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

11 In the Matter of

12
13 JOHN ANAGNOS,

14
15 Respondents.
16

) FPPC No.: 15/1497
)
)

) DEFAULT DECISION AND
) ORDER

) (Government Code Sections 11506
) and 11520)
)
)

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

20 Pursuant to the California Administrative Procedure Act,¹ John Anagnos ("Anagnos") has been
21 served with all of the documents necessary to conduct an administrative hearing regarding the above-
22 captioned matter, including the following:

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

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

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

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

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

14
15 Dated: 16 Feb 17

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17 Galeria West, Chief of Enforcement
18 Fair Political Practices Commission
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ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$10,000 (Ten Thousand Dollars) upon John Anagnos, payable to the "General Fund of the State of California."

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

Dated: _____

Joann Remke, Chair
Fair Political Practices Commission

EXHIBIT 1

INTRODUCTION

Respondent John Anagnos (“Anagnos”) assumed office as an Alternate Commissioner of the Lodi Winegrape Commission Board on July 1, 2011. He is currently in office as a Commissioner of the Lodi Winegrape Commission Board, a position he has held since 2013.

The Political Reform Act (the “Act”)¹ requires designated officials to file an Annual Statement of Economic Interests (“SEI”). This matter arose out of a non-filer referral sent to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division by the Commission’s SEI Unit for Anagnos’s failure to file a 2014 Annual SEI.

As a designated official with the Lodi Winegrape Commission Board, Anagnos had a duty to file a 2014 Annual SEI by April 1, 2015 and a 2015 Annual SEI by April 1, 2016. Anagnos failed to timely file a 2014 Annual SEI and a 2015 Annual SEI.

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

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).

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

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

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

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

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

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

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Anagnos in this matter by serving him with a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail, return receipt requested,¹² on October 18, 2016. (Certification, Exhibit A-2.) The administrative action commenced on October 20, 2016, the date the certified mail receipt was signed (Certification, Exhibit A-2.), and the five-year statute of limitations was effectively tolled on this date.

⁶ Section 11506, subd. (c).

⁷ Section 11520, subd. (a).

⁸ Section 91000.5, subd. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

¹² Section 83115.5.

As required by Section 83115.5, the packet served on Anagnos contained a cover letter and a memorandum describing probable cause proceedings, advising that Anagnos had 21 days in which to request a probable cause conference and/or to file a written response to the Report. (Certification, Exhibit A-3.) Anagnos 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 Anagnos failed to request a probable cause conference or submit a written response to the Report by the statutory deadline, the Enforcement Division submitted an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served to the Hearing Officer of the Commission on November 28, 2016. (Certification, Exhibit A-4.)

On December 7, 2016, Hearing Officer Jack Woodside, Senior Commission Counsel, Legal Division issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Anagnos. (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)

¹³ Regulation 18361.4, subd. (e).

include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and that failure to do so will constitute a waiver of the respondent's right to a hearing, and (ii) copies of Sections 11507.5, 11507.6, and 11507.7.¹⁴ The APA also sets forth the language required in the accompanying statement to the respondent.¹⁵

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

On December 22, 2016, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Anagnos 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 personally served on January 22, 2017. (Certification, Exhibit A-8.)

Along with the Accusation, the Enforcement Division served Anagnos with a "Statement to Respondent," which notified him that he could request a hearing on the merits and warned that, unless a Notice of Defense was filed within 15 days of service of the Accusation, he would be deemed to have waived the right to a hearing. (Certification, Exhibit A-7.) Anagnos did not file a Notice of Defense within the statutory time period, which ended on February 6, 2017.

As a result, on February 16, 2017, the Enforcement Division sent a letter to Anagnos advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for March 16, 2017. (Certification, Exhibit A-15.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

SUMMARY OF THE LAW

An express purpose of the Act is to ensure that the assets and income of public officials that may be materially affected by their official actions be disclosed, so that conflicts of interests may be avoided.¹⁷ In furtherance of this purpose, the Act requires every state agency to adopt and promulgate a conflict of interest code, and any violation of such a code is deemed a violation of the Act.¹⁸

An agency's conflict of interest code must specifically designate the positions within the agency that are required to file SEIs that disclose reportable investments, business positions,

¹⁴ Section 11505, subd. (a).

¹⁵ Section 11505, subd. (b).

