

GALENA WEST
Chief of Enforcement
ZACHARY W. NORTON
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorney for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of) FPPC No. 13/220
)
)
)
MICHAEL ALDAPA,) DEFAULT DECISION AND ORDER
)
)
Respondent.) (Gov. Code §§ 11506 and 11520)
)
)

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

Pursuant to the California Administrative Procedure Act,¹ Respondent Michael Aldapa has been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

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

¹The 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 through 11508 of the Government Code.

3 Government Code Section 11506 provides that failure of a respondent to file a Notice of Defense
4 within 15 days after being served with an Accusation shall constitute a waiver of respondent's right to a
5 hearing on the merits of the Accusation. The Statement to Respondent, served on Michael Aldapa,
6 explicitly stated that a Notice of Defense must be filed in order to request a hearing. Aldapa failed to
7 file a Notice of Defense within fifteen days of being served with the Accusation.

8 Government Code Section 11520 provides that, if the respondent fails to file a Notice of
9 Defense, the Commission may take action, by way of a default, based upon the respondent's express
10 admissions or upon other evidence, and that affidavits may be used as evidence without any notice to the
11 respondent.

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

16
17 Dated: _____

Galena West, Chief of Enforcement
Fair Political Practices Commission

ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$8,000 upon Michael Aldapa, payable to the "General Fund of the State of California."

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

Dated: _____

Joann Remke, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Michael Aldapa was an unsuccessful candidate for Los Angeles Community College Board of Trustees – District 6 in the March 5, 2013 primary election. Aldapa was also an unsuccessful candidate for California State Assembly – District 53 in the June 3, 2014 primary election. As a candidate for local and statewide office, Respondent was required to file periodic campaign statements disclosing his campaign activity during each reporting period under the Political Reform Act (the “Act”).¹

This matter arose out of referrals from the Los Angeles County Registrar-Recorder/County Clerk and the California Secretary of State for Aldapa’s failure to file campaign statements in connection with the March 5, 2013 primary election and the June 3, 2014 primary election.

For the purposes of this Default Decision and Order, Respondent’s violations of the Act are stated as follows:

- COUNT 1:** Respondent Michael Aldapa failed to timely file a campaign statement in connection with his 2013 campaign for the Los Angeles Community College Board of Trustees by the January 24, 2013 deadline, in violation of Government Code Sections 84200.5, subdivision (c), 84200.8, and 84206, subdivision (a).
- COUNT 2:** Respondent Michael Aldapa failed to file a pre-election campaign statement for the period covering January 1, 2014, through March 17, 2014, by the March 24, 2014 deadline, in connection with his 2014 campaign for State Assembly, in violation of Government Code Sections 84200.5, subdivision (a), and 84200.7.
- COUNT 3:** Respondent Michael Aldapa failed to file a pre-election campaign statement for the period covering March 18, 2014, through May 17, 2014, by the May 22, 2014 deadline, in connection with his 2014 campaign for State Assembly, in violation of Government Code Sections 84200.5, subdivision (a), and 84200.7.
- COUNT 4:** Respondent Michael Aldapa failed to file a semi-annual campaign statement for the period covering May 18, 2014, through June 30, 2014, by the July 31, 2014 deadline, in connection with his 2014 campaign for State Assembly, in violation of Government Code Section 84200, subdivision (a).

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.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

When the Fair Political Practice Commission (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’s form or substance or to the adverse effects of complying with the accusation, (3) admit the accusation in whole or in part, or (4) present new matter by way of a defense.⁵

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

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 this title shall constitute the commencement of 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 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

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.

⁵ Section 11506, subdivision (a)(1)-(6).

⁶ Section 11506, subdivision (c).

⁷ Section 11520, subdivision (a).

⁸ Section 91000.5, subdivision (a).

⁹ Section 83115.5.

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, shall 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 A, A-1 through A-18, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Aldapa in this matter by serving him with a packet containing a cover letter, a Report in Support of a Finding of Probable Cause (the “Report”), a fact sheet regarding probable cause proceedings, selected sections of the California Government Code regarding probable cause proceedings for the Fair Political Practices Commission, and selected regulations of the Fair Political Practices Commission regarding probable cause proceedings. (Certification, Exhibit A-1.) Aldapa was served a Report in Support of a Finding of Probable Cause by substitute service on February 18, 2015. (Certification, Exhibit A-2.) Therefore, the administrative action commenced on February 18, 2015, the date of service, and the five year statute of limitations was effectively tolled on this date.

The information contained in the above-mentioned packet advised Aldapa that he had 21 days in which to request a probable cause conference and/or to file a written response to the Report. Aldapa neither requested a probable cause conference nor submitted a written response to the Report.

B. Ex Parte Request for a Finding of Probable Cause

Since Aldapa 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 Hearing Officer Heather M. Rowan on July 27, 2015. (Certification, Exhibit A-3.)

On July 28, 2015, Hearing Officer Heather M. Rowan issued a Finding of Probable Cause and Order to Prepare and Serve an Accusation. (Certification, Exhibit A-4)

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

C. The Issuance and Service of the Accusation

Under the Act, if the Hearing Officer makes a finding of probable cause, an accusation shall be prepared pursuant to Section 11503 of the APA, and it shall be served on the persons who are the subject of the probable cause finding.¹²

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. The accusation shall be a written statement of charges which 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 defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

Upon the filing of the accusation, the agency must 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense 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 11507.7.¹³

Section 11505, subdivision (b), sets forth the language required in the accompanying statement to the respondent.

The Accusation and accompanying information may be sent to the respondent by any means selected by the agency, but that no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent has been served personally or by registered mail.¹⁴

On July 29, 2015, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Aldapa in this matter. In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form, copies of Government Code Sections 11506 through 11508, and a cover letter dated July 29, 2015, were personally served on Respondent on August 7, 2015. (Certification, Exhibit A-5.)

¹² Regulation 18361.4, subdivision (e).

¹³ Section 11505, subdivision (a).

¹⁴ Section 11505, subdivision (c).

The “Statement to Respondent” notified Aldapa that he 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. Aldapa did not file a Notice of Defense within the statutory time period, which ended on June 24, 2015.

As a result, on September XX, 2015, the Enforcement Division sent a letter to Aldapa advising him that this matter would be submitted for a Default Decision and Order at the Commission’s public meeting scheduled for October 15, 2015. A copy of the Default Decision and Order and this Exhibit 1 were included with the letter. (Certification, Exhibit A-6.)

SUMMARY OF THE LAW

An express purpose of the Act is to ensure that the contributions and expenditures affecting election campaigns are fully and truthfully disclosed to the public, so that voters may be better informed, and improper practices may be inhibited.¹⁵ The Act therefore establishes a comprehensive campaign reporting system.

The following reflects the Act as it was in effect at the time of the relevant violations.

Duty to File Campaign Statements

The Act requires candidates, as defined in the Act, to file campaign statements at specific times disclosing information regarding campaign contributions received and expenditures made by the campaign committees. A “candidate” includes, in relevant part, an individual who is listed on the ballot for election to any elective office.¹⁶

All candidates for the California State Legislature must file campaign statements with the Secretary of State and all candidates for city office must file campaign statements with the clerk of the city.¹⁷

Duty to File Semi-Annual Campaign Statements

Candidates 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 31.¹⁸

When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.¹⁹

¹⁵ Section 81002, subdivision (a).

¹⁶ Section 82007.

¹⁷ Section 84215, subdivisions (a) and (e).

¹⁸ Section 84200, subdivision (a).

¹⁹ Regulation 18116.

Duty to File Pre-Election Campaign Statements

All candidates for state and local office must file two pre-election campaign statements prior to the relevant election.²⁰ Candidates for the California State Legislature being voted upon in an even-numbered year must file the first pre-election campaign statement, covering the period from January 1 to March 17, by March 22.²¹ The second pre-election campaign statement, covering the period from March 18 to seventeen days prior to the election, is to be filed no later than twelve days before the election.²²

Candidates for local offices up for election in an odd-numbered year must file the first pre-election campaign statement, covering January 1 to forty-five days prior to the election, by no later than forty days before the election.²³ The second pre-election campaign statement, covering the period from forty-four days before the election to seventeen days before the election, is to be filed no later than twelve days before the election.²⁴

Short Form Campaign Statements

Candidates that do not raise or spend more than one thousand dollars or more during the calendar year are permitted to file a Form 470 – short form campaign statement in place of the required pre-election and semi-annual statements.²⁵ The short form campaign statement covers all the same reporting periods for the entire calendar year, and is due at the same time as the first pre-election statement that would otherwise be filed.

SUMMARY OF THE FACTS

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

Michael Aldapa was an unsuccessful candidate for Los Angeles Community College Board of Trustees – District 6 in the March 5, 2013 primary election. Aldapa failed to file any additional required campaign statements prior to his defeat in the March 5, 2013 primary election where his name appeared on the official ballot.

Aldapa also unsuccessfully ran for California State Assembly – District 53 in the June 3, 2014 primary election.

Aldapa failed to timely file one campaign statement in connection with his 2013 campaign and failed to timely file three campaign statements in connection with his 2014 campaign.

²⁰ Section 84200.5, subdivisions (a) and (c).

²¹ Section 84200.7.

²² Section 84200.7.

²³ Section 84200.8.

²⁴ *Id.*

²⁵ Section 84206 and Regulation 18406.

2013 Los Angeles Community College Board of Trustees – District 6 Race

Los Angeles County Registrar-Recorder/County Clerk (the “LA Clerk”) records show that they issued Aldapa written notices on February 6, 2013; February 21, 2013; February 28, 2013; and again on March 15, 2013, warning him that he had failed to file two pre-election campaign statements on behalf on his campaign. Their records also showed that the LA Clerk provided notice via telephone to Aldapa on January 30, 2013; February 26, 2013; March 16, 2013; and again on March 28, 2013. (Certification, Exhibit A-7.)

On or about March 20, 2013, the Enforcement Division received a Non-Filer Enforcement Referral from the LA Clerk indicating that Aldapa had failed to file a pre-election campaign statement covering the period from January 1, 2013 to January 19, 2013. Then on or about April 8, 2013, the Enforcement Division received another Non-Filer Enforcement Referral from the LA Clerk indicating that Aldapa had failed to file a pre-election campaign statement for the period covering January 20, 2013 to February 16, 2013. (Certification, Exhibit A-8.)

The Enforcement Division sent Aldapa notice of his failure to file on April 29, 2013; June 19, 2013; and again on August 15, 2013. (Certification, Exhibit A-9.) On July 22, 2013 the Enforcement Division established contact with Aldapa via phone and email. Aldapa was given notice that he needed to file the delinquent campaign statements. Aldapa indicated to the Enforcement Division that he had not raised or spent \$1,000 or more in connection with his 2013 campaign. (Certification, Exhibit A-10.)

Aldapa filed a short form campaign statement with the LA Clerk covering the entire 2013 calendar year on August 29, 2013. The statement was approximately 218 days late. (Certification, Exhibit A-11.)

2014 State Assembly – District 53 Race

Records obtained from the California Secretary of State (“SOS”) indicate that Aldapa filed a Form 501 Candidate Intention Statement with their office on March 10, 2014. The statement indicated that Aldapa would be participating in the 2014 election as a candidate for State Assembly – District 53. (Certification, Exhibit A-12.) Following his filing of the Form 501, Aldapa failed to file any additional required campaign statements prior to his defeat in the June 5, 2014 primary election where he was on the official ballot.

SOS records show that they issued Aldapa written notices on May 8, 2014; June 13, 2014; June 18, 2014; and again on July 25, 2014, warning him that he had failed to file required campaign statements on behalf on his campaign. (Certification, Exhibit A-13.)

LA Clerk records show that on April 1, 2014; April 16, 2014; May 28, 2014; June 12, 2014; August 11, 2014; and September 11, 2014, they also issued Aldapa written notices warning him that he had failed to file required campaign statements on behalf of his campaign. (Certification, Exhibit A-14.)

On or about May 6, 2014 and August 15, 2014, the Enforcement Division received Non-Filer Enforcement Referrals from the LA Clerk and SOS, respectively, indicating that Aldapa had failed to file a pre-election campaign statement covering the period from January 1, 2014 to March 17, 2014. (Certification, Exhibit A-15.)

On or about June 27, 2014 and September 5, 2014, the Enforcement Division received Non-Filer Enforcement Referrals from the LA Clerk and SOS, respectively, indicating that Aldapa had failed to file a pre-election campaign statement covering the period from March 18, 2014 to May 17, 2014. (Certification, Exhibit A-16.)

