

1 GALENA WEST
2 Chief of Enforcement
3 MICHAEL HAMILTON
4 Commission Counsel
5 **FAIR POLITICAL PRACTICES COMMISSION**
6 428 J Street, Suite 620
7 Sacramento, CA 95814
8 Telephone: (916) 322-5772
9 Facsimile: (916) 322-1932

10 Attorneys for Complainant

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of	)	FPPC No.: 15/156
)	
RALPH DENNEY AND VOTE RALPH	)	DEFAULT DECISION AND
2012 COMMITTEE TO ELECT RALPH	)	ORDER
DENNEY TO THE ASSEMBLY- 78TH	)	(Government Code Sections 11506
DISTRICT,	)	and 11520)
)	

Respondents.

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

Pursuant to the California Administrative Procedure Act,¹ Ralph Denney (“Denney”) and Vote Ralph Denney 2012 Committee to Elect Ralph Denney to the Assembly – 78th District (the “Committee”) have been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

1. An Order Finding Probable Cause;
2. An Accusation;

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

3. A Notice of Defense (Two Copies);
4. A Statement to Respondent; and,
5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

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

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

Dated: August 4, 2017



Galena West, Chief of Enforcement
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent Ralph Denney (“Denney”) was an unsuccessful candidate for California’s 78th Assembly district in the November 6, 2012 election. Respondent Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District was his controlled committee (the “Committee”).

The Political Reform Act (the “Act”)¹ requires candidates and committees to timely file campaign statements disclosing the candidate and committee’s financial activity. Denney and the Committee failed to timely file two pre-election statements and three semi-annual statements.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

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

The APA provides that a respondent’s failure to file a Notice of Defense within 15 days after service of an accusation constitutes a waiver of the respondent’s right to a hearing.⁶

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

² Section 83116.

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

⁴ Section 11503.

⁵ Section 11506, subd. (a)(1)–(6).

⁶ Section 11506, subd. (c).

Moreover, when a respondent fails to file a Notice of Defense, the Commission may take action based on the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to the respondent.⁷

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-15, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Denney in this matter by serving him with an Amended Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by personal service,¹² on March 8, 2016. (Certification, Exhibit A-2.) The administrative action commenced on March 8, 2016, the date of personal service (Certification, Exhibit A-2), and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Denney and the Committee contained a cover letter and a memorandum describing probable cause proceedings, advising that Denney and the Committee had 21 days in which to request a probable cause conference and/or to file a

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

¹² Section 83115.5.

written response to the Report. (Certification, Exhibit A-3.) Denney and the Committee neither requested a probable cause conference nor submitted a written response to the Report.

B. Ex Parte Request for a Finding of Probable Cause

Because Denney and the Committee failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served to the Hearing Officer of the Commission on April 29, 2016. (Certification, Exhibit A-4.)

On May 4, 2016, Hearing Officer Brian Lau, Senior Commission Counsel, Legal Division issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Denney and the Committee. (Certification, Exhibit A-5.)

C. The Issuance and Service of the Accusation

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

Section 11503 states:

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

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

¹³ Regulation 18361.4, subd. (e).

that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.¹⁴ The APA also sets forth the language required in the accompanying statement to the respondent.¹⁵

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

On July 22, 2016, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Denney and the Committee in this matter. (Certification, Exhibit A-6.) In accordance with Section 11505, the Accusation and accompanying information, consisting of a Statement to Respondent, two copies of a Notice of Defense Form, copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7, were served by substitute service. On November 19, 2016, the documents were left at Denny's physical address with his son who is over the age of 18. On November 29, 2016, the documents were mailed to Denney to the same address where they were personally delivered to his son. On December 8, 2016, service was deemed complete.¹⁷ (Certification, Exhibit A-7 and A-8.)

Along with the Accusation, the Enforcement Division served Denney and the Committee with a "Statement to Respondent," which notified them that they could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, Denney and the Committee would be deemed to have waived the right to a hearing. (Certification, Exhibit A-8.) Denney and the Committee did not file a Notice of Defense within the statutory time period, which ended on December 28, 2016.

As a result, on April 4, 2017, Commission Counsel Michael W. Hamilton sent a letter to Denney and the Committee advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for April 20, 2017. (Certification, Exhibit A-9.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

SUMMARY OF THE LAW

The Act requires candidate-controlled committees to file campaign statements at specific times disclosing information regarding campaign contributions received and expenditures made by the campaign committees.¹⁸

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

¹⁷ Cal Code Civ Proc § 415.20, subd. (b).

¹⁸ Sections 84200 through 84225.

The Act requires candidates and committees for elective state office being voted upon in a statewide direct primary election or the statewide general election to file pre-election statements during an even numbered year.¹⁹ Candidate-controlled committees must file semi-annual campaign statements each year no later than July 31st for the reporting period ending on June 30th, and no later than January 31st of the following year for the semi-annual reporting period ending December 31st.²⁰ When a filing deadline falls on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.²¹

Candidates for elective state office must file all required campaign statements on paper with the California Secretary of State's Office (SOS).²² Those candidates that raise \$25,000 or more also must file statements electronically using SOS's online filing system.²³ The Act allows committees and other persons that are not required to file online or electronically to do so voluntarily. However, persons filing online or electronically shall also continue to file required disclosure statements and reports in paper format. The paper copy continues to act as the official copy for the audit and other legal purposes.²⁴

SUMMARY OF THE EVIDENCE

Denney and the Committee failed to timely file five campaign statements ranging from July 1, 2012 through July 31, 2013. The Committee did file corresponding electronic statements periodically throughout the course of receiving notifications from SOS and the Enforcement Division; however, all the statements were late and they never filed the required paper statements.

Pre-Election Campaign Statements

Denney and the Committee failed to file a pre-election statement covering the period of July 1 – September 30, 2012 by the October 5, 2012 deadline. SOS notified Denney and the Committee in writing on November 6, 2012, and May 21, 2013 that they had failed to file the pre-election statement. (Certification, Exhibit A-10). On April 6, 2014, Denney and the Committee electronically filed the pre-election campaign statement covering the period of July 1 – September 30, 2012, but did not file the corresponding paper statement.

Denney and the Committee also failed to file a pre-election statement for the period covering October 1 – October 20, 2012 by the October 25, 2012 deadline. On December 10, 2012, and May 21, 2013, the SOS notified Denney and the Committee in writing that they had failed to file the pre-election statement (Certification, Exhibit A-11). On July 19, 2013, Denney and the Committee were referred to the Enforcement Division by the SOS for failing to file the two outstanding pre-election statements in paper format (Certification, Exhibit A-12.). On November

¹⁹ Sections 84200.5 and 84200.7.

²⁰ Section 84200, subd. (a).

²¹ Regulation 18116.

²² Sections 84604, subds. (a)(1) and (b).

²³ Section 84605, subd. (c) and (f)

²⁴ Section 84605, subd. (c) and (f).

30, 2014, Denney electronically filed the pre-election campaign statement covering the period of October 1 – October 20, 2012, but did not file the corresponding paper statement.

Semi-Annual Campaign Statements

Denney and the Committee failed to file a semi-annual statement covering the reporting period of May 20 – June 30, 2012. The SOS notified Denney and the Committee in writing on September 10, 2012 and November 16, 2012 that they had failed to file the semi-annual statement (Certification, Exhibit A-13.). On May 21, 2013, Denney and the Committee were referred to the Enforcement Division for failing to file the semi-annual statement in paper format (Certification, Exhibit A-14.). On September 3, 2012, Denney electronically filed the semi-annual statement for the period covering May 20 – June 30, 2012 but did not file the corresponding paper statement.

Denney and the Committee failed to file a semi-annual statement for period January 1 – June 30, 2013. The SOS notified Denney and the Committee in writing on October 9, 2013 and December 6, 2013 that they had failed to timely file the semi-annual statement (Certification, Exhibit A-13.). Denney and the Committee were referred by SOS on January 15, 2014 for failing to file a semi-annual statement for the period covering January 1 – June 30, 2013 (Certification, Exhibit A-14.). On December 1, 2014, Denney electronically filed the semi-annual campaign statement for the period covering January 1 – June 30, 2013 but did not file the corresponding paper statement.

Denney and the Committee also failed to timely file a semi-annual campaign statement covering the period October 21 – December 31, 2012. The Enforcement Division sent Denney notifications of the outstanding statements on June 16, 2014 and July 15, 2014. On December 1, 2014, Denney electronically filed the statement covering the period of October 21 – December 31, 2012, but did not file the corresponding paper statement.

On February 25, 2016, Denney requested a list of all statements he needed to file from a staff member of the Enforcement Division. On February 26, 2016, the Enforcement Division sent Denney a list of the statements requiring paper filings. (Certification, Exhibit A-15). Denney did not file statements in response to this letter.