¹⁶ Section 11505, subd. (c).

¹⁷ Section 81002, subd. (c).

¹⁸ Section 87300.

interests in real property, and sources of income.¹⁹ The persons who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency whose position with the agency entails making, or participating in making, governmental decisions that may foreseeably have a material effect on one or more of the person's economic interests.²⁰ An agency's conflict of interest code must require designated positions to file an Annual SEI.²¹ The Lodi Winegrape Commission Board's Conflict of Interest Code designates Commissioner as a position that is required to file SEIs.

SUMMARY OF THE EVIDENCE

Anagnos assumed office on July 1, 2011, and currently serves as a Commissioner of the Lodi Winegrape Commission Board. As a designated official, he had a duty to file a 2014 Annual SEI by April 1, 2015 and a 2015 Annual SEI by April 1, 2016. Anagnos violated the Act by failing to timely file a 2014 Annual SEI by April 1, 2015 and a 2015 Annual SEI by April 1, 2016.

The SEI Unit sent letters to Anagnos on June 12, 2015 and July 14, 2015 notifying him that his 2014 Annual SEI was due April 1, 2015. (Certification, Exhibit A-9.) The SEI Unit also left a voicemail for Anagnos on August 17, 2015. (Certification, Exhibit A-10.) Anagnos never filed his 2014 Annual SEI as requested, and was referred to the Enforcement Division on August 31, 2015. (Certification, Exhibit A-11.)

On June 16, 2016 and August 2, 2016, the SEI Unit sent letters to Anagnos regarding his unfiled 2015 Annual SEI, which was due April 1, 2016. (Certification, Exhibit A-12.) SEI Unit staff left a voicemail for Anagnos on September 12, 2016 (Certification, Exhibit A-13.), then referred him to the Enforcement Division on September 20, 2016 when he did not respond. (Certification, Exhibit A-14.)

The Enforcement Division sent Anagnos letters on October 22, 2015 and January 11, 2016 in an attempt to resolve this matter. Enforcement Division staff also left Anagnos voicemails regarding settlement on December 3, 2015, January 21, 2016, January 26, 2016, May 25, 2016, and December 19, 2016. Anagnos spoke with Enforcement Division staff on December 3, 2015, and the Enforcement Division mailed him a settlement offer at his request, but Anagnos did not respond further.

As of February 14, 2017, Anagnos has not filed his 2014 Annual SEI or 2015 Annual SEI, but remains in office as a Commissioner of the Lodi Winegrape Commission Board. Accordingly, Anagnos committed two violations of the Act, as follows:

¹⁹ Section 87302, subd. (a).

²⁰ Sections 82019, subd. (a) and 87302.

²¹ Section 87302, subd. (b).

COUNT 1

Failure to Timely File a 2014 Annual Statement of Economic Interests by April 1, 2015

Anagnos had a duty to file a 2014 Annual SEI by April 1, 2015. By failing to timely file this statement, Anagnos violated Government Code Section 87300.

COUNT 2

Failure to Timely File a 2015 Annual Statement of Economic Interests by April 1, 2016

Anagnos had a duty to file a 2015 Annual SEI by April 1, 2016. By failing to timely file this statement, Anagnos violated Government Code Section 87300.

CONCLUSION

This matter consists of two counts of violating the Act, which carries a maximum administrative penalty of \$10,000.²²

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

In this matter, Anagnos failed to file a Statement of Economic Interests. The failure to comply with this obligation denied the public information about his financial activities and potential conflicts of interest. Anagnos is Operations Manager of Mettler Family Vineyards and was Vineyard Manager of Arbor Vineyards, and potentially could have a conflict of interest when making decisions as Commissioner of the Lodi Winegrape Commission Board.

The SEI Unit and the Enforcement Division have made numerous requests that Anagnos file the outstanding SEIs, but Anagnos has never complied. Anagnos is fully aware of his obligation to file as he has been contacted more than a dozen times regarding his outstanding SEIs.

²² Section 83116, subd. (c).

Further, Anagnos has filed four SEIs prior to his 2014 Annual SEI, and was fined by the SEI unit for filing his 2013 Annual SEI late.

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

- *In the Matter of Shannon Matlock*, FPPC No. 15/737. (Commission approved a default decision on December 15, 2016.) The respondent, an Assistant Director of Hospital Nursing for the Ventura County Health Care Agency, failed to timely file a 2014 Annual SEI despite being contacted 16 times in writing regarding her duty to file SEIs. The Commission imposed a penalty of \$5,000.