On September 26, 2014, the Enforcement Division received a final Non-Filer Enforcement Referral from the LA Clerk indicating that Aldapa had failed to file a semi-annual campaign statement in connection with the 2014 primary election covering the period from May 18, 2014 to June 30, 2014. (Certification, Exhibit A-17.)

From September 8, 2014 to January 8, 2015, the Enforcement Division tried to reach Aldapa by telephone numerous times and left him several voicemails regarding his failure to file. Aldapa did not respond. (Certification, Exhibit A-18.)

Accordingly, Michael Aldapa committed 4 violations of the Act, as follows:

COUNT 1

Failure to Timely File an Officeholder and Candidate Campaign Statement-Short Form

As a candidate for the Los Angeles Community College Board of Trustees in the March 5, 2013 primary election, Aldapa had a duty to file an officeholder and candidate campaign statement-short form by the January 24, 2013 deadline.

Aldapa failed to timely file this campaign statement by the January 24, 2013 deadline. By failing to timely file an officeholder and candidate campaign statement-short form by the January 24, 2013, Aldapa violated Sections 84200.5, subdivision (c), 84200.7 and 84206, subdivision (a), of the Government Code.

COUNT 2

Failure to Timely File Pre-Election Campaign Statement

As a candidate for the California State Assembly in the June 3, 2014 primary election, Aldapa had a duty to file a pre-election campaign statement for the period covering January 1, 2014 through March 17, 2014, by the March 24, 2014 deadline.

Aldapa failed to file the required pre-election campaign statement by the March 24, 2014 deadline. By failing to timely file the pre-election campaign statement by the March 24, 2014 deadline, Aldapa violated Sections 84200.5, subdivision (a), and 84200.7 of the Government Code.

COUNT 3

Failure to Timely File Pre-Election Campaign Statement

As a candidate for the California State Assembly in the June 3, 2014 primary election, Aldapa had a duty to file a pre-election campaign statement for the period covering March 18, 2014 through May 17, 2014, by the May 22, 2014 deadline.

Aldapa failed to file the required pre-election campaign statement by the May 22, 2014 deadline. By failing to timely file the pre-election campaign statement by the May 22, 2014 deadline, Aldapa violated Sections 84200.5, subdivision (a), and 84200.7 of the Government Code.

COUNT 4

Failure to Timely File Semi-Annual Campaign Statement

As a candidate for the California State Assembly in the June 3, 2014 primary election, Aldapa had a duty to file a semi-annual campaign statement for the period covering May 18, 2014, through June 30, 2014, by the July 31, 2014 deadline.

Aldapa failed to file the required semi-annual campaign statement by the July 31, 2014 deadline. By failing to timely file the semi-annual campaign statement by the July 31, 2014 deadline, Aldapa violated Section 84200, subdivision (a), of the Government Code.

CONCLUSION

This matter consists of 4 counts of violating the Act, which carry a maximum administrative penalty of \$5,000 per count, for a total maximum administrative penalty of \$20,000.

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 context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6): the seriousness of the violations; the presence or lack of intent to deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the respondent(s) demonstrated good faith in consulting with Commission staff; whether there was a pattern of violations; and whether upon learning of the violation the respondent voluntarily filed amendments to provide full disclosure. The facts are required to be considered by the Commission under Regulation 18361.5.

In this matter, Aldapa failed to file campaign statements as required by the Act. The public harm inherent in these violations is that the public is deprived of important and timely information from Aldapa regarding the payments received and amounts expended in connection with his campaign.

Aldapa was well aware of his filing obligations, having received notifications and telephone calls multiple times from his filing officer. Further, Aldapa failed to timely file a short form campaign statement in 2013 and two preelection statements and one semi-annual statement in 2014 demonstrating a pattern of failing to file. Since no campaign statements were ever filed, the public did not receive any information concerning the amount of contributions made or expenditures received by Aldapa.

In mitigation, as requested during this investigation, Aldapa did file a short form campaign statement covering the 2013 calendar year.

A similar case involving the failure to file a short form campaign statement recently approved by the Commission includes:

- *In the Matter of Christopher Robles*, FPPC No. 07/040 (Default Decision). This case involved a member of the Los Angeles County 58th Assembly Democratic Central Committee, who failed to file a short form campaign statement covering the reporting period January 1, 2006 through December 31, 2006. A \$2,000 penalty was approved by the Commission on January 28, 2011.

A similar case involving the failure to file a preelection campaign statement recently approved by the Commission includes:

- *In the Matter of Timothy Park*, FPPC No. 13/243. This case involved one count of failure to file a pre-election campaign statement, by a committee that made independent expenditures totaling approximately \$2,275. A \$2,000 penalty was approved by the Commission on September 17, 2010.

A similar case involving the failure to file post-election semi-annual campaign statements recently approved by the Commission includes:

- *In the Matter of Yolo County Democratic Central Committee Local Account et al.*, FPPC No. 08/357. This case involved seven counts of various campaign statements not timely filed. Included in this were five counts of failure to timely file semi-annual campaign statements. Most of the reporting periods contained amounts that were relatively low when compared to the committee's contributions received and expenditures made per election. There was no evidence found that this activity was deliberate. A \$2,000 per count penalty for the campaign statements not filed timely was approved by the Commission on January 28, 2011.

In this case, Aldapa's actions were similar to the cases above in that none of these cases appear to include anything more than negligent behavior. However, Aldapa was well aware of his filing obligations and disregarded the requests to file made by their filing officer. He never filed any campaign statements in connection with the California State Assembly – District 53 race, so the extent of this campaign activity is unknown.

PROPOSED PENALTY

After consideration of the factors of Regulation 18361.5, the imposition of a penalty of \$8,000 is recommended.

EXHIBIT A



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

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

CERTIFICATION OF RECORDS

I, the undersigned, declare and certify as follows:

1. I am employed as a Staff Services Analyst by the California Fair Political Practices Commission (the "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 No. 13/0320, Michael Aldapa*, 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 Copy of cover letter dated January 12, 2015, Report in Support of a Finding of Probable Cause, Probable Cause Fact Sheet, Statutes and Regulations served on Michael Aldapa;
- Exhibit A-2 Copy of the proof of service for the Report in Support of a Finding of Probable Cause by substitute service on February 18, 2015;
- Exhibit A-3 Copy of the Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served to Hearing Officer Heather M. Rowan dated July 27, 2015;
- Exhibit A-4 Copies of the Finding of Probable Cause and Order to Prepare and Serve an Accusation;
- Exhibit A-5 Copy of the Accusation and accompanying documents personally served on Michael Aldapa on August 7, 2015;
- Exhibit A-6 Copy of the Letter from Chief of the Commission Enforcement Division to Michael Aldapa advising that this matter would be submitted for a Default Decision and Order, dated September 18, 2015;

- Exhibit A-7 Copies of the notices sent by the Los Angeles County Registrar-Recorder/County Clerk;
- Exhibit A-8 Copy of the Non-Filer Enforcement Referral sent by the Los Angeles County Registrar-Recorder/County Clerk;
- Exhibit A-9 Copies of Enforcement's notices of failure to file;
- Exhibit A-10 Copy of an email sent to Michal Aldapa by Enforcement;
- Exhibit A-11 Copy of short form campaign statement covering the entire 2013 calendar year filed on August 29, 2013;
- Exhibit A-12 Copy of a Form 501 Candidate Intention Statement filed with the Secretary of State on March 10, 2014;
- Exhibit A-13 Copies of the notices sent by the Secretary of State;
- Exhibit A-14 Copies of the notices sent by the Los Angeles County Registrar-Recorder/County Clerk;
- Exhibit A-15 Copies of the Non-Filer Enforcement Referrals sent by the Los Angeles County Registrar-Recorder/County Clerk and the Secretary of State;
- Exhibit A-16 Copies of the Non-Filer Enforcement Referrals sent by the Los Angeles County Registrar-Recorder/County Clerk and the Secretary of State;
- Exhibit A-17 Copy of the Non-Filer Enforcement Referral sent by the Los Angeles County Registrar-Recorder/County Clerk;
- Exhibit A-18 Copy of case chronology

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

Executed on September 18, 2015 in Sacramento, California.

[redacted]

Kathryn Trumbly
Staff Services Analyst
Fair Political Practices Commission

EXHIBIT A-1



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

January 12, 2015

Michael Aldapa
1010 South Concord Street
Los Angeles, CA 90023

**Re: FPPC No. 13/220
In the Matter of Michael Aldapa**

Dear Mr. Aldapa:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) is proceeding with an enforcement action against you for failure to comply with the provisions of the Political Reform Act (the “Act”)¹. Specifically, the Commission has found that you failed to timely file several campaign statements in connection with your 2013 bid for Los Angeles Community College Board of Trustees and your 2014 bid for California State Assembly.

A. Service of the Probable Cause Report

Having determined that you have committed these violations of the Act, the Enforcement Division is authorized to bring this enforcement action, and may obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per violation. At this time, we are instituting an enforcement action against you by serving you with a Probable Cause Report, a copy of which is enclosed. This report details the violations you committed and asks the Executive Director of this agency to find that probable cause exists to file an accusation against you with the Office of Administrative Hearings.

You have the right to submit a written response to the probable cause report prior to the time the Executive Director determines whether probable cause exists. That response may contain a summary of evidence, legal arguments, and any mitigating or exculpatory information that you may wish to bring to the attention of the Executive Director. *If you wish to submit a*

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

written response, it must be filed with the Executive Director no later than 21 days following the date you were served with the report.

You also have the right to request that a probable cause conference be held before the Executive Director makes any determination as to probable cause. At the conference, you are entitled to have a representative present and to be represented by counsel. If you decide to proceed with a probable cause conference, one will be reserved at the Commission's offices upon your request. *In order to obtain a probable cause conference, you must make a written request for one, directed to my attention, no later than 21 days following the date you were served with the report.*

I have enclosed a memorandum that describes the probable cause procedure in some detail, along with copies of the most pertinent regulations.

B. Settlement Option

Although we are proceeding with an administrative action at this time, the Commission favors negotiated dispositions whenever feasible, so it is the practice of the Enforcement Division to give you an opportunity to reach an early resolution of the matter through a stipulated agreement. Therefore, if you are interested in reaching a settlement in this matter or have any questions regarding this settlement offer or the probable cause procedures, please contact me at (916) 322-5772.

Sincerely,

[redacted]

Adam Silver
Commission Counsel
Enforcement Division

Enclosures

1 GARY S. WINUK
Chief of Enforcement
2 ADAM SILVER
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 322-5660

5 Attorneys for Complainant
6

7 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

8 STATE OF CALIFORNIA
9

10 In the Matter of:

11 MICHAEL ALDAPA,

12 Respondent.
13
14

FPPC No. 13/220

REPORT IN SUPPORT
OF A FINDING OF
PROBABLE CAUSE

Hearing Date: TBA
Hearing Time: TBA
Hearing Location: Commission Offices
428 J Street, Suite 620
Sacramento, CA 95814

15
16
17
18
19 **I. INTRODUCTION**

20 Respondent Michael Aldapa (“Respondent”) was an unsuccessful candidate for the Los Angeles
21 Community College Board of Trustees in the March 5, 2013 primary election. Respondent also
22 unsuccessfully ran for California State Assembly in the June 3, 2014 primary election. As a candidate
23 for local and statewide office, Respondent was required to file periodic campaign statements under the
24 Political Reform Act (the “Act”).¹
25
26

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

1 In this matter, Respondent failed to timely file a campaign statement in connection with his 2013
2 campaign for the Los Angeles Community College Board of Trustees by the January 24, 2013 deadline.
3 Additionally, Respondent has yet to file two pre-election campaign statements and one semi-annual
4 campaign statement required in connection with his 2014 campaign for State Assembly.

5 This Report in Support of a Finding of Probable Cause alleges that Respondent violated the Act
6 as follows:

7
8 COUNT 1: Respondent Michael Aldapa failed to timely file a campaign statement in connection
9 with his 2013 campaign for the Los Angeles Community College Board of Trustees by the January 24,
10 2013 deadline, in violation of Government Code Sections 84200.5, subdivision (c), 84200.8, and
11 84206, subdivision (a).

12 COUNT 2: Respondent Michael Aldapa failed to file a pre-election campaign statement for the
13 period covering January 1, 2014, through March 17, 2014, by the March 24, 2014 deadline, in
14 connection with his 2014 campaign for State Assembly, in violation of Government Code Sections
15 84200.5, subdivision (a), and 84200.7.