Summary of Contacts

Overall, Denney and the Committee were contacted a total of 14 times regarding their campaign statements, as follows:

- September 10, 2012: letter from SOS to Denney regarding campaign statements.
- November 6, 2012: letter from SOS to Denney regarding campaign statements.
- November 16, 2012: letter from SOS to Denney regarding campaign statements.
- December 10, 2012: letter from SOS to Denney regarding campaign statements.
- May 21, 2013: letter from SOS to Denney regarding campaign statements.
- October 9, 2013: letter from SOS to Denney regarding campaign statements.

- December 6, 2013: letter from SOS to Denney regarding campaign statements.
- June 16, 2014: letter from Enforcement to Denney regarding settlement and filing.
- July 15, 2014: letter from Enforcement to Denney regarding settlement and filing.
- On or around February 24, 2016: Denney agreed to file his statements during a phone conversation with a staff member of the Enforcement Division.
- February 25, 2016: letter from Enforcement to Denney regarding filing.
- March 8, 2016: Report in Support of Probable Cause served on Denney and the Committee.
- On May 5, 2016: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to Denney and the Committee.
- On November 29, 2016: accusation served upon Denney and the Committee.

COUNT 1

Failure to Timely File a Pre-Election Campaign Statement

Denney and the Committee had a duty to file a pre-election campaign statement for the period of July 1, 2012 through September 30, 2012 by the October 5, 2012 deadline. By failing to timely file the pre-election campaign statement, Denney and the Committee violated section 84200.5, subdivision (a).

COUNT 2

Failure to Timely File a Pre-Election Campaign Statement

Denney and the Committee, had a duty to file a pre-election campaign statement for the period covering October 1, 2012 through October 20, 2012, by the October 25, 2012 deadline. By failing to timely file the pre-election campaign statement, Denney and the Committee violated section 84200.5, subdivision (a).

COUNT 3

Failure to Timely File a Semi-Annual Campaign Statement

Denney and the Committee had a duty to file a semi-annual campaign statement for the period covering May 20, 2012 through June 30, 2012, by the July 31, 2012 deadline. By failing to timely file the semi-annual campaign statement, Denney and the Committee violated section 84200.

COUNT 4

Failure to Timely File a Semi-Annual Campaign Statement

Denney and the Committee had a duty to file a semi-annual campaign statement for the period covering October 21, 2012 through December 31, 2012, by the January 31, 2013 deadline. By failing to timely file the semi-annual campaign statement, Denney and the Committee violated section 84200.

COUNT 5

Failure to Timely File a Semi-Annual Campaign Statement

Denney and the Committee had a duty to file a semi-annual campaign statement for the period covering January 1, 2013 through June 30, 2013, by the July 31, 2013 deadline. By failing to timely file the semi-annual campaign statement, Denney and the Committee violated section 84200.

CONCLUSION

This matter consists of five counts of violating the Act, which carries a maximum administrative penalty of \$5,000 per count, totaling \$25,000.²⁵

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

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

For Counts 1-2

- *In the Matter of Michael Aldapa*, FPPC No. 13/220 (default decision and order approved Oct. 15, 2015), the Commission imposed a penalty against *Aldapa* of two counts at \$5,000 per count for failure to file two pre-election statements. This is analogous to the facts in this case because Denney and the Committee failed to file two pre-election statements. However, it can be distinguished by the fact that Denney and the Committee did file corresponding electronic statements, albeit late and well after the election. Based on the circumstances, a penalty of \$4,000 per count is recommended for counts 1-2.

²⁵ Section 83116, subd. (c).

For Counts 3-5

- *In the Matter of Re-Elect Gary Mendez for Rio Hondo College Board 2011 and Gary Mendez*, FPPC No. 15/218 (default decision and order approved Feb. 16, 2017) the Commission approved a penalty of \$2,500 against Mendez for failing to timely file a semi-annual campaign statement. This is analogous to the facts in this case because Denney and the Committee did not file paper statements, but they did file corresponding electronic statements, albeit late. However, a penalty of \$3,000 per count is recommended for counts 3-5 because Denney and the Committee did not file the paper statements as was done in *Mendez*.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$4,000 per count for counts 1 and 2 is recommended, and a penalty of \$3,000 per count is recommended for counts 3-5, with a total recommended penalty of \$17,000.



**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. 15/156, Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District*, 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. Amended Report in Support of a Finding of Probable Cause, dated January 13, 2016;
- EXHIBIT A-2. Proof of Service for the Amended Report in Support of a Finding of Probable Cause, dated March 15, 2016;
- EXHIBIT A-3. Cover Letter to the Respondent regarding the Amended Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated February 25, 2016;
- EXHIBIT A-4. Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated April 29, 2016;
- EXHIBIT A-5. Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Denney and the Committee, dated May 4, 2016;
- EXHIBIT A-6. Accusation, dated July 22, 2016;
- EXHIBIT A-7. Proof of Service on November 29, 2016, and Declaration of Due Diligence for Accusation and accompanying documents from process server, dated December 1, 2016;
- EXHIBIT A-8. Statement to the Respondents, Notices of Defense, and Government Code Sections 11506, 11507.5, 11507.6, and 11507.7;
- EXHIBIT A-9. Notice of Intent to Enter into Default Decision and Order, dated April 4, 2017;
- EXHIBIT A-10. Notifications from the Secretary of State's Office to Denney and the Committee, dated November 6, 2012, and May 21, 2013;

- EXHIBIT A-11. Notifications from the Secretary of State's Office to Denney and the Committee, dated December 10, 2012, and May 21, 2013;
- EXHIBIT A-12. Non-filer referral from the Secretary of State's Office, dated July 19, 2013;
- EXHIBIT A-13. Notifications from the Secretary of State's Office to Denney and the Committee, dated September 10, 2012, November 16, 2012, October 9, 2013, and December 6, 2013;
- EXHIBIT A-14. Non-filer referrals from the Secretary of State's Office, dated May 21, 2013, and January 15, 2014;
- EXHIBIT A-15. Letter from the Enforcement Division to Denney, dated February 26, 2016.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 4, 2017, at Sacramento, California.



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

Exhibit A-1

1 The Political Reform Act (the "Act")¹ requires candidates and their controlled committees to file
2 Pre-Election statements in an election year and Semi-Annual campaign statements bi-annually. Denney
3 and his Committee violated the act by failing to file two Pre-Election statements and three Semi-Annual
4 statements.

5 SUMMARY OF THE LAW

6 All legal references and discussions of law pertain to the Act's provisions as they existed in 2011
7 through 2013.

8 Jurisdiction

9 The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to
10 enforce the provisions of the Act.²

11 Probable Cause Proceedings

12 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
13 the Commission or her designee (the "hearing officer"), must make a finding that there is probable cause
14 to believe the respondent has violated the Act.³ After a finding of probable cause, the Commission may
15 hold a noticed hearing in accordance with the Administrative Procedure Act⁴ to determine whether
16 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁵

17 ///

18 ///

19 ///

20
21
22
23
24 ¹ The Political Reform Act is contained in Government 81000 through 91014. The regulations of the Fair Political
are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations.

25 ² § 83116.

26 ³ § 83115.5, and Reg. 18361 and 18361.4.

27 ⁴ § 11500, et seq.

28 ⁵ § 83116, and Reg. 18361.4, subd. (e).

1 Standard for Finding Probable Cause

2 To make a finding of probable cause, the hearing officer must be presented with sufficient
3 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
4 that a respondent committed or caused a violation.⁶

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

6 When enacting the Political Reform Act, the people of the state of California found and declared
7 that previous laws regulating political practices suffered from inadequate enforcement by state and local
8 authorities.⁷ To that end, the Act must be liberally construed to achieve its purposes.⁸

9 Pre-Election Campaign Statements

10 The Act requires candidates and committees for elective state office being voted upon in a
11 statewide direct primary election or the statewide general election to file Pre-Election statements during
12 an even numbered year.⁹

13 Semi-Annual Campaign Statements

14 The Act requires elected officials, candidates, and committees to a file Semi-Annual campaign
15 statement each year by July 31 for the period ending June 30, and by January 31 for the period ending
16 December 31.¹⁰

17 Candidate and Treasurer Liability

18 Under the Act, it is the duty of the candidate and the treasurer of a controlled committee to
19 ensure that the committee complies with all of the requirements of the Act concerning the receipt,
20
21
22
23

24 ⁶ Reg. 18361.4, subdivision, (e).

25 ⁷ § 81001, subd. (h).

26 ⁸ § 81003.

27 ⁹ §§ 84200.5 and 84200.7.

28 ¹⁰ § 84200.