This case is similar to the instant case as Anagnos is well aware of his obligation to file a SEIs, but did not file a 2014 Annual SEI and a 2015 Annual SEI despite multiple requests for compliance from the SEI Unit and the Enforcement Division.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$10,000 is recommended.



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

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed as a Staff Services Analyst by the California Fair Political Practices Commission (Commission). My business address is: California Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. As such, I am authorized to certify copies of those records as being true and correct copies of the original business records which are in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case No. 15/1497; John Anagnos*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

EXHIBIT A-1: Report in Support of a Finding of Probable Cause, dated June 7, 2016

EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated October 18, 2016, and Return Receipt received on October 20, 2016

EXHIBIT A-3: Cover letter to the Respondent regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated October 18, 2016

EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated November 28, 2016

EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated December 2, 2016, and Proof of Service, dated December 7, 2016

- EXHIBIT A-6: Accusation, dated December 22, 2016
- EXHIBIT A-7: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated December 29, 2016
- EXHIBIT A-8: Proof of Service for Accusation and accompanying documents from process server, dated January 27, 2017
- EXHIBIT A-9: Letters from SEI Unit to John Anagnos, dated June 12, 2015 and July 14, 2015
- EXHIBIT A-10: Call report from SEI Unit regarding a voicemail left for John Anagnos on August 17, 2015
- EXHIBIT A-11: Non-filer referral form from SEI Unit referring John Anagnos as a 2014 Annual SEI non-filer to the Enforcement Division, dated August 31, 2015
- EXHIBIT A-12: Letters from SEI Unit to John Anagnos, dated June 16, 2016 and August 2, 2016
- EXHIBIT A-13: Call report from SEI Unit regarding a voicemail and an email to John Anagnos on September 12, 2016
- EXHIBIT A-14: Non-filer referral form from SEI Unit referring John Anagnos as a 2015 Annual SEI non-filer to the Enforcement Division, dated September 20, 2016
- EXHIBIT A-15: Notice of Intent to Enter into Default Decision and Order, dated February 16, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 16, 2017, at Sacramento, California.



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

Exhibit A-1

DEFAULT DECISION AND ORDER FPPC NO. 15/1497

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

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

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

11 In the Matter of) FPPC No. 15/1497
12)
13 JOHN ANAGNOS,) **REPORT IN SUPPORT OF A FINDING OF**
14) **PROBABLE CAUSE**
15 Respondent.) Conference Date: TBA
16) Conference Time: TBA
17) Conference Location: Commission Offices
428 J Street, Suite 620
Sacramento, CA 95814

18 INTRODUCTION

19 Respondent John Anagnos ("Anagnos") is a commissioner on the Lodi Winegrape Commission
20 Board. The City of Lodi's Conflict of Interest Code requires commissioners on the Lodi Winegrape
21 Commission Board to periodically file a Statement of Economic Interests ("SEI") disclosing all
22 relevant economic interests. Anagnos has failed to file a 2014 Annual SEI and a 2015 Annual SEI.

23 SUMMARY OF THE LAW

24 All legal references and discussions of law pertain to the Act's provisions as they existed from
25 2014 through 2015.

1 Jurisdiction

2 The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to
3 enforce the provisions of the Act.¹

4 Probable Cause Proceedings

5 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
6 the Commission or her designee (the "hearing officer"), must make a finding that there is probable
7 cause to believe the respondent has violated the Act.² After a finding of probable cause, the
8 Commission may hold a noticed hearing in accordance with the Administrative Procedure Act³ to
9 determine whether violations occurred, and levy an administrative penalty of up to \$5,000 for each
10 violation.⁴

11 Standard for Finding Probable Cause

12 To make a finding of probable cause, the hearing officer must be presented with sufficient
13 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
14 that a respondent committed or caused a violation.⁵

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

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

19 One central purpose of the Act is to increase transparency and decrease conflicts of interest in
20 the actions of public officials by requiring disclosure of their financial interests.⁸ Another is to provide
21 adequate enforcement mechanisms so that the Act will be "vigorously enforced."⁹

22
23 ¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references
24 are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18110 through 18997 of Title 2
of the California Code of Regulations, and all regulatory references are to this source.