16 COUNT 3: Respondent Michael Aldapa failed to file a pre-election campaign statement for the
17 period covering March 18, 2014, through May 17, 2014, by the May 22, 2014 deadline, in connection
18 with his 2014 campaign for State Assembly, in violation of Government Code Sections 84200.5,
19 subdivision (a), and 84200.7.

20 COUNT 4: Respondent Michael Aldapa failed to file a semi-annual campaign statement for the
21 period covering May 18, 2014, through June 30, 2014, by the July 31, 2014 deadline, in connection
22 with his 2014 campaign for State Assembly, in violation of Government Code Section 84200,
23 subdivision (a).
24

25 //

II. SUMMARY OF THE LAW

A. Jurisdiction

Section 83116 provides the Commission with administrative jurisdiction to enforce the provisions of the Act. Probable cause proceedings under Regulation 18361.4 shall be heard by the General Counsel or an attorney from the Legal Division. (Regulation 18361, subd. (b).) After a finding of probable cause, the Commission may then hold a hearing to determine what violations have occurred, and levy an administrative penalty of up to \$5,000 for each violation. (Section 83116.)

B. Standard for Finding Probable Cause

A probable cause determination is governed by Sections 83115.5 and 83116, and Regulation 18361.4. The hearing officer may make a finding of 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 respondent committed or caused a violation. (Section 83115.5, and Regulation 18361.4, subd. (e).)

C. Filing of Campaign Statements

An express purpose of the Act, as set forth in Section 81002, subdivision (a), is to ensure that receipts and expenditures in election campaigns are fully and truthfully disclosed to the public, so that voters may be better informed, and improper practices may be inhibited. To that end, the Act sets forth a comprehensive campaign reporting system designed to accomplish these purposes of disclosure.

Duty to File Campaign Statements

The Act requires candidates, as defined in the Act, to file campaign statements at specific times disclosing information regarding campaign contributions received and expenditures made by the campaign committees. Pursuant to Sections 84200.5, 84200.7 and 84200.8, in relevant part, all candidates being voted upon in a primary election must file their first campaign statement no later than March 22 in an even-numbered year, and no later than forty days before the relevant election in an odd-numbered year. A candidate includes, in relevant part, an individual who is listed on the ballot for election to any elective office. (Section 82007.)

1 Section 84215, subdivisions (a) and (e), require all candidates for the State Legislature to file
2 campaign statements with the Secretary of State and all candidates for city office to file campaign
3 statements with the clerk of the city.

4 Duty to File Semi-Annual Campaign Statements

5 Section 84200, subdivision (a), requires candidates to file semi-annual campaign statements each
6 year no later than July 31 for the reporting period ending on June 30, and no later than January 31 of the
7 following year for the semi-annual reporting period ending December 31. Regulation 18116 provides
8 that when a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is
9 extended to the next business day.

10 Duty to File Pre-Election Campaign Statements

11 In addition to the semi-annual campaign statement requirements, Section 84200.5, subdivisions
12 (a) and (c), require, in relevant part, that all candidates for State and local office file two pre-election
13 campaign statements prior to the relevant election. Candidates for the State Legislature being voted
14 upon in an even-numbered year must file their first pre-election campaign statement, covering the period
15 from January 1 to March 17, by March 22. (Section 84200.7.) Their second pre-election campaign
16 statement, covering the period from March 18 to seventeen days prior to the election, is to be filed no
17 later than twelve days before the election. *Id.*

18 In contrast, candidates for local offices must file their first pre-election campaign statement,
19 covering January 1 to forty-five days prior to the election, by no later than forty days before the election.
20 (Section 84200.8) Their second pre-election campaign statement, covering the period from forty-four
21 days before the election to seventeen days before the election, is to be filed no later than twelve days
22 before the election. *Id.*

23 Short Form Campaign Statements

24 Pursuant to Section 84206 of the Act, candidates that do not raise or spend more than one
25 thousand dollars (\$1,000) or more during the calendar year, are permitted to file a Form 470 – short
26
27
28

1 form campaign statement in place of the required pre-election and semi-annual statements. (Regulation
2 18406.)

3 **III. SUMMARY OF THE EVIDENCE**

4 Respondent Michael Aldapa (“Respondent”) was an unsuccessful candidate for Los Angeles
5 Community College Board of Trustees – District 6 in the March 5, 2013 primary election. Respondent
6 also unsuccessfully ran for California State Assembly – District 53 in the June 3, 2014 primary election.
7 As described below, Respondent failed to timely file one campaign statement in connection with his
8 2013 campaign and failed to file three campaign statements in connection with his 2014 campaign.

9 2013 Los Angeles Community College Board of Trustees – District 6 Race

10 On or about December 5, 2012, Respondent filed a nomination petition with the Los Angeles
11 City Clerk. The petition indicated that Respondent would be participating in the 2013 election as a
12 candidate for the Los Angeles Community College Board of Trustees – District 6. Following his filing
13 of the petition, Respondent failed to file any additional required campaign statements prior to his defeat
14 in the March 5, 2013 primary election for which he was on the official ballot.

15 The Los Angeles County Registrar-Recorder/County Clerk (the “LACRRCC”) issued
16 Respondent written notices on February 6, 2013; February 21, 2013; February 28, 2013; and again on
17 March 15, 2013, warning Respondent that he had failed to file two pre-election campaign statements on
18 behalf on his campaign. The LACRRCC also provided notice via telephone to Respondent on January
19 30, 2013; February 26, 2013; March 16, 2013; and again on March 28, 2013.

20 On or about March 20, 2013, the Enforcement Division received a Non-Filer Enforcement
21 Referral from the LACRRCC indicating that Respondent had failed to file a pre-election campaign
22 statement covering the period from January 1, 2013 to January 19, 2013. Then on or about April 8,
23 2013, the Enforcement Division received another Non-Filer Enforcement Referral from the LACRRCC
24 indicating that Respondent had failed to file a pre-election campaign statement for the period covering
25 January 20, 2013 to February 16, 2013.
26
27
28

1 The Enforcement Division sent Respondent notice of his failure to file on April 29, 2013; June
2 19, 2013; and again on August 15, 2013. On July 22, 2013 the Enforcement Division established
3 contact with Respondent via phone and email. Respondent was then again given notice that he needed to
4 file the delinquent campaign statements. Respondent indicated to the Enforcement Division that he had
5 not raised or spent one thousand dollars (\$1,000) or more in connection with his 2013 campaign.
6

7 Respondent finally filed a short form campaign statement covering the entire 2013 calendar year
8 with the LACRRCC on August 29, 2013. The statement was filed approximately 218 days late.

9 2014 State Assembly – District 53 Race

10 On or about March 10, 2014, Respondent filed a Form 501 Candidate Intention Statement with
11 the California Secretary of State (the “SOS”). The statement indicated that Respondent would be
12 participating in the 2014 election as a candidate for State Assembly – District 53. Following his filing
13 of the Form 501, Respondent failed to file any additional required campaign statements prior to his
14 defeat in the June 5, 2014 primary election for which he was on the official ballot.
15

16 The SOS issued Respondent written notices on May 8, 2014; June 13, 2014; June 18, 2014; and
17 again on July 25, 2014, warning Respondent that he had failed to file required campaign statements on
18 behalf on his campaign.

19 On April 1, 2014; April 16, 2014; May 28, 2014; June 12, 2014; August 11, 2014; and
20 September 11, 2014, the LACRRCC also issued Respondent written notices warning Respondent that he
21 had failed to file required campaign statements on behalf of his campaign.

22 On or about May 6, 2014 and August 15, 2014, the Enforcement Division received Non-Filer
23 Enforcement Referrals from the LACRRCC and the SOS, respectively, indicating that Respondent had
24 failed to file a pre-election campaign statement covering the period from January 1, 2014 to March 17,
25 2014. On or about June 27, 2014 and September 5, 2014, the Enforcement Division received Non-Filer
26 Enforcement Referrals from the LACRRCC and the SOS, respectively, indicating that Respondent had
27 failed to file a pre-election campaign statement covering the period from March 18, 2014 to May 17,
28

1 2014. On September 26, 2014, the Enforcement Division received a final Non-Filer Enforcement
2 Referral from the LACRRCC indicating that Respondent had failed to file a semi-annual campaign
3 statement in connection with the 2014 primary election covering the period from May 18, 2014 to June
4 30, 2014.

5 From September 8, 2014 to January 8, 2015, the Enforcement Division tried to reach Respondent
6 by telephone numerous times and left Respondent several voicemails regarding his failure to file.
7 Respondent has yet to respond. On January 8, 2015, the Enforcement Division confirmed with the SOS
8 and the LACRRCC that Respondent had not filed the delinquent campaign statements.

9 Respondent committed four violations of the Act, as follows:

10
11 COUNT 1

12 **Failure to File a Campaign Statement**

13 As a candidate for the Los Angeles Community College Board of Trustees in the March 5,
14 2013 primary election, Respondent Michael Aldapa had a duty to file a campaign statement by the
15 January 24, 2013 deadline. Respondent failed to timely file a campaign statement by the January 24,
16 2013 deadline. By failing to file a campaign statement by January 24, 2013, Respondent violated
17 Sections 84200.5, subdivision (c), 84200.7 and 84206, subdivision (a), of the Government Code.

18
19 COUNT 2

20 **Failure to File Pre-Election Campaign Statement**

21 As a candidate for the California State Assembly in the June 3, 2014 primary election,
22 Respondent Michael Aldapa had a duty to file a pre-election campaign statement for the period
23 covering January 1, 2014 through March 17, 2014, by the March 24, 2014 deadline. Respondent
24 failed to file the required pre-election campaign statement by the March 24, 2014 deadline. By failing
25 to file the pre-election campaign statement by the March 24, 2014 deadline, Respondent violated
26 Sections 84200.5, subdivision (a), and 84200.7 of the Government Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT 3

Failure to File Pre-Election Campaign Statement

As a candidate for the California State Assembly in the June 3, 2014 primary election, Respondent Michael Aldapa had a duty to file a pre-election campaign statement for the period covering March 18, 2014 through May 17, 2014, by the May 22, 2014 deadline. Respondent failed to file the required pre-election campaign statement by the May 22, 2014 deadline. By failing to file the pre-election campaign statement by the May 22, 2014 deadline, Respondent violated Sections 84200.5, subdivision (a), and 84200.7 of the Government Code.

COUNT 4

Failure to File Semi-Annual Campaign Statement

As a candidate for the California State Assembly in the June 3, 2014 primary election, Respondent Michael Aldapa had a duty to file a semi-annual campaign statement for the period covering May 18, 2014, through June 30, 2014, by the July 31, 2014 deadline. Respondent failed to file the required semi-annual campaign statement by the July 31, 2014 deadline. By failing to file the semi-annual campaign statement by the July 31, 2014 deadline, Respondent violated Section 84200, subdivision (a), of the Government Code.

IV. EXCULPATORY AND MITIGATING INFORMATION

Respondent was unsuccessful in his campaigns for State Assembly and Los Angeles Community College Board of Trustees. Additionally, Respondent contends that he did not raise or spend more than one thousand dollars (\$1,000) in connection with his 2013 campaign for Los Angeles Community College Board of Trustees.

V. OTHER RELEVANT MATERIAL AND ARGUMENTS

Respondent is an experienced candidate who previously ran for State Assembly in 2012. As a result, he should be well aware of his filing obligations as candidate. In further aggravation, Respondent has a prior history of violating the Act and received a warning letter in connection with his 2012 State

1 Assembly campaign. In that matter, Respondent also failed to file a campaign statement by the
2 applicable deadline.

3 Lastly, Respondent has not cooperated with the Enforcement Division during its investigation of
4 this matter and has not filed any of the delinquent campaign statements in connection with his 2014
5 campaign for State Assembly with the Enforcement Division, SOS, or LACRRCC.
6

7 Failure to file campaign statements is a serious violation of the Act because it deprives the public
8 of important information about a candidate's contributors and financial activities. Taken as a whole,
9 Respondent's conduct in this matter shows a reckless disregard for the Act, and Respondent's violations
10 are serious.