1 expenditure, and reporting of funds.¹¹ The candidate and treasurer may be held jointly and severally
2 liable, along with the committee, for violations committed by the committee.¹²

3 Liability for Violations

4 Any person who violates any provision of the Act, who purposely or negligently causes any
5 other person to violate any provision of the Act, or who aids and abets any other person in the violation
6 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹³ This only
7 applies to persons who have filing or reporting obligations under the Act, or who are compensated for
8 services involving the planning, organizing or directing of any activity regulated or required by the
9 Act.¹⁴

11 **SUMMARY OF THE EVIDENCE**

12 Denney was an unsuccessful candidate for California's 78th Assembly district in the November
13 6, 2012 election. The Committee failed to timely file five campaign statements ranging from July 1,
14 2012 through July 31, 2013, which if filed would have disclosed the contributions the Committee
15 received and the expenditures they made before and after the election.

16
17 The Committee did file electronic statements periodically throughout the course of receiving
18 notifications from the Secretary of State's Office and the Enforcement Division; however, all the
19 statements were late and it never filed paper statements. Denney is required to file paper copies because
20 the Act specifies that the paper statement serves as the filing for audit and other legal purposes.

21 The chart below outlines what statements Denney filed and when he filed the statements.

22 ///

23 ///

24
25 ¹¹ §§ 81004, 84100 84213, and Reg. 18427.

26 ¹² §§ 83116.5 and 91006.

27 ¹³ §§ 83116, and 83116.5.

28 ¹⁴ § 83116.5.

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

Pre-Election and Semi-Annual Statements

Statement	Period	Due Date	E-Filing	Paper Filing
Pre-Election	7/1-9/30/12	10/5/12	4/6/14	Outstanding.
Pre-Election	10/1-10/20/12	10/25/12	11/30/14	Outstanding.
Semi-Annual	5/20-6/30/12	7/31/12	9/3/12	Outstanding.
Semi-Annual	10/21-12/31/12	1/31/13	12/1/14	Outstanding.
Semi-Annual	1/1-6/30/13	7/31/13	12/1/14	Outstanding.

Timeline of Notifications

The Secretary of State's Office (SOS) sent Denney notifications on November 6, 2012, December 10, 2012, and May 21 2013, regarding the unfiled Pre-Election statements. The Secretary of State's Office also sent Denney letters on September 10, 2012, November 16, 2012, October 9, 2013, and December 6, 2013, regarding the un-filed Semi-Annual statements. Denney did not file any of the Committee's paper statements in response to these notifications, and therefore, the matter was referred to the Enforcement Division of the Fair Political Practices Commission for failing to file paper statements.

The Enforcement Division sent Denney letters on June 16, 2014 and July 15, 2014, requesting that he file his outstanding statements. Denney did not file the paper statements or contact the Enforcement Division regarding the statements.

The Commission made a finding of Probable Cause on December 17, 2014. However, an accusation was never issued. That prior finding of Probable Cause is withdrawn and the Probable Cause Report is hereby amended to include an additional violation.

///

VIOLATIONS

Count 1: Failure to Timely File a Pre-election Statement

Denney and the Committee failed to timely file a Pre-Election campaign statement for the July 1, 2012 through September 30, 2012, reporting period, by October 5, 2012, in violation of Section 84200.5, subdivision (a).

Count 2: Failure to Timely File a Pre-election Statement

Denney and the Committee failed to timely file a Pre-Election campaign statement for the October 1, 2012 through October 20, 2012, reporting period, by the October 25, 2012 due date in violation of Section 84200.5, subdivision (a).

Count 3: Failure to Timely File Semi-Annual Campaign Statement

Denney and the Committee failed to timely file a Semi-Annual campaign statement for the May 20, 2012 through June 30, 2012, reporting period, by the July 31, 2012 deadline in violation of Section 84200.

Count 4: Failure to Timely File Semi-Annual Campaign Statement

Denney and the Committee failed to timely file a Semi-Annual campaign statement for the October 21, 2012 through December 31, 2012, reporting period by the January 31, 2013 deadline, in violation of Section 84200.

Count 5: Failure to Timely File Semi-Annual Campaign Statement

Denney and Committee failed to timely file a Semi-Annual campaign statement for the January 1, 2013 through June 30, 2013, reporting period, by the July 31, 2013 deadline, in violation of Section 84200.

OTHER RELEVANT MATERIAL AND ARGUMENTS

Denney has previously received two warning letters regarding his failure timely file Pre-Election and Semi-Annual campaign statements.

Denney is an experienced candidate that is familiar with filing from his previous attempts to run for Senate in 2004 and Assembly in 2008 and 2010.

1 **EXCULPATORY AND MITIGATING INFORMATION**

2 Exculpatory Information:

3 None.

4 Mitigating Information:

5 Denney has filed the corresponding electronic campaign statements, but did not do so timely.

6 Denney won his primary election, but was unsuccessful in the general election.

7 **CONCLUSION**

8 Probable cause exists to believe that Denney and his Committee committed four violations of
9 the Act as set forth above. The Enforcement Division respectfully requests an order finding probable
10 cause pursuant to Section 83115.5 and Regulation 18361.4.

11
12 Dated: 1/13/16

Respectfully Submitted,

13 **FAIR POLITICAL PRACTICES COMMISSION**

14 By: Galena West
15 Chief of Enforcement


16 
17 Michael W. Hamilton
18 Commission Counsel
19 Enforcement Division

Exhibit A-2

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: Fair Political Practices Commission RESPONDENT: Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly- 78th District.	CASE NUMBER: 15/156
PROOF OF SERVICE	Ref. No. or File No.: 15/156

1. I am over 18 years of age and not a party to this action.
2. Received by GSI to be served on **Ralph Denney And Vote Ralph 2012 Committee To Elect Ralph Denney To The Assembly- 78th District,** [REDACTED]
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 Amended Report in Support of Finding of Probable Cause
 - a. Party Served: Ralph Denney And Vote Ralph 2012 Committee To Elect Ralph Denney To The Assembly- 78th District
 - b. Person Served: Ralph Denney, .
 - c. Address: [REDACTED]
(Abode)
4. Date and Time of service: 3/8/2016 at 5:34 pm
5. I am an independent contractor of a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:

Name: Cesar Gonzalez
 Firm: GSI
 Address: [REDACTED]
 Telephone number: [REDACTED]
 Registration Number: [REDACTED]
 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: 3-15-16

Cesar Gonzalez

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

[REDACTED SIGNATURE]

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Exhibit A-3



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

February 25, 2016

PERSONAL SERVICE

Ralph Denney

Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District

[REDACTED]
[REDACTED]

In the Matter of Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District; FPPC No. 15/156

Dear Mr. Denney:

The Enforcement Division of the Fair Political Practices Commission (the “Commission”) is proceeding with an administrative action against you for your failure to comply with the filing and disclosure provisions of the Political Reform Act (the “Act”), as described in our previous correspondence dated June 16 and July 15, 2014. The enclosed Amended Report in Support of a Finding of Probable Cause (the “Report”) contains a summary of the alleged violations and the relevant law and evidence. The original Probable Cause Report that was sent to you on October 9, 2014, is superseded by this Report which contains additional information and violations. The report has been filed with the Commission’s General Counsel (the “Hearing Officer”) and is now being served upon you.

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


Please note: probable cause conferences are not settlement conferences. The sole purpose of a probable cause conference is to determine whether there is probable cause to believe that the Act

was violated. However, settlement discussions are encouraged by the Commission and may take place at any time except during a probable cause conference. ***If you are interested in reaching a settlement in this matter, please contact Michael Hamilton at (916) 322-5772 or mhamilton@fppc.ca.gov.***

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

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

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



Michael W. Hamilton
Commission Counsel
Enforcement Division

PROBABLE CAUSE FACT SHEET

INTRODUCTION

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

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

THE LAW

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

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

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

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

THE PROCEDURE

Probable Cause Report

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

Discovery

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

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

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

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to Complaint Files

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

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

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

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

§ 18361.2. Memorandum Respecting Civil Litigation.

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

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

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

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

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

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

Exhibit A-4

GALENA WEST
Chief of Enforcement
MICHAEL W. HAMILTON
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5772
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of) FPPC No. 15/156
)
RALPH DENNEY AND VOTE RALPH) EX PARTE REQUEST FOR A FINDING OF
DENNEY 2012 COMMITTEE TO ELECT) PROBABLE CAUSE AND AN ORDER THAT
RALPH DENNEY TO THE ASSEMBLY –) AN ACCUSATION BE PREPARED AND
78TH DISTRICT,) SERVED
)
) Gov. Code § 83115.5
)
)
Respondents.)

TO THE HEARING OFFICER OF THE FAIR POLITICAL PRACTICES COMMISSION:

Pursuant to Section 83115.5 of the Political Reform Act (the “Act”)¹ and Regulation 18361.4, Respondents Ralph Denney (“Denney”) and Vote Ralph Denney 2012 Committee to Elect Ralph Denney to the Assembly – 78th District (the “Committee”) were served with a copy of a report in support of a finding of probable cause (“Report”) in the above-entitled matter.² The Report, attached as “Exhibit A,” was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was personally served on Denney and the Committee on March 8, 2016. A copy of the Proof of Service is attached as “Exhibit B.”