25 ² Section 83115.5, and Regulations 18361 and 18361.4.

26 ³ Section 11500, et seq.

27 ⁴ Section 83116, and Regulation 18361.4, subd. (e).

28 ⁵ Section 18361.4, subd. (e).

⁶ Section 81001, subd. (h).

⁷ Section 81003.

1 Conflict of Interest Codes

2 Section 87300 of the Act requires every state and local agency to develop a Conflict of Interest
3 Code. These codes must designate those officials who participate in making decisions which may
4 foreseeably have a material financial effect on any financial interest belonging to that official, and
5 require those designated officials to disclose all reportable interests on SEIs.¹⁰ Failure to comply with
6 an agency's conflict of interest code is a violation of the Act.¹¹

7 The City of Lodi Conflict of Interest Code

8 The City of Lodi Conflict of Interest Code designates commissioners on the Lodi Winegrape
9 Commission Board as a position that is required to file SEIs. The City of Lodi Code requires designated
10 officials to file an Annual SEIs by April 1st of the succeeding year.

11 Liability for Violations

12 Any person who violates any provision of the Act, who purposely or negligently causes any
13 other person to violate any provision of the Act, or who aids and abets any other person in the violation
14 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹²

15 **SUMMARY OF THE EVIDENCE**

16 Anagnos became a Commissioner on the Lodi Winegrape Commission Board in 2012. There is
17 no record of Anagnos filing his 2014 Annual SEI and 2015 Annual SEI. Before referring the case to the
18 Enforcement Division, the FPPC Technical Assistance Division notified Anagnos twice regarding his
19 duty to file his outstanding SEIs. After Anagnos did not respond, the matter was referred to the
20 Enforcement Division. The Enforcement Division also attempted to contact Anagnos twice regarding
21 his outstanding SEIs. Anagnos did not respond. As of May 25, 2016, Anagnos has not filed his
22 outstanding SEIs.

23
24
25 ⁸ Section 81002, subd. (c)

⁹ Section 81002, subd. (f).

¹⁰ Section 87302, subd. (b).

¹¹ Section 87300

¹² Sections 83116, and 83116.5.

1 **VIOLATIONS**

2 Count 1: Failure to Timely File an Annual SEI

3 Anagnos failed to timely file a 2014 Annual SEI in violation of Sections 87300 and 87302.

4 Count 1: Failure to Timely File an Annual SEI

5 Anagnos failed to timely file a 2015 Annual SEI in violation of Sections 87300 and 87302.

6 **OTHER RELEVANT MATERIAL**

7 Anagnos has failed to timely file the outstanding SEIs despite numerous contacts.

8 **EXCULPATORY OR MITIGATING INFORMATION**

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

10 **CONCLUSION**

11 Probable cause exists to believe that John Anagnos violated the Act by failing to file 2014 and
12 2015 Annual SEIs. The Enforcement Division respectfully requests an order finding probable cause
13 pursuant to Section 83115.5 and Regulation 18361.4.

14
15 Dated: 6/7/16

16
17 Respectfully Submitted,

18 **FAIR POLITICAL PRACTICES COMMISSION**

19 Galena West
20 Enforcement Chief

21 
22 By: Dave Bainbridge
23 Assistant Chief
24 Enforcement Division

Exhibit A-2

PROOF OF SERVICE

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

1. Letter dated October 18, 2016 from Dave Bainbridge;
2. FPPC No. 15/1497 Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

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

X By United States Postal Service. I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the addresses listed below and placed the envelope or package for collection and mailing by certified mail, return receipt requested, following my company's ordinary business practices. I am readily familiar with this business' practice for collection and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

SERVICE LIST

Certified Mail, Return Receipt Requested

John Anagnos
Operations Manager
Mettler Family Vineyards
7889 E. Harney Lane
Lodi, CA 95240

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 10-18-16.