11 **VI. CONCLUSION**

12 Probable cause exists to believe that Respondent Michael Aldapa committed four violations of
13 the Act, as set forth above. An Accusation should therefore be issued in accordance with procedures
14 described in Regulation 18361.4, subdivision (e), charging Respondent with violating the Act.
15

16 Dated: January 12, 2015

Respectfully submitted,
17
18 Gary S. Winuk
Chief of Enforcement

19
20 **[redacted]**

21 Adam Silver
22 Commission Counsel
23 Enforcement Division
24
25
26
27
28

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-2

ATTORNEY OR PARTY WITHOUT ATTORNEY: Gary Winuk (190313) fair political practices commission 428 J Street Suite 620 Sacramento, CA 95814 TELEPHONE NO.: (916) 322-5660 ATTORNEY FOR:	FOR COURT USE ONLY
FAIR POLITICAL PRACTICES COMMISSION, COUNTY OF SACRAMENTO STREET ADDRESS: 428 J STREET, SUITE 620 MAILING ADDRESS: 428 J STREET, SUITE 620 CITY AND ZIP CODE: SACRAMENTO, 95814	
STATE DEPARTMENT: FAIR POLITICAL PRACTICES COMMISSION IN THE MATTER OF:: MICHAEL ALDAPA	CASE NUMBER: FPPC NO. 13/220
PROOF OF SERVICE	Ref. No. or File No.:

1. I am over 18 years of age and not a party to this action.
2. Received by C.A. PROCESS SERVICE to be served on **MICHAEL ALDAPA, 1010 SOUTH CONCORD STREET, LOS ANGELES, CA 90023.**
3. **SUBSTITUTE** served by delivering a true copy of the **LETTER TO MR. MICHAEL ALDAPA FROM FAIR POLITICAL PRACTICES COMMISSION; REPORT IN SUPPORT OF A FINDING OF PROBABLE CAUSE; PROBABLE CAUSE FACT SHEET; CALIFORNIA GOVERNMENT CODE PROBABLE CAUSE STATUTE; REGULATIONS OF THE FAIR POLITICAL PRACTICE COMMISSION PROBABLE CAUSE REGULATIONS** with the date and hour of service endorsed thereon by me, to: **HELEN ALDAPA** as **MOTHER/CO-TENANT** at the address of: **1010 SOUTH CONCORD STREET, LOS ANGELES, CA 90023**, the within named person's usual place of **Abode**, who resides therein, who is eighteen (18) years of age or older and informed said person of the contents therein, in compliance with state statutes.

I thereafter mailed (by first-class, postage prepaid) copies of the docuemtns to the person to be served at the place where copies were left (Code Civl. Prod. 415.20). I mailed the docuemtns on 2/18/2015 MISSION HILLS, CA

4. Date and Time of service: 2/18/2015 at 12:35 pm
5. I am a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:
 - Name: Carlos Abrego
 - Firm: C.A. PROCESS SERVICE
 - Address: 14800 Rinaldi St #24, Mission Hills, CA 91345
 - Telephone number: (866) 491-3499
 - Registration Number: 6456
 - County: Los Angeles
 - The fee for the service was:

STATE DEPARTMENT: FAIR POLITICAL PRACTICES COMMISSION IN THE MATTER OF:: MICHAEL ALDAPA	CASE NUMBER: FPPC NO. 13/220
--------------------------------------------------------------------------------------------	---------------------------------

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

Date:

2/21/15

[redacted]

Carlos Abrego

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

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

EXHIBIT A-3

1 GALENA WEST
Chief of Enforcement
2 ZACHARY W. NORTON
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

9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
10 STATE OF CALIFORNIA

11 In the Matter of

12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
MICHAEL ALDAPA,

Respondent.

) FPPC No. 13/220

)
) EX PARTE REQUEST FOR A FINDING OF
) PROBABLE CAUSE AND AN ORDER THAT
) AN ACCUSATION BE PREPARED AND
) SERVED

) Gov. Code § 83115.5

17 **TO HEATHER M. ROWAN, HEARING OFFICER OF THE FAIR POLITICAL**
18 **PRACTICES COMMISSION:**

19 Pursuant to the Political Reform Act (the "Act")¹, Respondent Michael Aldapa was served with a
20 copy of a Report in Support of a Finding of Probable Cause (the "Report") in the above-entitled matter.²
21 The Report (attached as "Exhibit A"), was part of a packet of materials, including a cover letter and a
22 memorandum describing Probable Cause Proceedings, which was personally served on February 18,
23 2015. (The proof of service for the Report is attached as "Exhibit B".)

24 In the cover letter dated February 11, 2015, and attached materials, Respondent was advised that
25 he could respond in writing to the Report, and orally present his case to the Hearing Officer at a

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

² Section 83115.5 and Regulation 18361.4.

1 probable cause conference to be held in Sacramento. Respondent was further advised that in order to
2 have a probable cause conference, he needed to make a written request for one, on or before 21 days
3 from the date he received the Report. Additionally, Respondent was advised that if he did not request a
4 probable cause conference, such a conference would not be held, and probable cause would be
5 determined based solely on the Report and any written response that Respondent submitted within 21
6 days of the date Respondent was served with the Report. Respondent did not submit a written response,
7 nor did he request a probable cause conference.

8 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by
9 the General Counsel that probable cause exists to believe that Michael Aldapa committed four violations
10 of the Act, stated as follows:

11
12 COUNT 1: As a candidate for the Los Angeles Community College Board of Trustees in
13 the March 5, 2013, primary election, Michael Aldapa failed to file an
14 officeholder and candidate campaign statement-short form for by the January
24, 2013 deadline, in violation of Government Code Sections 84200.5,
subdivision (c), 84200.7, and 84206, subdivision (a).

15 COUNT 2: As a candidate for the California State Assembly in the June 3, 2014, primary
16 election, Michael Aldapa failed to file a pre-election campaign statement for
17 the period covering January 1, 2014, through March 17, 2014, by the March
24, 2014 deadline, in violation of Government Code Sections 84200.5,
18 subdivision (c), and 84200.8, subdivision (b).

19 COUNT 3: As a candidate for the California State Assembly in the June 3, 2014, primary
20 election, Michael Aldapa failed to file a pre-election campaign statement for
21 the period covering March 18, 2014, through May 17, 2014, by the May 22,
2014 deadline, in violation of Government Code Sections 84200.5, subdivision
(c), and 84200.8, subdivision (b).

22 COUNT 4: As a candidate for the California State Assembly in the June 3, 2014, primary
23 election, Michael Aldapa failed to file a semi-annual campaign statement for
24 the period covering May 18, 2014, through June 30, 2014, by the July 31, 2014
25 deadline, in violation of Government Code Section 84200, subdivision (a).
26
27
28

1 Additionally, after finding probable cause exists, the Enforcement Division requests an Order by
2 the Hearing Officer that an Accusation be prepared against Respondent, and served upon him forthwith.³

3 A copy of this Request was mailed via U.S. Mail to Aldapa on July 27, 2015, at the last known
4 address, as follows:

5
6 Michael Aldapa
7 1010 South Concord Street
8 Los Angeles, California, 90023

9 Dated: July 27, 2015

Respectfully Submitted,
FAIR POLITICAL PRACTICES COMMISSION

By: Galena West
Chief of Enforcement

12
13 **[redacted]**

14 Zachary W. Norton
15 Commission Counsel

16
17
18
19
20
21
22
23
24
25
26
27
28 ³ Section 11503

EXHIBIT A-4

FPPC No. 13/220, In the matter of Michael Aldapa

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

Michael Aldapa
1010 South Concord Street
Los Angeles, CA 90023

(By Personal Service) On Tuesday, July 28, 2015, at approximately 2:30 p.m., I personally served:

Galena West, Chief of Enforcement, at 428 J Street, Suite 700, Sacramento, CA 95814.
Zachary Norton, Commission Counsel, 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 July 28, 2015.

[redacted]

John Kim

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3
4 In the Matter of) FPPC No. 13/220
5)
6 MICHAEL ALDAPA,) FINDING OF PROBABLE CAUSE AND
7) ORDER TO PREPARE AND SERVE AN
8 Respondent.) ACCUSATION
9)
10) Gov. Code § 83115.5
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

By means of an Ex Parte Request for an Order Finding Probable Cause, dated July 27, 2015, 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, Respondent Michael Aldapa was personally served a Report in Support of a Finding of Probable Cause (the "Report") concerning this matter on February 18, 2015. Accompanying the Report was a packet of materials that informed Respondent of his right to file a written response to the Report within 21 days following service of the Report, and to request a probable cause conference. During the 21 days that followed service of the Report, Respondent did not file a response to the Report or request a probable cause conference. Pursuant to California Code of Regulations Title 2, Section 18361.4,¹ a determination of probable cause may be made solely on papers submitted when the respondent does not request that a probable cause conference be held.

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 for believing that a respondent has violated the Political Reform Act as alleged by the Enforcement Division in the probable cause report served on the respondent.

///

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in Sections 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
3 that the proposed respondent(s) committed or caused a violation.”²

4 The Probable Cause Report served on Aldapa and the subsequent Ex Parte Request for an Order
5 Finding Probable Cause and an Order that an Accusation be Prepared and Served in this matter allege
6 four violations of the Political Reform Act were committed, as follows:

7
8 COUNT 1: As a candidate for the Los Angeles Community College Board of Trustees in
9 the March 5, 2013, primary election, Michael Aldapa failed to file an
10 officeholder and candidate campaign statement-short form for by the January
24, 2013 deadline, in violation of Government Code Sections 84200.5,
subdivision (c), 84200.7, and 84206, subdivision (a).

11 COUNT 2: As a candidate for the California State Assembly in the June 3, 2014, primary
12 election, Michael Aldapa failed to file a pre-election campaign statement for
13 the period covering January 1, 2014, through March 17, 2014, by the March
24, 2014 deadline, in violation of Government Code Sections 84200.5,
14 subdivision (c), and 84200.8, subdivision (b).

15 COUNT 3: As a candidate for the California State Assembly in the June 3, 2014, primary
16 election, Michael Aldapa failed to file a pre-election campaign statement for
17 the period covering March 18, 2014, through May 17, 2014, by the May 22,
2014 deadline, in violation of Government Code Sections 84200.5,
subdivision (c), and 84200.8, subdivision (b).

18 COUNT 4: As a candidate for the California State Assembly in the June 3, 2014, primary
19 election, Michael Aldapa failed to file a semi-annual campaign statement for
20 the period covering May 18, 2014, through June 30, 2014, by the July 31,
2014 deadline, in violation of Government Code Section 84200, subdivision
21 (a).

22 Based on the Ex Parte Request for a Finding of Probable Cause and Order that an Accusation be
23 Prepared and Served given to me, I find that notice has been given to Michael Aldapa.³ I further find,
24 based on the Report in Support of a Finding of Probable Cause and the Ex Parte Request for a Finding of
25 Probable Cause, that there is probable cause to believe Michael Aldapa violated the Political Reform Act
26 as alleged in Counts 1 through 4 as identified above.

27
28 ² Regulation 18361.4, subdivision (e).

³ Government Code Section 83115.5 and Regulation 18361.4, subdivision (b).

1 I therefore direct that the Enforcement Division prepare and serve an Accusation against Michael
2 Aldapa in accordance with this Finding.

3 IT IS SO ORDERED.

4 Dated: 7/28/15

[redacted]

Heather M. Rowan
Hearing Officer
Fair Political Practices Commission

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A-5

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
FAIR POLITICAL PRACTICES COMMISSION COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT: In the Matter of Michael Aldapa	CASE NUMBER: 13/220
PROOF OF SERVICE	Ref. No. or File No.: 13/220

1. I am over 18 years of age and not a party to this action.
2. Received by GSI to be served on Michael Aldapa, 1010 South Concord St., Los Angeles, CA 90023.
3. At the time of service I was at least 18 years of age and not a party to this action. I served copies of the Letter, Accusation; Notice of Defense.
 - a. Party Served: Michael Aldapa
 - b. Person Served: Michael Aldapa,
 - c. Address: 1010 South Concord St., Los Angeles, CA 90023
(Abode)
4. Date and Time of service: 8/7/2015 at 5:15 pm
5. I am a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:

Name: George Sano
 Firm: GSI
 Address: 360 E. 1st St., Suite 773, Tustin, CA 92780
 Telephone number: (714) 486-3606
 Registration Number: PSC2623
 County: Orange
 The fee for the service was: \$55.00
7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 8-8-15

George Sano

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

[redacted]

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

July 29, 2015

PERSONALLY SERVED

Michael Aldapa
1010 South Concord Street
Los Angeles, California, 90023

**Re: In the Matter of Michael Aldapa
FPPC No. 13/220**

Dear Mr. Aldapa:

Enclosed please find the following documents:

- Statement to Respondent;
- Copy of Accusation against Michael Aldapa;
- 2 Copies of Notice of Defense Document;
- Packet of California Government Code Sections 11506 through 11508.

Please contact me at 916-322-5660, if you have any questions or concerns regarding this matter.

Sincerely,

[redacted]

Zachary W. Norton
Commission Counsel
Enforcement Division

Enclosures

GALENA WEST
Chief of Enforcement
ZACHARY W. NORTON
Commission Counsel
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

MICHAEL ALDAPA,

Respondent.