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

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

1 In the cover letter dated February 25, 2016, and the attached materials, Denney was advised that
2 he could respond in writing to the Report and orally present the case to the Hearing Officer at a probable
3 cause conference to be held in Sacramento. Denney was further advised that in order to have a probable
4 cause conference he needed to make a written request for one on or before 21 days of the date he received
5 the Report. Additionally, Denney was advised that if he did not request a probable cause conference, such
6 a conference would not be held and probable cause would be determined based solely on the Report and
7 any written response that they submitted within 21 days of the date they were served with the Report. To
8 date, Denney has not submitted a written response or requested a probable cause conference.

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

12 Count 1: Denney and the Committee failed to timely file a Pre-Election campaign statement for the
13 July 1, 2012 through September 30, 2012, reporting period, by October 5, 2012, in violation
14 of Section 84200.5, subdivision (a).

15 Count 2: Denney and the Committee failed to timely file a Pre-Election campaign statement for the
16 October 1, 2012 through October 20, 2012, reporting period, by the October 25, 2012 due
17 date in violation of Section 84200.5, subdivision (a).

18 Count 3: Denney and the Committee failed to timely file a Semi-Annual campaign statement for the
19 May 20, 2012 through June 30, 2012, reporting period, by the July 31, 2012 deadline in
20 violation of Section 84200.

21 Count 4: Denney and the Committee failed to timely file a Semi-Annual campaign statement for the
22 October 21, 2012 through December 31, 2012, reporting period by the January 31, 2013
23 deadline, in violation of Section 84200.

24 Count 5: Denney and Committee failed to timely file a Semi-Annual campaign statement for the
25 January 1, 2013 through June 30, 2013, reporting period, by the July 31, 2013 deadline, in
26 violation of Section 84200.

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

³ Gov. Code § 11503.

1 A copy of this Request was mailed via U.S. Mail to Denney and the Committee on April 29, 2016
2 at their last known addresses, as follows:

3
4 Ralph Denney
5 

6
7 Dated: 4/29/16

8 Respectfully Submitted,

9 **FAIR POLITICAL PRACTICES COMMISSION**

10 Galena West
11 Chief of Enforcement
12 

13 By: Michael W. Hamilton
14 Commission Counsel
15 Enforcement Division
16
17
18
19
20
21
22
23
24
25
26
27

EXHIBIT A

GALENA WEST
Chief of Enforcement
MICHAEL W. HAMILTON
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5772
Facsimile: (916) 322-1932

Attorneys for Complainant
Enforcement Division of the Fair Political Practices Commission

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of	) FPPC No. 15/156
)
)
)
RALPH DENNEY AND VOTE RALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO THE ASSEMBLY- 78 TH DISTRICT,	) AMENDED REPORT IN SUPPORT OF A FINDING OF PROBABLE CAUSE
	) Conference Date: TBA
	) Conference Time: TBA
	) Conference Location: Commission Offices
Respondents.	) 428 J Street, Suite 620
	) Sacramento, CA 95814
)
)
)
)

INTRODUCTION

The Respondents Ralph Denney ("Denney") and his controlled committee, Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District (the "Committee") ran an unsuccessful campaign for the office of Assembly member in California's 78th Assembly district. Denney was at all relevant times the treasurer for his controlled committee.

1 The Political Reform Act (the "Act")¹ requires candidates and their controlled committees to file
2 Pre-Election statements in an election year and Semi-Annual campaign statements bi-annually. Denney
3 and his Committee violated the act by failing to file two Pre-Election statements and three Semi-Annual
4 statements.

5 SUMMARY OF THE LAW

6 All legal references and discussions of law pertain to the Act's provisions as they existed in 2011
7 through 2013.

8 Jurisdiction

9 The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to
10 enforce the provisions of the Act.²

11 Probable Cause Proceedings

12 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
13 the Commission or her designee (the "hearing officer"), must make a finding that there is probable cause
14 to believe the respondent has violated the Act.³ After a finding of probable cause, the Commission may
15 hold a noticed hearing in accordance with the Administrative Procedure Act⁴ to determine whether
16 violations occurred, and levy an administrative penalty of up to \$5,000 for each violation.⁵

17 ///

18 ///

19 ///

20
21
22
23
24 ¹ The Political Reform Act is contained in Government 81000 through 91014. The regulations of the Fair Political
are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations.

25 ² § 83116.

26 ³ § 83115.5, and Reg. 18361 and 18361.4.

27 ⁴ § 11500, et seq.

28 ⁵ § 83116, and Reg. 18361.4, subd. (e).

1 Standard for Finding Probable Cause

2 To make a finding of probable cause, the hearing officer must be presented with sufficient
3 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
4 that a respondent committed or caused a violation.⁶

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

6 When enacting the Political Reform Act, the people of the state of California found and declared
7 that previous laws regulating political practices suffered from inadequate enforcement by state and local
8 authorities.⁷ To that end, the Act must be liberally construed to achieve its purposes.⁸

10 Pre-Election Campaign Statements

11 The Act requires candidates and committees for elective state office being voted upon in a
12 statewide direct primary election or the statewide general election to file Pre-Election statements during
13 an even numbered year.⁹

14 Semi-Annual Campaign Statements

15 The Act requires elected officials, candidates, and committees to a file Semi-Annual campaign
16 statement each year by July 31 for the period ending June 30, and by January 31 for the period ending
17 December 31.¹⁰

19 Candidate and Treasurer Liability

20 Under the Act, it is the duty of the candidate and the treasurer of a controlled committee to
21 ensure that the committee complies with all of the requirements of the Act concerning the receipt,
22
23

24 ⁶ Reg. 18361.4, subdivision, (e).

25 ⁷ § 81001, subd. (h).

26 ⁸ § 81003.

27 ⁹ §§ 84200.5 and 84200.7.

28 ¹⁰ § 84200.

1 expenditure, and reporting of funds.¹¹ The candidate and treasurer may be held jointly and severally
2 liable, along with the committee, for violations committed by the committee.¹²

3 Liability for Violations

4 Any person who violates any provision of the Act, who purposely or negligently causes any
5 other person to violate any provision of the Act, or who aids and abets any other person in the violation
6 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹³ This only
7 applies to persons who have filing or reporting obligations under the Act, or who are compensated for
8 services involving the planning, organizing or directing of any activity regulated or required by the
9 Act.¹⁴

11 **SUMMARY OF THE EVIDENCE**

12 Denney was an unsuccessful candidate for California's 78th Assembly district in the November
13 6, 2012 election. The Committee failed to timely file five campaign statements ranging from July 1,
14 2012 through July 31, 2013, which if filed would have disclosed the contributions the Committee
15 received and the expenditures they made before and after the election.
16

17 The Committee did file electronic statements periodically throughout the course of receiving
18 notifications from the Secretary of State's Office and the Enforcement Division; however, all the
19 statements were late and it never filed paper statements. Denney is required to file paper copies because
20 the Act specifies that the paper statement serves as the filing for audit and other legal purposes.
21

22 The chart below outlines what statements Denney filed and when he filed the statements.
23
24

///

///

25 ¹¹ §§ 81004, 84100 84213, and Reg. 18427.

26 ¹² §§ 83116.5 and 91006.

27 ¹³ §§ 83116, and 83116.5.

28 ¹⁴ § 83116.5.

Pre-Election and Semi-Annual Statements

Statement	Period	Due Date	E-Filing	Paper Filing
Pre-Election	7/1-9/30/12	10/5/12	4/6/14	Outstanding.
Pre-Election	10/1-10/20/12	10/25/12	11/30/14	Outstanding.
Semi-Annual	5/20-6/30/12	7/31/12	9/3/12	Outstanding.
Semi-Annual	10/21-12/31/12	1/31/13	12/1/14	Outstanding.
Semi-Annual	1/1-6/30/13	7/31/13	12/1/14	Outstanding.

Timeline of Notifications

The Secretary of State's Office (SOS) sent Denney notifications on November 6, 2012, December 10, 2012, and May 21 2013, regarding the unfiled Pre-Election statements. The Secretary of State's Office also sent Denney letters on September 10, 2012, November 16, 2012, October 9, 2013, and December 6, 2013, regarding the un-filed Semi-Annual statements. Denney did not file any of the Committee's paper statements in response to these notifications, and therefore, the matter was referred to the Enforcement Division of the Fair Political Practices Commission for failing to file paper statements.

The Enforcement Division sent Denney letters on June 16, 2014 and July 15, 2014, requesting that he file his outstanding statements. Denney did not file the paper statements or contact the Enforcement Division regarding the statements.

The Commission made a finding of Probable Cause on December 17, 2014. However, an accusation was never issued. That prior finding of Probable Cause is withdrawn and the Probable Cause Report is hereby amended to include an additional violation.