Amanda C. Kelly

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

7016 1370 0000 0354 2517

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Postmark
Here

John Anagnos
 Operations Manager
 Mettler Family Vineyards
 7889 E. Harney Lane
 Lodi, CA 95240

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

John Anagnos
 Operations Manager
 Mettler Family Vineyards
 7889 E. Harney Lane
 Lodi, CA 95240



9590 9402 1628 6053 9761 06

2. Article Number (Transfer from service label)

7016 1370 0000 0354 2517

COMPLETE THIS SECTION DELIVERY

Signature _____

Agent

Addressee

B. Received by (Printed Name) Chad Mettler

C. Date of Delivery 10-20-16

D. Is delivery address different from item #? Yes
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3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
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 - Mail Restricted Delivery
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Exhibit A-3



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

October 18, 2016

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

John Anagnos
Operations Manager
Mettler Family Vineyards
7889 E. Harney Lane
Lodi, CA 95240

In the Matter of John Anagnos; FPPC No. 15/1497

Dear Mr. Anagnos:

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 October 22, 2015 and January 11, 2016. The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence.

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

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

Sincerely,

A large black rectangular redaction box covers the signature area.

Dave Bainbridge
Assistant Chief
Enforcement Division

Enclosures (3)

DB:ec

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

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

JOHN ANAGNOS,

Respondent.

) FPPC No. 15/1497

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

) Gov. Code § 83115.5
)
)

TO THE HEARING OFFICER OF THE FAIR POLITICAL PRACTICES COMMISSION:

Pursuant to Section 83115.5 of the Political Reform Act (the "Act")¹ and Regulation 18361.4, Respondent John Anagnos ("Anagnos") was served with a copy of a report in support of a finding of probable cause ("Report") in the above-entitled matter.² The Report, attached as "Exhibit A," was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was sent to Anagnos on October 18, 2016, by certified mail, with a return receipt requested, and received by Anagnos on October 20, 2016. Confirmation from the U.S. Postal Service that the Report was received is attached as "Exhibit B."

In the cover letter dated October 18, 2016, and the attached materials, Anagnos was advised that he could respond in writing to the Report and orally present the case to the Hearing Officer at a probable

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

7 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by the
8 Hearing Officer that probable cause exists to believe that Anagnos committed two violations of the Act,
9 stated as follows:

10 Count 1: John Anagnos, an Alternate Commissioner of the Lodi Winegrape Commission Board, failed
11 to file a 2014 Annual Statement of Economic Interests by April 1, 2015, in violation of
12 Government Code section 87300.

13 Count 2: John Anagnos, an Alternate Commissioner of the Lodi Winegrape Commission Board, failed
14 to file a 2015 Annual Statement of Economic Interests by April 1, 2016, in violation of
15 Government Code section 87300.

16 Additionally, after finding probable cause exists, the Enforcement Division requests an order by
17 the Hearing Officer that an accusation be prepared against Anagnos and served upon him.³

18 A copy of this Request was mailed via U.S. Mail to Anagnos on November 28, 2016, at the last
19 known address, as follows:

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 _____
27 ³ Gov. Code § 11503.

1 John Anagnos
[REDACTED]
[REDACTED]

3
4 Dated: 11/23/16

Respectfully Submitted,

FAIR POLITICAL PRACTICES COMMISSION

Galena West
Chief of Enforcement

[REDACTED]

9 By: ~~Dave Bainbridge~~
Assistant Chief
Enforcement Division

EXHIBIT A

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

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

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

11 In the Matter of

12
13 JOHN ANAGNOS,

14
15 Respondent.

) FPPC No. 15/1497
)
) **REPORT IN SUPPORT OF A FINDING OF**
) **PROBABLE CAUSE**
)
) Conference Date: TBA
) Conference Time: TBA
) Conference Location: Commission Offices
) 428 J Street, Suite 620
) Sacramento, CA 95814

16
17
18 **INTRODUCTION**

19 Respondent John Anagnos ("Anagnos") is a commissioner on the Lodi Winegrape Commission
20 Board. The City of Lodi's Conflict of Interest Code requires commissioners on the Lodi Winegrape
21 Commission Board to periodically file a Statement of Economic Interests ("SEI") disclosing all
22 relevant economic interests. Anagnos has failed to file a 2014 Annual SEI and a 2015 Annual SEI.

23 **SUMMARY OF THE LAW**

24 All legal references and discussions of law pertain to the Act's provisions as they existed from
25 2014 through 2015.