)
) OAH No. _____
)
) FPPC No. 13/220
)
) ACCUSATION
)
) (Gov. Code §11503)
)
)

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

JURISDICTION

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

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

1 **A. Definitions**

2 12. A “candidate” includes, in relevant part, an individual who is listed on the ballot for
3 election to any elective office.⁴

4 **B. Duty to File Campaign Statements**

5 13. The Act requires candidates, as defined in the Act, to file campaign statements at specific
6 times disclosing information regarding campaign contributions received and expenditures made by the
7 campaign committees.

8 14. All candidates for the California State Legislature must file campaign statements with the
9 Secretary of State and all candidates for city office must file campaign statements with the clerk of the
10 city.⁵

11 **C. Duty to File Semi-Annual Campaign Statements**

12 15. Candidates must file semi-annual campaign statements each year no later than July 31 for
13 the reporting period ending on June 30, and no later than January 31 of the following year for the semi-
14 annual reporting period ending December 31.⁶

15 16. When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing
16 deadline is extended to the next business day.⁷

17 **D. Duty to File Pre-Election Campaign Statements**

18 17. All candidates for state and local office must file two pre-election campaign statements
19 prior to the relevant election.⁸ Candidates for the California State Legislature being voted upon in an
20 even-numbered year must file their first pre-election campaign statement, covering the period from
21 January 1 to March 17, by March 22.⁹ Their second pre-election campaign statement, covering the
22 period from March 18 to seventeen days prior to the election, is to be filed no later than twelve days
23 before the election.¹⁰

24 _____
⁴ Section 82007.

25 ⁵ Section 84215, subdivisions (a) and (e).

26 ⁶ Section 84200, subdivision (a).

27 ⁷ Regulation 18116.

28 ⁸ Section 84200.5, subdivisions (a) and (c).

⁹ Section 84200.7.

¹⁰ Section 84200.7.

1 18. Candidates for local offices up for election in an odd-numbered year must file their first
2 pre-election campaign statement, covering January 1 to forty-five days prior to the election, by no later
3 than forty days before the election.¹¹ Their second pre-election campaign statement, covering the period
4 from forty-four days before the election to seventeen days before the election, is to be filed no later than
5 twelve days before the election.¹²

6 **E. Short Form Campaign Statements**

7 19. Candidates that do not raise or spend more than one thousand dollars (\$1,000) or more
8 during the calendar year are permitted to file a Form 470 – short form campaign statement in place of
9 the required pre-election and semi-annual statements.¹³ The short form campaign statement covers all
10 the same reporting periods for the entire calendar year, and is due at the same time as the first pre-
11 election statement that would otherwise be filed.

12 **F. Factors to be Considered by the Commission**

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

22 **GENERAL FACTS**

23 21. Complainant incorporates paragraphs 1 – 20 of this Accusation, as though completely set
24 forth herein.

25
26 ¹¹ Section 84200.8.

¹² *Id.*

27 ¹³ Section 84206 and Regulation 18406.

¹⁴ Regulation 18361.5, subd. (d).

1 **A. 2013 Los Angeles Community College Board of Trustees – District 6 Race**

2 22. Records obtained from the Los Angeles City Clerk indicate that Aldapa filed a
3 nomination petition with their office on December 5, 2012. The petition indicated that Aldapa would be
4 participating in the 2013 election as a candidate for the Los Angeles Community College Board of
5 Trustees – District 6.

6 23. Following his filing of the petition, Aldapa failed to file any additional required campaign
7 statements prior to his defeat in the March 5, 2013 primary election where he was on the official ballot.

8 24. Los Angeles County Registrar-Recorder/County Clerk (the “LA Clerk”) records show
9 that they issued Aldapa written notices on February 6, 2013; February 21, 2013; February 28, 2013; and
10 again on March 15, 2013, warning him that he had failed to file two pre-election campaign statements
11 on behalf on his campaign. Their records also showed that the LA Clerk provided notice via telephone to
12 Aldapa on January 30, 2013; February 26, 2013; March 16, 2013; and again on March 28, 2013.

13 25. On or about March 20, 2013, the Enforcement Division received a Non-Filer
14 Enforcement Referral from the LA Clerk indicating that Aldapa had failed to file a pre-election
15 campaign statement covering the period from January 1, 2013 to January 19, 2013. Then on or about
16 April 8, 2013, the Enforcement Division received another Non-Filer Enforcement Referral from the LA
17 Clerk indicating that Aldapa had failed to file a pre-election campaign statement for the period covering
18 January 20, 2013 to February 16, 2013.

19 26. The Enforcement Division sent Aldapa notice of his failure to file on April 29, 2013;
20 June 19, 2013; and again on August 15, 2013. On July 22, 2013 the Enforcement Division established
21 contact with Aldapa via phone and email. Aldapa was given notice that he needed to file the delinquent
22 campaign statements. Aldapa indicated to the Enforcement Division that he had not raised or spent one
23 thousand dollars (\$1,000) or more in connection with his 2013 campaign.

24 27. According to Aldapa’s campaign records, the Enforcement Division determined that he
25 filed a short form campaign statement with the LA Clerk covering the entire 2013 calendar year on
26 August 29, 2013. The statement was approximately 218 days late.

1 **B. 2014 State Assembly – District 53 Race**

2 28. Records obtained from the California Secretary of State (“SOS”) indicate that Aldapa
3 filed a Form 501 Candidate Intention Statement with their office on March 10, 2014. The statement
4 indicated that Aldapa would be participating in the 2014 election as a candidate for State Assembly –
5 District 53. Following his filing of the Form 501, Aldapa failed to file any additional required campaign
6 statements prior to his defeat in the June 5, 2014 primary election where he was on the official ballot.

7 29. SOS records show that they issued Aldapa written notices on May 8, 2014; June 13,
8 2014; June 18, 2014; and again on July 25, 2014, warning him that he had failed to file required
9 campaign statements on behalf on his campaign.

10 30. LA Clerk records show that on April 1, 2014; April 16, 2014; May 28, 2014; June 12,
11 2014; August 11, 2014; and September 11, 2014, they also issued Aldapa written notices warning him
12 that he had failed to file required campaign statements on behalf of his campaign.

13 31. On or about May 6, 2014 and August 15, 2014, the Enforcement Division received Non-
14 Filer Enforcement Referrals from the LA Clerk and SOS, respectively, indicating that Aldapa had failed
15 to file a pre-election campaign statement covering the period from January 1, 2014 to March 17, 2014.
16 On or about June 27, 2014 and September 5, 2014, the Enforcement Division received Non-Filer
17 Enforcement Referrals from the LA Clerk and SOS, respectively, indicating that Aldapa had failed to
18 file a pre-election campaign statement covering the period from March 18, 2014 to May 17, 2014. On
19 September 26, 2014, the Enforcement Division received a final Non-Filer Enforcement Referral from
20 the LA Clerk indicating that Aldapa had failed to file a semi-annual campaign statement in connection
21 with the 2014 primary election covering the period from May 18, 2014 to June 30, 2014.

22 32. From September 8, 2014 to January 8, 2015, the Enforcement Division tried to reach
23 Aldapa by telephone numerous times and left him several voicemails regarding his failure to file. Aldapa
24 did not respond.

25 33. Aldapa was served via substitute service on February 18, 2015 with the Enforcement
26 Division’s Report in Support of a Finding of Probable Cause (the “Report”). As of the date of this
27 Accusation, Aldapa has not responded to the Report or subsequent attempts to reach him by telephone.

1 62. That the Commission, pursuant to Government Code Section 83116, subdivision (c),
2 order Aldapa to pay a monetary penalty of at least One Thousand Dollars (\$1,000) and not more than
3 Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act alleged herein in **Count 1**;

4 63. That the Commission, pursuant to Government Code Section 83116, subdivision (c),
5 order Aldapa to pay a monetary penalty of at least Two Thousand Five Hundred Dollars (\$2,500) and
6 not more than Five Thousand Dollars (\$5,000) for the violations of the Political Reform Act alleged
7 herein in **Count 2**;

8 64. That the Commission, pursuant to Government Code Section 83116, subdivision (c),
9 order Aldapa to pay a monetary penalty of at least Two Thousand Five Hundred Dollars (\$2,500) and
10 not more than Five Thousand Dollars (\$5,000) for the violations of the Political Reform Act alleged
11 herein in **Count 3**;

12 65. That the Commission, pursuant to Government Code Section 83116, subdivision (c),
13 order Aldapa to pay a monetary penalty of at least Two Thousand Dollars (\$2,000) and not more than
14 Five Thousand Dollars (\$5,000) for the violations of the Political Reform Act alleged herein in **Count 4**;

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

[redacted]

Dated: _____

Galena West
Chief, Enforcement Division
Fair Political Practices Commission



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)]

Michael Aldapa

FPPC Case No. 13/220

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 Galena West, Acting Chief of the Enforcement Division at the FPPC.

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)
)
 MICHAEL ALDAPA) FPPC Case No. 13/220
)
)
)
)
)
)
 Respondent.)

MICHAEL ALDAPA, 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: _____

MICHAEL ALDAPA

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)
)
 MICHAEL ALDAPA) FPPC Case No. 13/220
)
)
)
 Respondent.)

MICHAEL ALDAPA, 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: _____

MICHAEL ALDAPA

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

///

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

EXHIBIT A-6



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

September 18, 2015

Michael Aldapa
1010 South Concord Street
Los Angeles, California, 90023

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: In the Matter of Michael Aldapa
FPPC No. 13/0220**

Dear Mr. Aldapa:

This letter is to inform you that the Enforcement Division of the Fair Political Practices Commission is pursuing a default decision against you for your failure to timely file a short form campaign statement in connection with your 2013 campaign for the Los Angeles Community College Board of Trustees, pre-election campaign statements for the periods January 1, 2014 through May 17, 2014, and a Semi-Annual Campaign Statement for the period May 18, 2014, through June 30, 2014 for your campaign for State Assembly – District 53, in violation of the Political Reform Act.

The Enforcement Division previously served you with a Report in Support of a Finding of Probable Cause, which advised you of your right to request a probable cause conference or to submit a written response within 21 days from service of the Report. Because you did not invoke either of these rights, the Enforcement Division proceeded with an Ex Parte Request for a Finding of Probable Cause to the Commission's Hearing Officer. The Hearing Officer found probable cause that you committed four violations of the Act's campaign disclosure provisions and instructed the Enforcement Division to draft an Accusation for these violations.

The Accusation was personally served on you on August 7, 2015. Under the Administrative Procedure Act, you were entitled to file a Notice of Defense within 15 days from service of the Accusation. A Notice of Defense provides you with an opportunity to request a hearing, object to the Accusation, or provide an affirmative defense; failure to file a Notice of Defense constitutes a waiver of these rights. You failed to file a Notice of Defense and, as such, you are in a default position.

Enclosed please find a copy of the Default Decision and Order, and its accompanying Exhibit and attachments, for the above-referenced matter. The Commission will consider these papers at its public meeting on **October 15, 2015**.

You may, but are not required to, provide the Commission with a written response. If you wish to respond, your response must be received by the Commission Assistant, John Kim, no later than October 9, 2015. You can reach Mr. Kim at the above address, and at (916) 327-8269.

At its public meeting on **October 15, 2015**, the Commission will decide whether to approve or reject the Default as it is written, approve the Default with revisions, or remove your case from the agenda for further discussion. The Commission is authorized to issue an order requiring you to pay a monetary penalty of up to **\$5,000** for each violation.

Following the issuance of a default order, we will commence legal proceedings to collect this penalty, which may include converting the Commission's order to a court judgment. Please be advised that administrative penalties for violations of the Act cannot be discharged in bankruptcy proceedings.

This letter is your **last opportunity** to resolve this matter informally 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 **October 15, 2015**, meeting.

Should you have any questions about your case or would like to discuss settlement options, please contact Zachary W. Norton at (916) 322-3956 or znorton@fppc.ca.gov.