///

VIOLATIONS

Count 1: Failure to Timely File a Pre-election Statement

Denney and the Committee failed to timely file a Pre-Election campaign statement for the July 1, 2012 through September 30, 2012, reporting period, by October 5, 2012, in violation of Section 84200.5, subdivision (a).

Count 2: Failure to Timely File a Pre-election Statement

Denney and the Committee failed to timely file a Pre-Election campaign statement for the October 1, 2012 through October 20, 2012, reporting period, by the October 25, 2012 due date in violation of Section 84200.5, subdivision (a).

Count 3: Failure to Timely File Semi-Annual Campaign Statement

Denney and the Committee failed to timely file a Semi-Annual campaign statement for the May 20, 2012 through June 30, 2012, reporting period, by the July 31, 2012 deadline in violation of Section 84200.

Count 4: Failure to Timely File Semi-Annual Campaign Statement

Denney and the Committee failed to timely file a Semi-Annual campaign statement for the October 21, 2012 through December 31, 2012, reporting period by the January 31, 2013 deadline, in violation of Section 84200.

Count 5: Failure to Timely File Semi-Annual Campaign Statement

Denney and Committee failed to timely file a Semi-Annual campaign statement for the January 1, 2013 through June 30, 2013, reporting period, by the July 31, 2013 deadline, in violation of Section 84200.

OTHER RELEVANT MATERIAL AND ARGUMENTS

Denney has previously received two warning letters regarding his failure timely file Pre-Election and Semi-Annual campaign statements.

Denney is an experienced candidate that is familiar with filing from his previous attempts to run for Senate in 2004 and Assembly in 2008 and 2010.

EXCULPATORY AND MITIGATING INFORMATION

Exculpatory Information:

None.

Mitigating Information:

Denney has filed the corresponding electronic campaign statements, but did not do so timely.

Denney won his primary election, but was unsuccessful in the general election.

CONCLUSION

Probable cause exists to believe that Denney and his Committee committed four violations of the Act as set forth above. The Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

Dated: 1/13/16

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION

By: Galena West
Chief of Enforcement



Michael W. Hamilton
Commission Counsel
Enforcement Division

EXHIBIT B

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: Fair Political Practices Commission RESPONDENT: Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly- 78th District.	CASE NUMBER: 15/156
PROOF OF SERVICE	Ref. No. or File No.: 15/156

1. I am over 18 years of age and not a party to this action.
2. Received by GSI to be served on **Ralph Denney And Vote Ralph 2012 Committee To Elect Ralph Denney To The Assembly- 78th District**, [REDACTED]
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 Amended Report in Support of Finding of Probable Cause
 - a. Party Served: Ralph Denney And Vote Ralph 2012 Committee To Elect Ralph Denney To The Assembly- 78th District
 - b. Person Served: Ralph Denney, .
 - c. Address: [REDACTED]
(Abode)
4. Date and Time of service: 3/8/2016 at 5:34 pm
5. I am an independent contractor of a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:

Name: Cesar Gonzalez
 Firm: GSI
 Address: 36 [REDACTED]
 Telephone number: [REDACTED]
 Registration Number: [REDACTED]
 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: 3-15-16

Cesar Gonzalez

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

[REDACTED SIGNATURE]

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Exhibit A-5

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of) FPPC No. 15/156
)
)
RALPH DENNEY AND VOTE RALPH) FINDING OF PROBABLE CAUSE AND
DENNEY 2012 COMMITTEE TO ELECT) ORDER TO PREPARE AND SERVE AN
RALPH DENNEY TO THE ASSEMBLY –) ACCUSATION
78TH DISTRICT,)
) Gov. Code § 83115.5
)
Respondents.)

By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an Accusation be Prepared and Served, the Enforcement Division submitted the above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request For a Finding of Probable Cause and an Order that an Accusation be Prepared and Served (“Ex Parte Request”), the Enforcement Division served a Report in Support of a Finding of Probable Cause (“PC Report”) on Respondents Ralph Denney (“Denney”) and Vote Ralph Denney 2012 Committee to Elect Ralph Denney to the Assembly – 78th District (the “Committee”) concerning this matter on March 8, 2016 by personal service. Accompanying the PC Report was a packet of materials that informed Denney of his right to file a written response to the PC Report and to request a probable cause conference within 21 days following service of the PC Report. During the 21 days that followed service of the PC Report, Denney did not file a response to the PC Report or request a probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4, determination of probable cause may be made solely on papers submitted when the respondent does not request a probable cause conference.¹

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

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

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

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

8 Count 1: Denney and the Committee failed to timely file a Pre-Election campaign statement for the
9 July 1, 2012 through September 30, 2012, reporting period, by October 5, 2012, in violation
10 of Section 84200.5, subdivision (a).

11 Count 2: Denney and the Committee failed to timely file a Pre-Election campaign statement for the
12 October 1, 2012 through October 20, 2012, reporting period, by the October 25, 2012 due
13 date, in violation of Section 84200.5, subdivision (a).

14 Count 3: Denney and the Committee failed to timely file a Semi-Annual campaign statement for the
15 May 20, 2012 through June 30, 2012, reporting period, by the July 31, 2012 deadline in
16 violation of Section 84200.

17 Count 4: Denney and the Committee failed to timely file a Semi-Annual campaign statement for the
18 October 21, 2012 through December 31, 2012, reporting period by the January 31, 2013
19 deadline, in violation of Section 84200.

20 Count 5: Denney and Committee failed to timely file a Semi-Annual campaign statement for the
21 January 1, 2013 through June 30, 2013, reporting period, by the July 31, 2013 deadline, in
22 violation of Section 84200.

23 Based on the Ex Parte Request given to me, I find that notice has been given to Denney and the
24 Committee.³ I further find, based on the PC Report and the Ex Parte Request, that there is probable cause
25 to believe Denney and the Committee violated the Political Reform Act as alleged in Counts 1–5, as
26 identified above.

27 ///

28 ///

29 ///

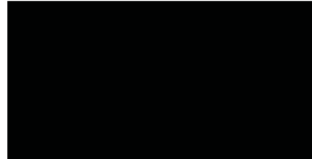
30 ² Cal. Code Reg., tit. 2, § 18361.4, subd. (e).

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

1 I therefore direct that the Enforcement Division issue an accusation against Denney and the
2 Committee in accordance with this finding.

3 IT IS SO ORDERED.

4
5 Dated: 5/4/16
6



7 Brian Lau, Hearing Officer
8 Fair Political Practices Commission
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Exhibit A-6

GALENA WEST
Chief of Enforcement
MICHAEL W. HAMILTON
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5772
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of

RALPH DENNEY AND VOTE RALPH
2012 COMMITTEE TO ELECT RALPH
DENNEY TO THE ASSEMBLY- 78TH
DISTRICT,

Respondents.

)
) OAH No. _____
)
) FPPC No. 15/156
)
) 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 California Code of Regulations, title 2, sections 18361 and 18361.4, subdivision (e), and the statutory law of the State of California, including 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 3. When enacting the Political Reform Act (the “Act”),¹ California voters specifically found
2 and declared that previous laws regulating political practices had suffered from inadequate enforcement,
3 and it was their purpose to ensure that the Act be vigorously enforced.²

4 4. To that end, the Act must be liberally construed to achieve its purposes.³

5 5. One of the stated purposes of the Act is to ensure that receipts and expenditures in election
6 campaigns are fully and truthfully disclosed, so that voters may be fully informed, and improper practices
7 may be inhibited.⁴ In furtherance of this purpose, the Act establishes a comprehensive campaign reporting
8 system.

9 **RESPONDENTS**

10 6. Ralph Denney (“Denney”) and his controlled committee, Vote Ralph 2012 Committee to
11 Elect Ralph Denney to the Assembly – 78th District (the “Committee”) ran an unsuccessful campaign for
12 the office of Assembly Member in California’s 78th Assembly district.

13 7. Denney was at all relevant times the treasurer for his controlled committee.

14 8. Denney and the Committee failed to timely file two pre-election campaign and three semi-
15 annual campaign statements.

16 9. Denney and the Committee’s failure to file numerous campaign statements is in violation
17 of the law and public policies of the State of California.

18 **APPLICABLE LAW**

19 10. All applicable law referenced herein is the law as it existed during the relevant time for the
20 violations alleged in this Accusation.

21 **A. Definitions**

22 11. A “candidate” is an individual who is listed on the ballot for election to any elective office.⁵
23
24

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

26 ² Sections 81001, subdivision (h), and 81002, subdivision (f).

27 ³ Section 81003.

⁴ Section 81002, subd. (a).

⁵ Section 82007.