1 Jurisdiction

2 The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to
3 enforce the provisions of the Act.¹

4 Probable Cause Proceedings

5 Prior to the Enforcement Division commencing an administrative action, the General Counsel of
6 the Commission or her designee (the "hearing officer"), must make a finding that there is probable
7 cause to believe the respondent has violated the Act.² After a finding of probable cause, the
8 Commission may hold a noticed hearing in accordance with the Administrative Procedure Act³ to
9 determine whether violations occurred, and levy an administrative penalty of up to \$5,000 for each
10 violation.⁴

11 Standard for Finding Probable Cause

12 To make a finding of probable cause, the hearing officer must be presented with sufficient
13 evidence to lead a person of ordinary caution and prudence to believe, or entertain a strong suspicion,
14 that a respondent committed or caused a violation.⁵

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

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

19 One central purpose of the Act is to increase transparency and decrease conflicts of interest in
20 the actions of public officials by requiring disclosure of their financial interests.⁸ Another is to provide
21 adequate enforcement mechanisms so that the Act will be "vigorously enforced."⁹

22
23 ¹ The Political Reform Act is contained in Government Code §§ 81000 through 91014, and all statutory references
24 are to this code. The regulations of the Fair Political Practice Commission are contained in §§ 18110 through 18997 of Title 2
of the California Code of Regulations, and all regulatory references are to this source.

25 ² Section 83115.5, and Regulations 18361 and 18361.4.

26 ³ Section 11500, et seq.

27 ⁴ Section 83116, and Regulation 18361.4, subd. (e).

28 ⁵ Section 18361.4, subd. (e).

⁶ Section 81001, subd. (h).

⁷ Section 81003.

1 Conflict of Interest Codes

2 Section 87300 of the Act requires every state and local agency to develop a Conflict of Interest
3 Code. These codes must designate those officials who participate in making decisions which may
4 foreseeably have a material financial effect on any financial interest belonging to that official, and
5 require those designated officials to disclose all reportable interests on SEIs.¹⁰ Failure to comply with
6 an agency's conflict of interest code is a violation of the Act.¹¹

7 The City of Lodi Conflict of Interest Code

8 The City of Lodi Conflict of Interest Code designates commissioners on the Lodi Winegrape
9 Commission Board as a position that is required to file SEIs. The City of Lodi Code requires designated
10 officials to file an Annual SEIs by April 1st of the succeeding year.

11 Liability for Violations

12 Any person who violates any provision of the Act, who purposely or negligently causes any
13 other person to violate any provision of the Act, or who aids and abets any other person in the violation
14 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.¹²

15 **SUMMARY OF THE EVIDENCE**

16 Anagnos became a Commissioner on the Lodi Winegrape Commission Board in 2012. There is
17 no record of Anagnos filing his 2014 Annual SEI and 2015 Annual SEI. Before referring the case to the
18 Enforcement Division, the FPPC Technical Assistance Division notified Anagnos twice regarding his
19 duty to file his outstanding SEIs. After Anagnos did not respond, the matter was referred to the
20 Enforcement Division. The Enforcement Division also attempted to contact Anagnos twice regarding
21 his outstanding SEIs. Anagnos did not respond. As of May 25, 2016, Anagnos has not filed his
22 outstanding SEIs.

23
24
25 ⁸ Section 81002, subd. (c)

⁹ Section 81002, subd. (f).

¹⁰ Section 87302, subd. (b).

¹¹ Section 87300

¹² Sections 83116, and 83116.5.

1 **VIOLATIONS**

2 Count 1: Failure to Timely File an Annual SEI

3 Anagnos failed to timely file a 2014 Annual SEI in violation of Sections 87300 and 87302.

4 Count 1: Failure to Timely File an Annual SEI

5 Anagnos failed to timely file a 2015 Annual SEI in violation of Sections 87300 and 87302.

6 **OTHER RELEVANT MATERIAL**

7 Anagnos has failed to timely file the outstanding SEIs despite numerous contacts.

8 **EXCULPATORY OR MITIGATING INFORMATION**

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

10 **CONCLUSION**

11 Probable cause exists to believe that John Anagnos violated the Act by failing to file 2014 and
12 2015 Annual SEIs. The Enforcement Division respectfully requests an order finding probable cause
13 pursuant to Section 83115.5 and Regulation 18361.4.