Sincerely,


[redacted]

Galena West
Chief, Enforcement Division

Enclosures

EXHIBIT A-7

Past Due Notice

FILING PERIOD: 1 DUE DATE: 01/24/13 COVERING DATES: 01/01/13 to 01/19/13
ELECTION ID: 1413 HELD: 03/05/13
ELECTION NAME: LOS ANGELES COMMUNITY COLL DIST BOARD OF TRUSTEES
OFFICE: LOS ANGELES COMM COLLEGE DISTRICT BOARD OF TRUSTEES PARTY:
R-R CONTROL NO.: 016945

This is a reminder that your campaign statement is PAST DUE.
Your statement was due on January 24, 2013, and you may be
subject to a \$10.00 per day fine (Government Code § 91013). If you
need additional assistance, please call the Campaign Finance
Section at (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES, CALIFORNIA 90023

CS01

25

Notice Of Past Due Filing

FILING PERIOD: 1 DUE DATE: 01/24/13 COVERING DATES: 01/01/13 TO 01/19/13
ELECTION ID: 1413 HELD: 03/05/13
ELECTION NAME: LOS ANGELES COMMUNITY COLL DIST BOARD OF TRUSTEES
OFFICE: LOS ANGELES COMM COLLEGE DISTRICT BOARD OF TRUSTEES PARTY:
R-R CONTROL NO.: 016945
DATE TO BE REFERRED TO FPPC: 03/07/13

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Div. for appropriate action (GC § 81010(d)). Send your statement immediately to the Campaign Finance and Proposition B Section or call (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES CA 90023

CS02

JR



CAMPAIGN FINANCE DISCLOSURE SECTION

CALL REPORT FOR ROSALBA

DATE OF CALL: 2/26/2013 Outgoing Call

CALLER NAME: VOICEMAIL

CAND/COMM/MD NAME MICHAEL ALDAPA

ELECTION ID: 1413

CONTROL NUMBER: 016945

CFD STAFF NAME: Rosalba

TYPE OF CALL:

SUB-TYPE:

CALL DURATION: 3 MINUTE(S)

CALL SUMMARY: Voicemail message was left to Mr. Aldapa regarding Past Due campaign statement that was due on January 24, 2013. Notified Mr. Aldapa that the campaign statement is still pending and if any statement filed after any deadline a penalty fee in the amount of \$10 per day will be charge until campaign statement is received. Campaign Finance phone and fax number were provided in message.

ACTION/RESOLUTION:



CAMPAIGN FINANCE DISCLOSURE SECTION

CALL REPORT FOR ROSALBA

DATE OF CALL: 1/30/2013 Outgoing Call

CALLER NAME:

CAND/COMM/MD NAME MICHAEL ALDAPA

ELECTION ID: 1413

CONTROL NUMBER: 016945

CFD STAFF NAME: Rosalba

TYPE OF CALL:

SUB-TYPE:

CALL DURATION: 2 MINUTE(S)

CALL SUMMARY: Voicemail was left for Mr. Michael Aldapa regarding his campaign statement that is past due. Informed Mr. Aldapa that statement was due on January 24, 2013 and may be subject to a \$10.00 per day fine. Campaign Finance phone and fax number were provided in message.

ACTION/RESOLUTION:

Past Due Notice

FILING PERIOD: 2 DUE DATE: 02/21/13 COVERING DATES: 01/20/13 TO 02/16/13
ELECTION ID: 1413 HELD: 03/05/13
ELECTION NAME: LOS ANGELES COMMUNITY COLL DIST BOARD OF TRUSTEES
OFFICE: LOS ANGELES COMM COLLEGE DISTRICT BOARD OF TRUSTEES PARTY:
R-R CONTROL NO.: 016945

This is a reminder that your campaign statement is PAST DUE.
Your statement was due on February 21, 2013, and you may be
subject to a \$10.00 per day fine (Government Code § 91013). If you
need additional assistance, please call the Campaign Finance
Section at (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES CA 90023

CS01

JA

Notice Of Past Due Filing

FILING PERIOD: 2 DUE DATE: 02/21/13 COVERING DATES: 01/20/13 TO 02/16/13
ELECTION ID: 1413 HELD: 03/05/13
ELECTION NAME: LOS ANGELES COMMUNITY COLL DIST BOARD OF TRUSTEES
OFFICE: LOS ANGELES COMM COLLEGE DISTRICT BOARD OF TRUSTEES PARTY:
R-R CONTROL NO.: 016945
DATE TO BE REFERRED TO FPPC: 03/29/13

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within five days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Div. for appropriate action (GC § 81010(d)). Send your statement immediately to the Campaign Finance and Proposition B Section or call (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES CA 90023

CS02

AA
RS



CAMPAIGN FINANCE DISCLOSURE SECTION

CALL REPORT FOR ROSALBA

DATE OF CALL: 3/16/2013 Outgoing Call

CALLER NAME: VOICEMAIL

CAND/COMM/MD NAME MICHAEL ALDAPA

ELECTION ID: 1413

CONTROL NUMBER: 016945

CFD STAFF NAME: Rosalba

TYPE OF CALL:

SUB-TYPE:

CALL DURATION: 5 MINUTE(S)

CALL SUMMARY: Voicemail message was left for Mr. Michael Aldapa regarding his campaign statement that is past due since February 21, 2013. Mr. Aldapa was notified that if any statement filed after any deadline is liable of a penalty in the amount of \$10 per day until statement is received. CF phone and fax number were provided on message.

ACTION/RESOLUTION:



CAMPAIGN FINANCE DISCLOSURE SECTION

CALL REPORT FOR ROSALBA

DATE OF CALL: 3/28/2013 Outgoing Call
CALLER NAME: VOICEMAIL
CAND/COMM/MD NAME: MICHAEL ALDAPA
ELECTION ID: 1413
CONTROL NUMBER: 016945
CFD STAFF NAME: Rosalba
TYPE OF CALL:
SUB-TYPE:
CALL DURATION: 5 MINUTE(S)
CALL SUMMARY: Voicemail message was left for Mr. Michael Aldapa regarding his campaign statement that is past due. Mr. Michael Aldapa was notified that if any statement filed after any deadline is liable of a penalty in the amount of \$10 per day until statement is received. CF phone and fax number were provided on message.

ACTION/RESOLUTION:

EXHIBIT A-8

**CAMPAIGN DISCLOSURE STATEMENTS
NON-FILER ENFORCEMENT REFERRAL**

In order to expedite the enforcement referral; please complete the information below

I. Filing Officer

Contact Person: Los Angeles County
Registrar-Recorder/County Clerk City/County: Los Angeles County

Address: 12400 Imperial Highway, Room 2003 Telephone: (562) 462-2339

Norwalk 90650 FAX: (562) 651-2548
(City) (Zip)

II. Non-Filer

Name: Michael Aldapa Office Sought: Los Angeles Community College

Address: 1010 South Concord Street Telephone: _____
Business _____

Los Angeles 90023 Home (323) 973-9900
(City) (Zip)

Date of Election: 03/05/2013 Incumbent: Non-Incumbent:
(If applicable)

Type of Statement: 460 or 470 Date Due: 1/24/2013
(Please specify)

Period Covering: 01/01/13 TO 01/19/13 Number of Prior Filings: 0
(Attach copy of Form 410 and most recent statement filed)
(If applicable)

Number of Prior Late Filings: 1

III. Notifications: (Attach copy of written notifications)

Date: 2/6/2013 Written: (CS01) Date: 1/30/2013 Verbal

2/21/2013 Written: (CS02) 2/26/2013 Verbal

Please Note: Two notifications must be made before referring this matter to the Fair Political Practices Commission Enforcement Division for consideration for formal enforcement action.

If you have any questions, please call the Enforcement Division at (916) 322-5660. Return the completed form and attachments to:
Fair Political Practices Commission
Enforcement Division
428 J Street, Suite 620
Sacramento, CA 95814

**CAMPAIGN DISCLOSURE STATEMENTS
NON-FILER ENFORCEMENT REFERRAL**

In order to expedite the enforcement referral; please complete the information below

I. Filing Officer

Contact Person: Los Angeles County Registrar-Recorder/County Clerk City/County: Los Angeles County
Address: 12400 Imperial Highway, Room 2003 Telephone: (562) 462-2339
Norwalk 90650 FAX: (562) 651-2548
(City) (Zip)

II. Non-Filer

Name: Michael Aldapa Office Sought: Los Angeles Community College
Address: 1010 South Concord Street Telephone: Business
Los Angeles 90023 Home: (323) 973-9900
(City) (Zip)

Date of Election: 03/05/2013 Incumbent: Non-Incumbent:
(If applicable)

Type of Statement: 460 or 470 Date Due: 02/21/2013
(Please specify)

Period Covering: 01/20/2013 To 02/16/2013 Number of Prior Filings: 0
(Attach copy of Form 410 and most recent statement filed)
(If applicable)

Number of Prior Late Filings: 1

III. Notifications: (Attach copy of written notifications)

Date: 2/28/2013 Written: (CS01) Date: 3/16/2013 Verbal
3/15/2013 Written: (CS02) 3/28/2013 Verbal

Please Note: Two notifications must be made before referring this matter to the Fair Political Practices Commission Enforcement Division for consideration for formal enforcement action.

If you have any questions, please call the Enforcement Division at (916) 322-5660. Return the completed form and attachments to:
Fair Political Practices Commission
Enforcement Division
428 J Street, Suite 620
Sacramento, CA 95814

EXHIBIT A-9



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

April 29, 2013

**Protected Settlement Communication
(Evid. Code §§ 1152, 1154)**

Michael Aldapa
1010 South Concord Street
Los Angeles, CA 90023-2216

Re: FPPC Case No. 13/220, Michael Aldapa

Dear Mr. Aldapa:

After receiving a referral from the County of Los Angeles, the Enforcement Division of the Fair Political Practices Commission recently completed its investigation into whether you violated provisions of California's Political Reform Act (the "Act")¹ by failing to file a required campaign statement.

Based on our investigation, it is our determination that you committed one violation of the Act by failing to comply with the campaign reporting provisions of the Act, specifically by failing to file the Form 470 campaign statement with the County of Los Angeles on the deadline of February 21, 2013. Having determined that you committed these violations of the Act, the Enforcement Division is authorized to bring an enforcement action against you and may obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per each violation.

We are providing you with the opportunity to settle this matter without the need for an enforcement action through our streamlined settlement procedure where your penalty amount is much lower than what it potentially could be if you do not participate in this program. In order to participate in our streamlined settlement, you must:

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

1. Complete the required campaign statement, Form 470, file it with the County of Los Angeles, and send a copy to my attention;²
2. Include a cashier's check or money order for \$200.00 made payable to the General Fund of the State of California; and
3. Return the enclosed Stipulation signed by you, a copy of the Form 470, and a check or money order to the Fair Political Practices Commission **no later than May 20, 2013**.

Please note that the administrative penalty increases for every additional effort required by staff to resolve this matter. If full payment is not received, we will commence proceedings to collect this fine by any means allowable under the law, including but not limited to, obtaining a civil court judgment against you for the amount of the penalty plus interest and costs, intercepting and collecting the amount due from amounts owed to you by other state agencies (also known as a Tax Intercept), assigning this debt to a collection agency, or selling the debt to a private person or entity. Please note that court judgments involving administrative fines imposed by the Commission are not dischargeable in bankruptcy.

If you have any questions, please contact me at (916) 322-8241 or akorchmaros@fppc.ca.gov.

Sincerely,

[redacted]

Adrienne Korchmaros
Political Reform Consultant
Enforcement Division

:ak

Enclosure

² All of the campaign forms can be found at our website at www.fppc.ca.gov.



FAIR POLITICAL PRACTICES COMMISSION

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

June 19, 2013

**Protected Settlement Communication
(Evid. Code §§ 1152, 1154)**

Michael Aldapa
1010 South Concord Street
Los Angeles, CA 90023-2216

Re: FPPC Case No. 13/220, Michael Aldapa

Dear Mr. Aldapa:

As stated in our letter dated April 29, 2013, after receiving a referral from the County of Los Angeles, the Enforcement Division of the Fair Political Practices Commission recently completed its investigation into whether you violated provisions of California's Political Reform Act (the "Act")¹ by failing to file a required campaign statement.

We determined that you committed one violation of the Act by failing to comply with the campaign reporting provisions of the Act, specifically by failing to file the Form 470 campaign statement with the County of Los Angeles on the deadline of February 21, 2013. Having determined that you committed these violations of the Act, the Enforcement Division is authorized to bring an enforcement action against you and may obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per each violation.