1 12. A "controlled committee" is a committee that is controlled by a candidate. A candidate
2 controls a committee if she has significant influence on the actions or decisions of a committee.⁶

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

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

7 14. Every committee must have a treasurer.⁸ A treasurer is liable, along with the candidate and
8 the committee, for any failure to comply with the Act's campaign reporting requirements.⁹

9 **C. Who Shall File Online**

10 15. The Act allows committees and other persons that are not required to file online or
11 electronically to do so voluntarily. However, persons filing online or electronically shall also continue to
12 file required disclosure statements and reports in paper format.¹⁰

13 16. Candidates for city office must file campaign statements with the clerk of the city.¹¹

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

15 17. The Act requires candidates and committees for elective state office being voted upon in a
16 statewide direct primary election or the statewide general election to file pre-election statements during
17 an even numbered year.¹²

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

19 18. Candidate-controlled committees must file semi-annual campaign statements each year no
20 later than July 31st for the reporting period ending on June 30th, and no later than January 31st of the
21 following year for the semi-annual reporting period ending December 31st.¹³ When a filing deadline falls
22 on a Saturday, Sunday, or official state holiday, the filing deadline is extended to the next business day.¹⁴

23 _____
24 ⁶ Section 82016.

⁷ Sections 84200 through 84225.

⁸ Section 84100.

⁹ Sections 83116.5 and 91006.

¹⁰ Section 84605, subd. (c) and (f).

¹¹ Section 84215, subd. (a) and (e).

¹² Sections 84200.5 and 84200.7.

¹³ Section 84200, subd. (a).

¹⁴ Regulation 18116.

1 **F. Factors for the Commission to Consider**

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

11 **GENERAL FACTS**

12 20. Denney was an unsuccessful candidate for California's 78th Assembly district in the
13 November 6, 2012 election.

14 21. Denney and the Committee failed to timely file five campaign statements ranging from
15 July 1, 2012 through July 31, 2013.

16 **Pre-Election Campaign Statements**

17 22. The Secretary of State's Office (SOS) notified Denney and the Committee on November
18 6, 2012, and May 21, 2013 that they had failed to file a pre-election statement covering the period of July
19 1 – September 30, 2012.

20 23. On December 10, 2012, and May 21 2013, the SOS notified Denney and the Committee
21 that he had failed to file a pre-election statement for the period covering October 1 – October 20, 2012.

22 24. Denney and the Committee did not file the aforementioned pre-election statements as the
23 SOS requested in the notices.

24 25. On July 19, 2013, Denney and the Committee were referred to the Enforcement Division
25 by the SOS for failing to file the two pre-election statements.

26
27 ¹⁵ Regulation 18361.5, subd. (d).

26. On April 6, 2014, Denney electronically filed the pre-election campaign statement covering the period of July 1 – September 30, 2012, but did not file the corresponding paper statement.

27. On November 30, 2014, Denney electronically filed the pre-election campaign statement covering the period of October 1 – October 20, 2012, but did not file the corresponding paper statement.

Semi-Annual Campaign Statements

28. The SOS also sent Denney and the Committee letters on September 10, 2012, November 16, 2012, October 9, 2013, and December 6, 2013, regarding the un-filed semi-annual statements covering the periods of May 20 – June 30, 2012 and January 1 – June 30, 2013.

29. Denney and the Committee did not file any of the Committee's statements in response to these notifications.

30. Denney and the Committee were referred by the SOS on May 21, 2013 for failing to file a semi-annual statement for the period covering May 20 – June 30, 2012.

31. Denney and the Committee were referred by the SOS on January 15, 2014 for failing to file their semi-annual statement for the period covering January 1 – June 30, 2013.

32. On September 3, 2012, Denney electronically filed semi-annual campaign statements for the periods covering May 20 – June 30, 2012, but did not file a corresponding paper statement.

33. On December 1, 2014, Denney electronically filed campaign statements for the period of January 1 – June 30, 2013, but did not file the corresponding paper statement.

Additional Outstanding and Late Statements

34. During the investigation, the Enforcement Division identified that Denney and the Committee had also failed to timely file a semi-annual campaign statement covering the period October 21 – December 31, 2012.

35. On December 1, 2014, Denney electronically filed the statement covering the period of October 21 – December 31, 2012, but did not file the corresponding paper statement.

36. The Enforcement Division sent Denney letters on June 16, 2014 and July 15, 2014, requesting that he file his outstanding statements. Denney did not file the paper statements or contact the Enforcement Division regarding the statements.

1 **PROCEDURAL HISTORY**

2 37. The Enforcement Division initiated this administrative action against Denney and the
3 Committee by serving them with a Report in Support of a Finding of Probable Cause (the "Report").
4 Denney was personally served on March 8, 2016.¹⁶

5 38. Denney and the Committee did not request a probable cause hearing within 21 days of
6 being served with the Report thereby waiving their rights to a probable cause hearing.¹⁷

7 39. On May 4, 2016, the Commission's Hearing Officer issued a Finding of Probable Cause
8 and Order to Prepare and Serve an Accusation. A copy of that order was served on Denney and the
9 Committee by U.S. mail on May 5, 2016.

10 **VIOLATIONS**

11 40. Denney and the Committee committed five violations of the Act, as follows:

12 **Count 1**

13 **Failure to Timely File a Pre-Election Campaign Statement**

14 41. Complainant incorporates paragraphs 1 – 40 of this Accusation, as though completely set
15 forth herein.

16 42. Denney and the Committee had a duty to file a pre-election campaign statement for the
17 period of July 1, 2012 through September 30, 2012 by the October 5, 2012 deadline.

18 43. Denney and the Committee failed to file the required pre-election campaign statement by
19 the by October 5, 2012 deadline.

20 44. By failing to timely file the pre-election campaign statement, Denney and the Committee
21 violated section 84200.5, subdivision (a).

22 **Count 2**

23 **Failure to Timely File a Pre-Election Campaign Statement**

24 45. Complainant incorporates paragraphs 1 – 44 of this Accusation, as though completely set
25 forth herein.

26
27 ¹⁶ Sections 83115.5 and 91000.5.

¹⁷ Section 83115 and Regulation 18361.4

1 46. Denney and the Committee, had a duty to file a pre-election campaign statement for the
2 period covering October 1, 2012 through October 20, 2012, by the October 25, 2012 deadline.

3 47. Denney and the Committee failed to file the required pre-election campaign statement by
4 the October 25, 2012 deadline.

5 48. By failing to timely file the pre-election campaign statement, Denney and the Committee
6 violated section 84200.5, subdivision (a).

7 **Count 3**

8 **Failure to Timely File a Semi-Annual Campaign Statement**

9 49. Complainant incorporates paragraphs 1 – 48 of this Accusation, as though completely set
10 forth herein.

11 50. Denney and the Committee had a duty to file a semi-annual campaign statement for the
12 period covering May 20, 2012 through June 30, 2012, by the July 31, 2012 deadline.

13 51. Denney and the Committee failed to file the required semi-annual campaign statement by
14 the July 31, 2012 deadline.

15 52. By failing to timely file the semi-annual campaign statement, Denney and the Committee
16 violated section 84200.

17 **Count 4**

18 **Failure to Timely File a Semi-Annual Campaign Statement**

19 53. Complainant incorporates paragraphs 1 – 52 of this Accusation, as though completely set
20 forth herein.

21 54. Denney and the Committee had a duty to file a semi-annual campaign statement for the
22 period covering October 21, 2012 through December 31, 2012, by the January 31, 2013 deadline.

23 55. Denney and the Committee failed to file the required semi-annual campaign statement in
24 by the January 31, 2013 deadline.

25 56. By failing to timely file the semi-annual campaign statement, Denney and the Committee
26 violated section 84200.

1 Count 5

2 Failure to Timely File a Semi-Annual Campaign Statement

3 57. Complainant incorporates paragraphs 1 – 56 of this Accusation, as though completely set
4 forth herein.

5 58. Because the Committee remained open, Denney and the Committee had a duty to file a
6 semi-annual campaign statement for the period covering January 1, 2013 through June 30, 2013, by the
7 July 31, 2013 deadline.

8 59. Denney and the Committee failed to file the required semi-annual campaign statement by
9 the July 31, 2013 deadline.

10 60. By failing to timely file the semi-annual campaign statement, Denney and the Committee
11 violated section 84200.

12 AGGRAVATING FACTORS

13 61. Denney and the Committee failed to file two pre-election and three semi-annual campaign
14 statements despite receiving numerous notifications.

15 MITIGATING FACTORS

16 62. Denney's campaign was unsuccessful.

17 63. Denney filed corresponding electronic statements, but did not do so timely and only the
18 electronic semi-annual campaign statement covering the period of May 20 – June 30, 2012 was filed prior
19 to the election.