14
15 Dated: 6/7/16

16
17 Respectfully Submitted,

18 **FAIR POLITICAL PRACTICES COMMISSION**
19 Galena West
20 Enforcement Chief

21 
22 By: Dave Bainbridge
23 Assistant Chief
24 Enforcement Division



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION FOR DELIVERY														
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>Signature: </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>														
<p>1. Article Addressed to:</p> <p style="text-align: center;">John Anagnos Operations Manager Mettler Family Vineyards 7889 E. Harney Lane Lodi, CA 95240</p>  <p style="text-align: center;">9590 9402 1628 6053 9761 06</p>	<p>B. Received by (Printed Name): <i>Char Mettler</i></p> <p>C. Date of Delivery: <i>10-20-16</i></p> <p>D. Is delivery address different from item #1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> 														
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7016 1370 0000 0354 2517</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®														
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™														
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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™														
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery														
<input type="checkbox"/> Mail Restricted Delivery															
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p style="text-align: right;">Domestic Return Receipt</p>														

EXHIBIT B

Exhibit A-5

DEFAULT DECISION AND ORDER FPPC NO. 15/1497

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of

JOHN ANAGNOS,

Respondent.

) FPPC No. 15/1497
)
)
) FINDING OF PROBABLE CAUSE AND
) ORDER TO PREPARE AND SERVE AN
) ACCUSATION
)
) Gov. Code § 83115.5
)
)

By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an Accusation Be Prepared and Served, dated November 28, 2016, the Enforcement Division submitted the above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served (Ex Parte Request), the Enforcement Division served a Report in Support of a Finding of Probable Cause (PC Report) on Respondent John Anagnos concerning this matter on October 20, 2016, by certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that informed Anagnos 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, Anagnos did not file a response to the PC Report or request a probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4, determination of probable cause may be made solely on papers submitted when the respondent does not request a probable cause conference.¹

In making a probable cause determination, it is the duty of the Hearing Officer of the Fair Political Practices Commission to determine whether probable cause exists to believe that a respondent violated the Political Reform Act as alleged by the Enforcement Division in the PC Report served on the respondent.

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

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

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

6 Count 1: John Anagnos, an Alternate Commissioner of the Lodi Winegrape Commission Board, failed
7 to file a 2014 Annual Statement of Economic Interests by April 1, 2015, in violation of
Government Code section 87300.

8 Count 2: John Anagnos, an Alternate Commissioner of the Lodi Winegrape Commission Board, failed
9 to file a 2015 Annual Statement of Economic Interests by April 1, 2016, in violation of
Government Code section 87300.

10 Based on the Ex Parte Request given to me, I find that notice has been given to Anagnos.³ I
11 further find, based on the PC Report and the Ex Parte Request, that there is probable cause to believe
12 Anagnos violated the Political Reform Act as alleged in Counts 1 and 2, as identified above.

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

15 IT IS SO ORDERED.

16
17
18 Dated: 12-2-16

19 
20 Jack Woodside, Hearing Officer
21 Fair Political Practices Commission

22
23
24
25
26
27 ² Cal. Code Reg., tit. 2, § 18361.4, subd. (e).

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

FPPC No. 15/1497, In the matter of John Anagnos

PROOF OF SERVICE

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

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

MANNER OF SERVICE

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

SERVICE LIST

Mr. John Anagnos
Mettler Family Vineyards
7889 East Harney Lane
Lodi, CA 95240

(By Personal Service) On Wednesday, December 07, 2016, at approximately 3:15 p.m., I personally served:

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on December 7, 2016.


Sheva Tabatabaiejad

Exhibit A-6

DEFAULT DECISION AND ORDER FPPC NO. 15/1497

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

6 Attorneys for Complainant

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

10
11 In the Matter of) FPPC No. 15/1497
12)
13 JOHN ANAGNOS,) **ACCUSATION**
14)
15 Respondent.) (Gov. Code §11503)
16)
17)

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

20 **JURISDICTION**

- 21 1. Complainant is the Enforcement Division of the Fair Political Practices Commission and
22 makes this Accusation in its official capacity and in the public interest.
- 23 2. The authority to bring this action is derived from Title 2, California Code of Regulations,
24 Sections 18361 and 18361.4, subdivision (e), and the statutory law of the State of California, specifically
25 including, but not limited to, Government Code Sections 83111, 83116, and 91000.5, which assign to the
26 Enforcement Division the duty to administer, implement, and enforce the provisions of the Political
27 Reform Act, found at Government Code Sections 81000 through 91014.