Our April 29, 2013, letter offered a stipulated settlement of \$200 if you returned the signed stipulation, check, and statement by May 20, 2013. The deadline to take advantage of the stipulated settlement of \$200 has passed. **As of this writing, the proposed settlement has increased to \$400.** We are providing you with the opportunity to settle this matter without the need for an enforcement action through our streamlined settlement procedure where your penalty

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

amount is much lower than what it potentially could be if you do not participate in this program. In order to participate in our streamlined settlement, you must:

1. Send a cashier's check or money order for \$400.00 made payable to the General Fund of the State of California; and
2. Return the enclosed Stipulation signed by you and a check or money order to the Fair Political Practices Commission **no later than July 5, 2013.**

Please note that the administrative penalty increases for every additional effort required by staff to resolve this matter. If full payment is not received, we will commence proceedings to collect this fine by any means allowable under the law, including but not limited to, obtaining a civil court judgment against you for the amount of the penalty plus interest and costs, intercepting and collecting the amount due from amounts owed to you by other state agencies (also known as a Tax Intercept), assigning this debt to a collection agency, or selling the debt to a private person or entity. Please note that court judgments involving administrative fines imposed by the Commission are not dischargeable in bankruptcy.

If you have any questions, please contact me at (916) 322-8241 or akorchmaros@fppc.ca.gov.

Sincerely,

[redacted]

Adrienne Korchmaros
Political Reform Consultant
Enforcement Division

:ak

Enclosure



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

August 15, 2013

Protected Settlement Communication (Evid. Code §§ 1152, 1154)

Michael Aldapa
1010 South Concord Street
Los Angeles, CA 90023-2216

Re: FPPC Case No. 13/220, Michael Aldapa

Dear Mr. Aldapa:

As stated in our letters and telephone conversation, after receiving a referral from the County of Los Angeles, the Enforcement Division of the Fair Political Practices Commission recently completed its investigation into whether you violated provisions of California's Political Reform Act (the "Act")¹ by failing to file a required campaign statement.

We determined that you committed one violation of the Act by failing to comply with the campaign reporting provisions of the Act, specifically by failing to file the Form 470 campaign statement with the County of Los Angeles on the deadline of February 21, 2013. Having determined that you committed these violations of the Act, the Enforcement Division is authorized to bring an enforcement action against you and may obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per each violation.

Our April 29, 2013, letter offered a stipulated settlement of \$200 if you returned the signed stipulation, check, and statement by May 20, 2013. On July 22, 2013, email to you stated that we could hold the fine at \$200 if the check, stipulation, and verification that the Form 470 was filed were received by August 5, 2013. **Because we have not received anything from you, as of this writing, the proposed settlement has increased again to \$400.** We are providing you with the opportunity to settle this matter without the need for an enforcement action through our

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

streamlined settlement procedure where your penalty amount is much lower than what it potentially could be if you do not participate in this program. In order to participate in our streamlined settlement, you must:

1. Send a cashier's check or money order for \$400.00 made payable to the General Fund of the State of California; and
2. Return the enclosed Stipulation signed by you, verification of filing the Form 470 with the Los Angeles County Registrar of Voters, and the money order for \$400 to the Fair Political Practices Commission **no later than August 26, 2013**.

Please note that the administrative penalty increases for every additional effort required by staff to resolve this matter. If full payment is not received, we will commence proceedings to collect this fine by any means allowable under the law, including but not limited to, obtaining a civil court judgment against you for the amount of the penalty plus interest and costs, intercepting and collecting the amount due from amounts owed to you by other state agencies (also known as a Tax Intercept), assigning this debt to a collection agency, or selling the debt to a private person or entity. Please note that court judgments involving administrative fines imposed by the Commission are not dischargeable in bankruptcy.

If you have any questions, please contact me at (916) 322-8241 or akorchmaros@fppc.ca.gov.

Sincerely,

[redacted]

Adrienne Korchmaros
Political Reform Consultant
Enforcement Division

:ak

Enclosure

EXHIBIT A-10

Adrienne Korchmaros

From: Adrienne Korchmaros
Sent: Monday, July 22, 2013 11:48 AM
To: 'praldapa@yahoo.com'
Subject: fine for Form 470 (FPPC)
Attachments: stipulation-Aldapa.pdf

Dear Mr. Aldapa,

Per our conversation today, I will be able to hold the fine at the \$200 level if we receive your check, the signed stipulation (att'd), and assurance that the Form 470 has been filed with LA County Registrar of Voters no later than August 5, 2013.

The Form 470 is here:

<http://www.fppc.ca.gov/forms/2012/470.pdf>

The Form 470 should be filed with the LA Co ROV. Contact is Josefina Arvizu (JArvizu@rrcc.lacounty.gov)

Thank you,

Adrienne



Adrienne Korchmaros

Political Reform Consultant | Enforcement Division

CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION

428 J Street, Suite 620 | Sacramento, California 95814 | www.fppc.ca.gov

Office: (916) 322-8241 | Fax: (916) 322-1932

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.

Adrienne Korchmaros

From: Adrienne Korchmaros
Sent: Thursday, August 01, 2013 7:45 AM
To: 'praldapa@yahoo.com'
Subject: FW: fine for Form 470 (FPPC)
Attachments: stipulation-Aldapa.pdf

Mr. Aldapa,

I'm sending this as a reminder re agreement below.

From: Adrienne Korchmaros
Sent: Monday, July 22, 2013 11:48 AM
To: 'praldapa@yahoo.com'
Subject: fine for Form 470 (FPPC)

Dear Mr. Aldapa,

Per our conversation today, I will be able to hold the fine at the \$200 level if we receive your check, the signed stipulation (att'd), and assurance that the Form 470 has been filed with LA County Registrar of Voters no later than August 5, 2013.

The Form 470 is here:
<http://www.fppc.ca.gov/forms/2012/470.pdf>

The Form 470 should be filed with the LA Co ROV. Contact is Josefina Arvizu (JARvizu@rrcc.lacounty.gov)

Thank you,

Adrienne



Adrienne Korchmaros
Political Reform Consultant | Enforcement Division
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620 | Sacramento, California 95814 | www.fppc.ca.gov
Office:(916) 322-8241 | Fax: (916) 322-1932

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.

EXHIBIT A-11

Officeholder and Candidate Campaign Statement - Short Form

(Government Code Section 84206)

Type or print in ink.

Date of election if applicable: (Month, Day, Year)	<input type="checkbox"/> Amendment (Explain Below)	Date Stamp RECEIVED BY ANGELLES COMMUNITY 2013 AUG 29 PM 12:36 CAMPAIGN FINANCES DISCLOSURE SECTION	CALIFORNIA FORM 470 For Official Use Only 016045
-------------------------------------------------------	----------------------------------------------------	--------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------

1. Statement Covers Calendar Year 20 13.

2. Officeholder or Candidate Information

NAME OF OFFICEHOLDER OR CANDIDATE: MICHAEL ALDAPA
 STREET ADDRESS: 1010 So. CONCORD ST
 CITY: LOS ANGELES STATE: CA ZIP CODE: 90023
 AREA CODE/DAYTIME PHONE NUMBER: (323) 973-9900 OPTIONAL FAX / E-MAIL ADDRESS:

3. Office Sought or Held

OFFICE SOUGHT OR HELD: Los Angeles Community College Board Trustee
 JURISDICTION (LOCATION): Los Angeles DISTRICT NUMBER (IF APPLICABLE): #6

4. Committee Information

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

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

5. Verification

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

Executed on AUG 29th, 2013 DATE

By 

RS

EXHIBIT A-12

Candidate Intention Statement

Type or Print in Ink

Pat

Check One: Initial

Amendment (Explain) _____

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

MAR 10 2014

CANDIDATE INTENTION STATEMENT
CALIFORNIA FORM 501
For Official Use Only

1. Candidate Information:

NAME OF CANDIDATE (Last, First, Middle Initial) ALDAPA MICHAEL DAYTIME TELEPHONE NUMBER (323) 973-9900 FAX NUMBER (optional) _____ E-MAIL (optional) praldapa@yahoo.com

STREET ADDRESS 1010 S CONCORD ST CITY LOS ANGELES STATE CALIF ZIP CODE 90023

OFFICE SOUGHT (POSITION TITLE) Assemblymember AGENCY NAME CALIF STATE DISTRICT NUMBER, if applicable 53rd

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

2. State Candidate Expenditure Limit Statement:

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

2014 Primary/general election (Year of Election) Special/runoff election (Year of Election)

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

(Mark if applicable) On 1/15 I contributed personal funds in excess of the expenditure ceiling for the election stated above.

3. Verification:

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

Executed on MARCH 7th 2014 Signature _____

[Redacted]

1304612

EXHIBIT A-13



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

May 08, 2014

MICHAEL ALDAPA
FRIENDS OF MICHAEL ALDAPA FOR CALIF.
STATE ASSEMBLY 53RD DISTRICT 2012, ID# 1347313
P.O. BOX 23271
LOS ANGELES CA 90023

Dear Filer:

Pursuant to Government code Section 84200.5(a), candidates for elective state office and their controlled committee must file pre-election statements during an even-numbered year. Our records show that you did not file the pre-election statement specified below. Please file the original and one copy of the Form 460 (Recipient Committee Campaign Statement - Long Form) with this office as soon as possible.

Please note that when an elected officeholder in one jurisdiction runs for an elective office in another jurisdiction, the officeholder/candidate and all committees he/she controls must file campaign disclosure statements with the filing officer in the jurisdictions in which the officeholder both holds office and seeks office. Such filings must continue until the officeholder/candidate no longer holds one office and raises or spends money in connection with another office.

In addition to other penalties established by the Political Reform Act, a candidate is liable in the amount of \$10 for each day that a required statement is late. This fine will continue to accrue until your statement is filed.

If you have any questions, please call Gloria Gilmore at (916) 653-0279.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

FILING REQUIREMENT

Name of Filer: FRIENDS OF MICHAEL ALDAPA FOR CALIF. STATE ASSEMBLY 53RD
DISTRICT 2012

Statement Required: Form 460

Period Covered: January 01, 2014 through March 17, 2014

Date Due: March 24, 2014



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

June 13, 2014

157

MICHAEL ALDAPA
FRIENDS OF MICHAEL ALDAPA FOR CALIF.
STATE ASSEMBLY 53RD DISTRICT 2012, ID# 1347313
P.O. BOX 23271
LOS ANGELES CA 90023

Dear Filer:

A review of our files fails to reflect a response to our earlier notice to you, copy enclosed, of an apparent duty to file a Campaign Disclosure Statement with this office as required by the Political Reform Act.

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.

If you have any questions, please call Gloria Gilmore at (916) 653-0279.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

Enclosure

FILING REQUIREMENT

Name of Filer: FRIENDS OF MICHAEL ALDAPA FOR CALIF. STATE ASSEMBLY 53RD
DISTRICT 2012

Document Required: Form 460

Period Covered: January 01, 2014 through March 17, 2014

Date Due: March 24, 2014

Date of First Written Notice: May 8, 2014



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

June 18, 2014

MICHAEL ALDAPA
FRIENDS OF MICHAEL ALDAPA FOR CALIF. STATE ASSEMBLY
53RD DISTRICT 2012, ID# 1347313
P.O. BOX 23271
LOS ANGELES CA 90023

Dear Filer:

Pursuant to Government code Section 84200.5(a), candidates for elective state office and their controlled committee must file pre-election statements during an even-numbered year. Our records show that you did not file the pre-election statement specified below. Please file the original and one copy of the Form 460 (Recipient Committee Campaign Statement - Long Form) with this office as soon as possible.

Please note that when an elected officeholder in one jurisdiction runs for an elective office in another jurisdiction, the officeholder/candidate and all committees he/she controls must file campaign disclosure statements with the filing officer in the jurisdictions in which the officeholder both holds office and seeks office. Such filings must continue until the officeholder/candidate no longer holds one office and raises or spends money in connection with another office.

In addition to other penalties established by the Political Reform Act, a candidate is liable in the amount of \$10 for each day that a required statement is late. This fine will continue to accrue until your statement is filed.

If you have any questions, please call Gloria Gilmore at (916) 653-0279.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

FILING REQUIREMENT

Name of Filer: FRIENDS OF MICHAEL ALDAPA FOR CALIF. STATE ASSEMBLY
53RD DISTRICT 2012

Statement Required: Form 460

Period Covered: March 18, 2014 through May 17, 2014

Date Due: May 22, 2014



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

July 25, 2014

MICHAEL ALDAPA
FRIENDS OF MICHAEL ALDAPA FOR CALIF. STATE ASSEMBLY
53RD DISTRICT 2012, ID# 1347313
P.O. BOX 23271
LOS ANGELES CA 90023

Dear Filer:

A review of our files fails to reflect a response to our earlier notice to you, copy enclosed, of an apparent duty to file a Campaign Disclosure Statement with this office as required by the Political Reform Act.

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.