20 PRAYER

21 WHEREFORE, Complainant prays as follows:

22 1. That the Fair Political Practices Commission hold a hearing pursuant to section 83116 and
23 regulation 18361.5, and at such hearing find that Denney and the Committee violated the Act as alleged
24 herein;

25 2. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
26 order Denney and the Committee to pay a monetary penalty of at least One Thousand Dollars (\$1,000)
27 and not more than Five Thousand Dollars (\$5,000) for the violation of the Act alleged in **Count 1**;

1 3. That the Fair Political Practices Commission, pursuant to section 83116, subdivision (c),
2 order Denney and the Committee to pay a monetary penalty of at least One Thousand Dollars (\$1,000)
3 and not more than Five Thousand Dollars (\$5,000) for the violation of the Act alleged in **Count 2**;

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

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

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

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

22 ///

23 ///

24 ///

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

3
4 Dated: 22 July 16

5 Respectfully Submitted,

6 **FAIR POLITICAL PRACTICES COMMISSION**



7
8 _____
9 Galena West
10 Enforcement Chief
11 Enforcement Division

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

Exhibit A-7

Galena West, Chief of Enforcement
Michael W. Hamilton, Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 260
Sacramento, CA 95814
Telephone: 916-322-5772
Facsimile: 916-322-1932

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION
15 DEC 27 PM 3:51

Attorney for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION, STATE OF CALIFORNIA

In the Matter of:

Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly - 78th District

Respondents. **FPPC No.: 15/156**

RETURN OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the: Statement to Respondent, FPPC Case No. 15/156 Accusation, Selected Sections of the California Government Code, Administrative Procedure Act, 2 Copies of the Notice to Defense and Proof of Service
3. a. Party served: Ralph Denney
b. Person served: Lee Denney, (Ralphs Son)
4. Address where the party was served: [REDACTED]
5. I served the party
 - a. **by substitute service.** On 11/19/16 at 9:30 am, I left a copy of the documents listed in Item 2. I informed him about the general nature of the documents
 - b. On 11/29/16 In San Diego, CA I mailed a copy of the documents listed in Item 2 in a personally stamped envelope, postage prepaid.
6. Person Who Served Papers:
 - a. TIMOTHY W. BARRETT
SOUTHWEST LEGAL
SERVICES
 - b. 2221 CAMINO DEL RIO
SOUTH, STE. 3103
SAN DIEGO, CA 92108
 - c. 619-955-7225
 - d. Fee for service \$ 50.00
 - e. I am:
 - (1) a registered California process server.
 - i. Registration No.: [REDACTED]
 - ii. County: San Diego
7. I declare under the penalty to perjury under the law of the State of California that the foregoing is true and correct.

Date: 12/01/16

Signature: [REDACTED]
Timothy W. Barrett

RETURN OF SERVICE

Galena West, Chief of Enforcement
Michael W. Hamilton, Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 260
Sacramento, CA 95814
Telephone: 916-322-5772
Facsimile: 916-322-1932

Attorney for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION, STATE OF CALIFORNIA

In the Matter of:

Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly - 78th District

Respondents. **FPPC No.: 15/156**

DECLARATION REGARDING DILIGENCE

I have received the within process on November 17, 2016. After due and diligent effort I have been unable to effect personal service on the within named party at the following address(es):

Party served: Ralph Denney

Residence: [REDACTED]

Attempts to effect service are as follows:

1. 11/17/16; 6:15 pm Attempted service at residence. I was unable to access the building. I called Mr. Denney from the call box at the gate. He informed me he was in bed. He then hung up.
2. 11/18/16; 8:15 pm Attempted service at residence. No answer at the door. I called from the call box again. Mr. Denney Answered, he informed me he was bed ridden and I wold have to come back when his son Lee was home.
3. 11/19/16; 8:20 am Attempted service at residence. No answer
4. 11/19/16; 9:30 am Attempted service at residence. I talked to Lee Denney. I informed him about the general nature of the documents and left them with him

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

Date: 12/1/16

Signature: 
Timothy W. Barrett

Exhibit A-8



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)]

*Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District
FPPC Case No. 15/156*

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 Michael W. Hamilton, Commission Counsel, FPPC Enforcement Division.

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)
)	
RALPH DENNEY AND VOTE RALPH	)	FPPC Case No. 15/156
2012 COMMITTEE TO ELECT)	
RALPH DENNEY TO THE)	
ASSEMBLY- 78 TH DISTRICT,)	
)	
Respondents.)	
)	

Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District, the respondents named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of	)	NOTICE OF DEFENSE
	)	(Pursuant to Gov. Code § 11506)
)	
RALPH DENNEY AND VOTE RALPH	)	FPPC Case No. 15/156
2012 COMMITTEE TO ELECT)	
RALPH DENNEY TO THE)	
ASSEMBLY- 78 TH DISTRICT,)	
)	
Respondents.)	
)	

Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District, the respondents named in the above entitled proceeding, hereby acknowledges receipt of the Accusation, a copy of the Statement to Respondent, a copy of Government Code Sections 11506 through 11508, and two copies of a *NOTICE OF DEFENSE*.

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

///

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

Exhibit A-9



FAIR POLITICAL PRACTICES COMMISSION

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

April 4, 2017

FIRST CLASS MAIL

Ralph Denney
[REDACTED]

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: In the Matter of Ralph Denney and Vote Ralph Denney 2012 Committee to Elect Ralph Denney to the Assembly – 78th District

Dear Mr. Denney:

Enclosed please find a copy of the Default Decision and Order, and accompanying Exhibit and attachments, for the above-referenced matter. The Fair Political Practices Commission (“Commission”) will consider these papers at its public meeting on **April 20, 2017** and decide whether to impose the maximum administrative penalty in the amount of **Seventeen Thousand (\$17,000)** against you.

You were previously served a Report in Support of a Finding of Probable Cause, commonly known as a Probable Cause Report, advising you of your right to request a probable cause conference or submit a written response to the probable cause report. You did not request a probable cause conference, nor did you submit anything in writing for the Commission’s Hearing Officer to consider in his determination of probable cause.

Following the issuance of a Report in Support of a Finding of Probable Cause, the Commission’s Hearing Officer found probable cause that you committed a violation of the Political Reform Act’s campaign reporting provisions. Thereafter, the Hearing Officer issued an Accusation against you on the same violation. The Accusation was served on you on December 8, 2016. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file a Notice of Defense within 15 days after service of the Accusation. You failed to file the Notice of Defense form within that time. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

You may, but you are not required to, provide a response brief, along with any supporting materials, no later than five calendar days before the Commission hearing at which the default is scheduled to be heard. Your response brief must be served on the Commission Assistant, at the above address.

At its public meeting on **April 20, 2017**, the Commission may impose an administrative penalty against you in the amount of **\$20,000**, the maximum penalty for the five violations.

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

This letter is your **last opportunity** to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the **April 20, 2017** meeting. Please contact me immediately if you wish to enter into a negotiated settlement.

You may contact me directly at (916) 322-5772.

Sincerely,

A large black rectangular redaction box covering the signature of Michael W. Hamilton.

Michael W. Hamilton
Commission Counsel
Enforcement Division

Enclosures

Exhibit A-10



SECRETARY
OF
STATE

1500 11th Street, Room 495
Sacramento, CA 95814
(916) 653-6224
(916) 653-5045 (FAX)

POLITICAL REFORM DIVISION
P.O. Box 1467
Sacramento, CA 95812-1467
www.ss.ca.gov (Web Site)

November 06, 2012

6-29-11

RALPH DENNEY
VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY
TO THE ASSEMBLY - 78TH DISTRICT, ID# 1339846

Dear Filer:

Pursuant to Government Code Section 84200.8, candidates and their controlled committees must file pre-election statements. 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.

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 any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of \$10 per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. No liability shall be waived if a statement or report is not filed within five days for a campaign statement that is required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement (Government Code section 91013).

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 questions, please call Gloria Gilmore at (916) 653-0279.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

FILING REQUIREMENT

Name of Filer: VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO THE
ASSEMBLY - 78TH DISTRICT

Statement Required: Form 460

Period Covered: July 01, 2012 through September 30, 2012

Date Due: October 05, 2012



SECRETARY
OF
STATE

1500 11th Street, Room 495
Sacramento, CA 95814
(916) 653-6224
(916) 653-5045 (FAX)

POLITICAL REFORM DIVISION
P.O. Box 1467
Sacramento, CA 95812-1467
www.ss.ca.gov (Web Site)

May 21, 2013

6-29-11

RALPH DENNEY
VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY
TO THE ASSEMBLY - 78TH DISTRICT, ID# 1339846
[REDACTED]
[REDACTED]

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: VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO THE
ASSEMBLY - 78TH DISTRICT

Document Required: Form 460

Period Covered: July 01, 2012 through September 30, 2012

Date Due: October 5, 2012

Date of First Written Notice: November 6, 2012

Exhibit A-11



SECRETARY
OF
STATE

1500 11th Street, Room 495
Sacramento, CA 95814
(916) 653-6224
(916) 653-5045 (FAX)

POLITICAL REFORM DIVISION
P.O. Box 1467
Sacramento, CA 95812-1467
www.ss.ca.gov (Web Site)

December 10, 2012

6-29-11

RALPH DENNEY
DENNEY TO THE ASSEMBLY - 78TH DISTRICT,
VOTERALPH 2012 COMMITTEE TO ELECT RALPH, ID# 1339846

Dear Filer:

Pursuant to Government Code Section 84200.8, candidates and their controlled committees must file pre-election statements. 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.

