regarding the Committee's failure to file semi-annual campaign statements with the Secretary of State's Office in both paper and electronic format. It is very important that you contact me as soon as possible. If I do not hear back from you by end of day on Friday, August 19th, your case file will be forwarded to an attorney for resolution.

Teri Rindahl

Political Reform Consultant
Enforcement Division
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
916.327.2018

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Amanda Kelly

From: Amanda Kelly
Sent: Wednesday, September 07, 2016 1:19 PM
To: 'victorgau@msn.com'
Subject: I-Chinese American Political Action Committee Past-Due Filings

Good afternoon Mr. Gau,

I just left you a voicemail, but wanted to follow up by email as well. I have two FPPC cases regarding you and your committee, the I-Chinese American Political Action Committee.

The committee has not filed its semi-annual campaign statements (Form 460) for the periods of January 1, 2015 through June 30, 2015; July 1, 2015 through December 31, 2015; and January 1, 2016 through June 30, 2016. We need the committee to either file those statements electronically or file termination paperwork (Form 410).

In addition, active campaign committees are required to pay a \$50 annual fee to the Secretary of State until the committee is terminated. Your committee has not paid its fees from 2013 through 2016, and the Secretary of State assesses a \$150 penalty on top of the \$50 fee when the payment is late. If you meant to terminate at the end of 2014, then the committee would owe annual fees and penalties for 2013 and 2014, but right now we are working under the assumption that you do not want to terminate (either at the end of 2014 or now). Therefore, we will need the committee to pay its annual fees and penalties.

Please let me know if you plan to keep the committee active or if you will terminate. I can send the paperwork and information to pay the annual fees and penalties if you need it, whether or not you would like to terminate, and provide assistance with the campaign statement filing. If I do not hear from you within a week, I will need to move the case to the next step of the administrative process, but it will be much less complicated to sort everything out now.

Thank you for your prompt attention to this matter.

Amanda



Amanda Kelly
Graduate Legal Assistant, Enforcement Division
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620 | Sacramento, CA 95814
(916) 322-7771 | akelly@fppc.ca.gov

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Exhibit A-16

DEFAULT DECISION AND ORDER FPPC NOS. 15/661 and 16/379



FAIR POLITICAL PRACTICES COMMISSION

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

March 1, 2017

Via Certified Mail

Victor Gau
I-Chinese American Political Action Committee
17309 Alexandra Circle
Cerritos, CA 90703

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC Nos. 15/661 and 16/379
In the Matter of I-Chinese American Political Action Committee and Victor Gau**

Dear Mr. Gau:

Enclosed please find a copy of the Default Decision and Order, and accompanying Exhibit and attachments, for the above-referenced matter. The Fair Political Practices Commission (the "Commission") will consider these papers at its public meeting on **March 16, 2017**, and decide whether to impose the maximum administrative penalty of \$35,000 against you.

You were previously served on October 3, 2016 with a Report in Support of a Finding of Probable Cause ("Probable Cause Report"), advising you of your right to request a probable cause conference or submit a written response to the Probable Cause Report. You did not request a probable cause conference, nor did you submit anything in writing for the Commission's Hearing Officer to consider in his determination of probable cause.

Following the issuance of the Probable Cause Report, the Commission's Hearing Officer found probable cause that you committed seven violations of the Political Reform Act. Thereafter, the Commission's Chief of Enforcement issued an Accusation against you on these violations. The Accusation was personally served on you on January 26, 2017. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file your Notices of Defense within 15 days after service of the Accusation. You failed to file the Notices of Defense forms. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

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.

At its public meeting on March 16, 2017, the Commission may impose an administrative penalty against you in the amount of \$35,000, the maximum penalty for the seven violations.

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 March 16, 2017 meeting. Please contact me at (916) 322-7771 or akelly@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,



Amanda Kelly
Commission Counsel
Enforcement Division

Enclosures