If you have any questions, please call Gloria Gilmore at (916) 653-0279.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

Enclosure

FILING REQUIREMENT

Name of Filer: FRIENDS OF MICHAEL ALDAPA FOR CALIF. STATE ASSEMBLY
53RD DISTRICT 2012

Document Required: Form 460

Period Covered: March 18, 2014 through May 17, 2014

Date Due: May 22, 2014

Date of First Written Notice: June 18, 2014

EXHIBIT A-14

LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK

MAILING DATE: 04/01/14
COPY)

Past Due Notice

FILING PERIOD: 1 DUE DATE: 03/24/14 COVERING DATES: 01/01/14 TO 03/17/14
ELECTION ID: 2043 HELD: 06/03/14
ELECTION NAME: STATEWIDE DIRECT PRIMARY ELECTION
OFFICE: MEMBER OF STATE ASSEMBLY 53RD DISTRICT PARTY:
R-R CONTROL NO.: 016945

This is a reminder that your campaign statement is PAST DUE.
Your statement was due on March 24, 2014, and you may be
subject to a \$10.00 per day fine (Government Code § 91013). If you
need additional assistance, please call the Campaign Finance
Section at (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES CA 90023

JA

HP

CS01

Notice Of Past Due Filing

FILING PERIOD: 1 DUE DATE: 03/24/14 COVERING DATES: 01/01/14 TO 03/17/14
ELECTION ID: 2043 HELD: 06/03/14
ELECTION NAME: STATEWIDE DIRECT PRIMARY ELECTION
OFFICE: MEMBER OF STATE ASSEMBLY 53RD DISTRICT PARTY:
R-R CONTROL NO.: 016945
DATE TO BE REFERRED TO FPPC: 04/30/14

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Div. for appropriate action (GC § 81010(d)). Send your statement immediately to the Campaign Finance and Proposition B Section or call (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES CA 90023

CC

IW

Past Due Notice

FILING PERIOD: 2 DUE DATE: 05/22/14 COVERING DATES: 03/18/14 TO 05/17/14
ELECTION ID: 2043 HELD: 06/03/14
ELECTION NAME: STATEWIDE DIRECT PRIMARY ELECTION
OFFICE: MEMBER OF STATE ASSEMBLY 53RD DISTRICT PARTY:
R-R CONTROL NO.: 016945

This is a reminder that your campaign statement is PAST DUE.
Your statement was due on May 22, 2014, and you may be
subject to a \$10.00 per day fine (Government Code § 91013). If you
need additional assistance, please call the Campaign Finance
Section at (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES CA 90023

CS01

PH 22

(TITLE COPY)

Notice Of Past Due Filing

FILING PERIOD: 2 DUE DATE: 05/22/14 COVERING DATES: 03/18/14 TO 05/17/14
ELECTION ID: 2043 HELD: 06/03/14
ELECTION NAME: STATEWIDE DIRECT PRIMARY ELECTION
OFFICE: MEMBER OF STATE ASSEMBLY 53RD DISTRICT PARTY:
R-R CONTROL NO.: 016945
DATE TO BE REFERRED TO FPPC: 06/26/14

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within five days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Div. for appropriate action (GC § 81010(d)). Send your statement immediately to the Campaign Finance and Proposition B Section or call (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES CA 90023

CSOE

2?
W

Past Due Notice

FILING PERIOD: 3 DUE DATE: 07/31/14 COVERING DATES: 05/18/14 TO 06/30/14
ELECTION ID: 2043 HELD: 06/03/14
ELECTION NAME: STATEWIDE DIRECT PRIMARY ELECTION
OFFICE: MEMBER OF STATE ASSEMBLY 53RD DISTRICT PARTY:
R-R CONTROL NO.: 016945

This is a reminder that your campaign statement is FAST DUE. Your statement was due on July 31, 2014, and you may be subject to a \$10.00 per day fine (Government Code § 91013). If you need additional assistance, please call the Campaign Finance Section at (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES CA 90023

HP

CC

CS01

Notice Of Past Due Filing

FILING PERIOD: 3 DUE DATE: 07/31/14 COVERING DATES: 05/18/14 TO 06/30/14
ELECTION ID: 2043 HELD: 06/03/14
ELECTION NAME: STATEWIDE DIRECT PRIMARY ELECTION
OFFICE: MEMBER OF STATE ASSEMBLY 53RD DISTRICT PARTY:
R-R CONTROL NO.: 016945
DATE TO BE REFERRED TO FPPC: 09/25/14

Your campaign statement is PAST DUE. If a statement is filed after any deadline imposed by this act, any person shall, in addition to any other penalties be liable in the amount of \$10 per day until it is received. Your statement must be received within ten days from the date of this written notice. A late filing penalty cannot be waived if the statement is filed after this date (Govt. Code 91013). If it is not received within two weeks from the date of this notice you will be referred to the Fair Political Practices Enforcement Division. (GC § 81010(d)). Send your statement immediately to the Campaign Finance Section or call (562) 462-2339.

MICHAEL ALDAPA
1010 SOUTH CONCORD STREET
LOS ANGELES CA 90023

CS02

HP

EXHIBIT A-15

**CAMPAIGN DISCLOSURE STATEMENTS
NON-FILER ENFORCEMENT REFERRAL**

In order to expedite the enforcement referral, please complete the information below

I. Filing Officer

Contact Person: Los Angeles County
Registrar-Recorder/County Clerk City/County: Los Angeles County

Address: 12400 Imperial Highway, Room 2003 Telephone: (562) 462-2339

Norwalk 90650 FAX: (562) 651-2548
(City) (Zip)

II. Non-Filer

Name: Michael Aldapa Office Sought: Member of State Assembly 53rd District

Address: 1010 South Concord Street Telephone: _____
Business _____

Los Angeles 90023 Home (323) 973-9900
(City) (Zip)

Date of Election: 6/3/2014 Incumbent: Non-Incumbent:
(If applicable)

Type of Statement: 1st Filing Date Due: 3/24/2014
(Please specify)

Period Covering: 1/1/2014 - 3/17/2014 Number of Prior Filings: 6
(Attach copy of Form 410 and most recent statement filed)
(If applicable)

Number of Prior Late Filings: 4

III. Notifications: (Attach copy of written notifications)

Date: 4/1/2014 Written: (CS01) Date: N/A Verbal _____
4/16/2014 Written: (CS02) N/A Verbal _____

Please Note: Two notifications must be made before referring this matter to the Fair Political Practices Commission Enforcement Division for consideration for formal enforcement action.

If you have any questions, please call the Enforcement Division at (916) 322-5660. Return the completed form and attachments to:
Fair Political Practices Commission
Enforcement Division
428 J Street, Suite 620
Sacramento, CA 95814

Memorandum

TO: Gary Winuk, Chief
Enforcement Division
Fair Political Practices Commission

DATE: August 13, 2014

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 (paper)
 Nonfiler (electronic)
 Other:

REFERRAL

NO.: 2014-CP3154

NAME OF ENTITY / INDIVIDUAL REFERRED

ALDAPA FOR CALIF. STATE ASSEMBLY 53RD DISTRICT 2012, FRIENDS OF
MICHAEL

ID NUMBER (if applicable)

1347313

DATES (if applicable)

Qualified as Committee: Not Qualified

Terminated: No

DESCRIPTION OF APPARENT VIOLATION

Document Required: Form 460
Period Covered: January 01, 2014 through March 17, 2014
Date Due: March 24, 2014
Date of First Written Notice: May 8, 2014
Date of Second Written Notice: June 13, 2014

Copies of applicable documents are attached.

14 AUG 15 AM 10:44
RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION

[redacted]

Approved:

Chris Reynolds, Chief

EXHIBIT A-16

**CAMPAIGN DISCLOSURE STATEMENTS
NON-FILER ENFORCEMENT REFERRAL**

In order to expedite the enforcement referral; please complete the information below

I. Filing Officer

Contact Person: Los Angeles County
Registrar-Recorder/County Clerk City/County: Los Angeles County
Address: 12400 Imperial Highway, Room 2003 Telephone: (562) 462-2339
Norwalk 90650 FAX: (562) 651-2548
(City) (Zip)

II. Non-Filer

Name: Michael Aldapa Office Sought: Member of State Assembly 53rd District
Address: 1010 South Concord Street Telephone: _____
Los Angeles 90023 Business _____
(City) (Zip) Home (323) 973-9900

Date of Election: 6/3/2014 Incumbent: Non-Incumbent:
(If applicable)

Type of Statement: 2nd Filing Date Due: 5/22/2014
(Please specify)

Period Covering: 3/18/2014 – 5/17/2014 Number of Prior Filings: 6
(Attach copy of Form 410 and most recent statement filed)
(If applicable)

Number of Prior Late Filings: 4

III. Notifications: (Attach copy of written notifications)

Date: 5/28/2014 Written: (CS01) Date: N/A Verbal
6/12/2014 Written: (CS02) N/A Verbal

Please Note: Two notifications must be made before referring this matter to the Fair Political Practices Commission Enforcement Division for consideration for formal enforcement action.

If you have any questions, please call the Enforcement Division at (916) 322-5660. Return the completed form and attachments to:
Fair Political Practices Commission
Enforcement Division
428 J Street, Suite 620
Sacramento, CA 95814

Memorandum

TO: Gary Winuk, Chief
Enforcement Division
Fair Political Practices Commission

DATE: September 4, 2014

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 (paper)
 Nonfiler (electronic)
 Other:

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION
11 SEP - 5 AM 10:19

REFERRAL

NO.: 2014-CP3156

NAME OF ENTITY / INDIVIDUAL REFERRED

ALDAPA FOR CALIF. STATE ASSEMBLY 53RD DISTRICT 2012, FRIENDS OF
MICHAEL

ID NUMBER (if applicable)

1347313

DATES (if applicable)

Qualified as Committee: Not Qualified

Terminated: No

DESCRIPTION OF APPARENT VIOLATION

Document Required: Form 460
Period Covered: March 18, 2014 through May 17, 2014
Date Due: May 22, 2014
Date of First Written Notice: June 18, 2014
Date of Second Written Notice: July 25, 2014

Copies of applicable documents are attached.

Approved:

[redacted]

Chris Reynolds, Chief

EXHIBIT A-17

**CAMPAIGN DISCLOSURE STATEMENTS
NON-FILER ENFORCEMENT REFERRAL**

In order to expedite the enforcement referral; please complete the information below

I. Filing Officer

Contact Person: Los Angeles County
Registrar-Recorder/County Clerk City/County: Los Angeles County

Address: 12400 Imperial Highway, Room 2003 Telephone: (562) 462-2339

Norwalk 90650 FAX: (562) 651-2548
(City) (Zip)

II. Non-Filer

Name: Michael Aldapa Office Sought: Member of State Assembly 53rd District

Address: 1010 South Concord Street Telephone: _____
Business _____

Los Angeles 90023 Home: (323) 973-9900
(City) (Zip)

Date of Election: 6/3/2014 Incumbent: Non-Incumbent:
(If applicable)

Type of Statement: Semi Annual Date Due: 7/31/2014
(Please specify)

Period Covering: 5/18/2014 - 6/30/2014 Number of Prior Filings: 6
(Attach copy of Form 410 and most recent statement filed)
(If applicable)

Number of Prior Late Filings: 4

III. Notifications: (Attach copy of written notifications)

Date: <u>8/11/2014</u>	Written: <u>(CS01)</u>	Date: <u>N/A</u>	Verbal
<u>9/11/2014</u>	Written: <u>(CS02)</u>	<u>N/A</u>	Verbal

Please Note: Two notifications must be made before referring this matter to the Fair Political Practices Commission Enforcement Division for consideration for formal enforcement action.

If you have any questions, please call the Enforcement Division at (916) 322-5660. Return the completed form and attachments to:
Fair Political Practices Commission
Enforcement Division
428 J Street, Suite 620
Sacramento, CA 95814

EXHIBIT A-18

CASE CHRONOLOG

CASE NO.

CASE NAME

13-220

Michael Aldapa

DATE

SUMMARY OF CASE ACTIVITY PERFORMED

7-8-13

YA left a VM saying he didn't file a 470 because he didn't go over \$1K. LM on his VM saying that's why he was req'd to file a 470. Gave him until 7/12/13 to pay \$200, file 470, and send stip. Said if he didn't file, the fine would revert to \$400. (323.973.9900)

9-26-13

Received notice from LA County Registrar that all necessary statements & forms had been filed

10-15-13

Left VM w/ Aldapa

10-25-13

Left VM giving him a week to call me

11-1-13

Talked to him he said he couldn't pay

1

Forclosures

PAGE

NAME

12-17-13

Talked to him, says he can't pay. Giving him PC Report.

1/9/14

~~spoke with him~~ let v/m concern new firm