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 any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of \$10 per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. No liability shall be waived if a statement or report is not filed within five days for a campaign statement that is required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement (Government Code section 91013).

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 questions, please call Gloria Gilmore at (916) 653-0279.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

Enclosure

FILING REQUIREMENT

Name of Filer: DENNEY TO THE ASSEMBLY - 78TH DISTRICT, VOTERALPH 2012
COMMITTEE TO ELECT RALPH

Statement Required: Form 460

Period Covered: October 01, 2012 through October 20, 2012

Date Due: October 25, 2012



SECRETARY
OF
STATE

1500 11th Street, Room 495
Sacramento, CA 95814
(916) 653-6224
(916) 653-5045 (FAX)

POLITICAL REFORM DIVISION
P.O. Box 1467
Sacramento, CA 95812-1467
www.ss.ca.gov (Web Site)

May 21, 2013

RALPH DENNEY
VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY
TO THE ASSEMBLY - 78TH DISTRICT, ID# 1339846

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: VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO THE
ASSEMBLY - 78TH DISTRICT

Document Required: Form 460

Period Covered: October 01, 2012 through October 20, 2012

Date Due: October 25, 2012

Date of First Written Notice: December 10, 2012

Exhibit A-12

Memorandum

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

DATE: July 19, 2013

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.: 2013-CP3033

NAME OF ENTITY / INDIVIDUAL REFERRED

VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO THE
ASSEMBLY - 78TH DISTRICT

ID NUMBER (if applicable)

1339846

DATES (if applicable)

Qualified as Committee: June 29, 2011

Terminated: No

DESCRIPTION OF APPARENT VIOLATION

Document Required: Form 460
Periods Covered: 7/1/2012 - 9/30/2012; 10/1/2012 - 10/20/2012
Dates Due: 10/5/2012; 10/25/2012
Dates of First Written Notice: 11/6/2012; 12/10/2012
Date of Second Written Notice: 5/21/2013

Copies of applicable documents are attached.

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION
19 JUL 23 PM 1:33

Approved:



Chris Reynolds, Chief

Exhibit A-13



SECRETARY
OF
STATE

1500 11th Street, Room 495
Sacramento, CA 95814
(916) 653-6224
(916) 653-5045 (FAX)

POLITICAL REFORM DIVISION
P.O. Box 1467
Sacramento, CA 95812-1467
www.ss.ca.gov (Web Site)

September 10, 2012

RALPH DENNEY
VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY
TO THE ASSEMBLY - 78TH DISTRICT, ID# 1339846

Dear Filer:

Pursuant to Government Code Section 84200.8, candidates and their controlled committees must file pre-election statements. 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.

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 any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of \$10 per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. No liability shall be waived if a statement or report is not filed within five days for a campaign statement that is required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement (Government Code section 91013).

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 questions, please call Gloria Gilmore at (916) 653-0279.

Sincerely,

CHRIS REYNOLDS, Chief
Political Reform Division

Enclosure

FILING REQUIREMENT

Name of Filer: VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO
THE ASSEMBLY - 78TH DISTRICT

Statement Required: Form 460

Period Covered: May 20, 2012 through June 30, 2012

Date Due: July 31, 2012



SECRETARY
OF
STATE

1500 11th Street, Room 495
Sacramento, CA 95814
(916) 653-6224
(916) 653-5045 (FAX)

POLITICAL REFORM DIVISION
P.O. Box 1467
Sacramento, CA 95812-1467
www.ss.ca.gov (Web Site)

November 16, 2012

6-29-11

RALPH DENNEY
VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY
TO THE ASSEMBLY - 78TH DISTRICT, ID# 1339846

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: VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO THE
ASSEMBLY - 78TH DISTRICT

Document Required: Form 460

Period Covered: May 20, 2012 through June 30, 2012

Date Due: July 31, 2012

Date of First Written Notice: September 10, 2012



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

October 9, 2013

RALPH DENNEY
VOTERALPH 2012 CMTE TO ELECT RALPH DENNEY
TO THE ASSEMBLY - 78TH DISTRICT, ID# 1339846

Dear Filer:

Pursuant to Government Code Section 84200(a), recipient committees which have not filed a Statement of Termination must file semi-annual statements for each half of every calendar year. Our records show that you did not file the semi-annual statement specified below. Note that pursuant to Government Code Section 91013, the liability cannot be waived if the statement is not filed within 10 days of this notice.

In addition to other penalties established by the Political Reform Act, a committee 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

Enclosure

FILING REQUIREMENT

Name of Filer: VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO THE
ASSEMBLY - 78TH DISTRICT

Statement Required: Form 460

Period Covered: January 01, 2013 through June 30, 2013

Date Due: July 31, 2013



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

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

December 06, 2013

RALPH DENNEY
VOTERALPH 2012 CMTE TO ELECT RALPH DENNEY
TO THE ASSEMBLY - 78TH DISTRICT, ID# 1339846



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: VOTERALPH 2012 CMTE TO ELECT RALPH DENNEY TO THE
ASSEMBLY - 78TH DISTRICT

Document Required: Form 460

Period Covered: January 01, 2013 through June 30, 2013

Date Due: July 31, 2013

Date of First Written Notice: October 09, 2013

Exhibit A-14

Memorandum

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

DATE: May 21, 2013

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.: 2013-CP3001

NAME OF ENTITY / INDIVIDUAL REFERRED

VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO THE
ASSEMBLY - 78TH DISTRICT

ID NUMBER (if applicable)

1339846

DATES (if applicable)

Qualified as Committee: June 29, 2011

Terminated: No

DESCRIPTION OF APPARENT VIOLATION

Document Required: Form 460
 Period Covered: May 20, 2012 through June 30, 2012
 Date Due: July 31, 2012
 Date of First Written Notice: September 10, 2012
 Date of Second Written Notice: November 16, 2012

Copies of applicable documents are attached.

Approved: _____



Chris Reynolds, Chief

RECEIVED
 FAIR POLITICAL
 PRACTICES COMMISSION
 13 MAY 28 AM 10:03

Memorandum

RECEIVED
FAIR POLITICAL
PRACTICES COMMISSION

14 JAN 17 AM 10:39

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

DATE: January 15, 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-CP3094

NAME OF ENTITY / INDIVIDUAL REFERRED

VOTERALPH 2012 COMMITTEE TO ELECT RALPH DENNEY TO THE
ASSEMBLY - 78TH DISTRICT

ID NUMBER (if applicable)

1339846

DATES (if applicable)

Qualified as Committee: 6/29/2011

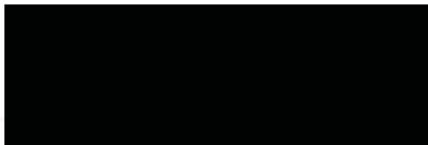
Terminated: No

DESCRIPTION OF APPARENT VIOLATION

Document Required: Form 460
Period Covered: 1/1/2013-6/30/2013
Date Due: 7/31/2013
Date of First Written Notice: 10/9/2013
Date of Second Written Notice: 12/6/2013

Copies of applicable documents are attached.

Approved: _____



Chris Reynolds, Chief

Exhibit A-15



FAIR POLITICAL PRACTICES COMMISSION

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

February 26, 2016

Ralph Denney
[REDACTED]
[REDACTED]

RE: In the Matter of Ralph Denney and Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District; FPPC No. 15/156

Dear Mr. Denney:

On February 25, 2016, during our telephone conversation you requested that the Enforcement Division provide you with a list of the campaign statements you are required to file so that you can meet your filing obligation for your committee: Vote Ralph 2012 Committee to Elect Ralph Denney to the Assembly – 78th District (the “Committee”). The following list contains the statements you agreed to file during that conversation.

Statement Type and Period

1. Pre-Election 7/1/12-9/30/12
2. Pre-Election 10/1/12 -10/20/12
3. Semi-Annual 5/20/12 - 6/30/12
4. Semi-Annual 10/21/12-12/31/12
5. Semi-Annual 1/1/13-6/30/13

Please note that our administrative process will continue until you have filed your outstanding statements and paid the fines required to resolve this matter. All of the forms can be found on our website www.fppc.ca.gov. Thank you for your attention to this matter. If you have any further questions or concerns, please contact Michael Hamilton at 916.322.5772.

Sincerely,

[REDACTED]
Michael W. Hamilton
Commission Counsel
Enforcement Division