1 10. The Lodi Winegrape Commission Board's Conflict of Interest Code designates
2 Commissioner as a position that is required to file SEIs. The Lodi Winegrape Commission Board's Code
3 requires designated officials to file an Annual SEI by April 1 of the succeeding year.

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

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

14 **GENERAL FACTS**

15 12. Anagnos was appointed as an Alternate Commissioner of the Lodi Winegrape Commission
16 Board on July 1, 2011. After 2013, Anagnos became a Commissioner of the Lodi Winegrape Commission
17 Board. He is currently in office.

18 13. As a designated official of the Lodi Winegrape Commission Board, Anagnos was required
19 to file a 2014 Annual SEI by April 1, 2015, and a 2015 Annual SEI by April 1, 2016. Anagnos failed to
20 file a 2014 Annual SEI and a 2015 Annual SEI.

21 14. As of December 13, 2016, Anagnos has not filed a 2014 Annual SEI or a 2015 Annual SEI.

22 **PROCEDURAL HISTORY**

23 15. Before referring the case to the Enforcement Division, the Fair Political Practices
24 Commission's SEI Unit sent two letters to Anagnos dated June 12, 2015 and July 14, 2015 regarding
25 his obligation to file. After Anagnos did not respond, the SEI Unit referred the matter to the Enforcement
26 Division.

27
28

⁸ Reg. 18361.5, subd. (d).

1 25. By failing to file a 2014 Annual SEI by April 1, 2015, Anagnos violated Section 87300.

2 **Count 2**

3 **Failure to Timely File a 2015 Annual SEI**

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

6 27. Anagnos, as a Commissioner of the Lodi Winegrape Commission Board, had a duty under
7 the Act and the Lodi Winegrape Commission Board's Conflict of Interest Code to file a 2015 Annual SEI
8 by April 1, 2016.

9 28. Anagnos failed to file a 2015 Annual SEI by April 1, 2016.

10 29. By failing to file a 2015 Annual SEI by April 1, 2016, Anagnos violated Section 87300.

11 **MITIGATING OR EXCULPATORY FACTORS**

12 30. The Enforcement Division is not aware of any mitigating or exculpatory factors.

13 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

14 31. Anagnos is currently in office.

15 32. Anagnos filed his 2012 Annual SEI late on September 30, 2013.

16 33. Anagnos filed his 2013 Annual SEI late on October 28, 2014. As a result, he was fined by
17 the SEI Unit.

18 34. Anagnos has failed to file his Annual SEIs for 2014 and 2015 despite numerous contacts
19 regarding these violations.

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

- 1 3. That the Fair Political Practices Commission, pursuant to Section 83116, subdivision (c),
2 order Anagnos to pay a monetary penalty of at least One Thousand Dollars (\$1,000) and
3 not more than Five Thousand Dollars (\$5,000) for the violation of the Political Reform Act
4 alleged in **Count 2**;
- 5 4. That the Fair Political Practices Commission, pursuant to Regulation 18361.5, subdivision
6 (d), consider the following factors in framing a proposed order following a finding of a
7 violation pursuant to Section 83116: (1) the seriousness of the violation; (2) the presence or
8 absence of any intention to conceal, deceive or mislead; (3) whether the violation was
9 deliberate, negligent or inadvertent; (4) whether the violator demonstrated good faith by
10 consulting the Commission staff or any other government agency in a manner not
11 constituting a complete defense under Section 83114, subdivision (b); (5) whether the
12 violation was isolated or part of a pattern and whether the violator has a prior record of
13 violations of the Act or similar laws; and (6) whether the violator, upon learning of a
14 reporting violation, voluntarily filed amendments to provide full disclosure.
- 15 5. That the Fair Political Practices Commission grant such other and further relief as it deems
16 just and proper.

17
18
19 Dated: 22 Dec 16



Galena West
Chief of Enforcement
Fair Political Practices Commission

Exhibit A-7

DEFAULT DECISION AND ORDER FPPC NO. 15/1497



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)]

John Anagnos

FPPC Case No. 15/1497

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

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

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

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

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

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

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



Before the Fair Political Practices Commission

State of California

In the Matter of

JOHN ANAGNOS,

Respondent.

) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)

) FPPC Case No. 15/1497

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

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip



Before the Fair Political Practices Commission

State of California

In the Matter of)
) NOTICE OF DEFENSE
) (Pursuant to Gov. Code § 11506)
)
 JOHN ANAGNOS,) FPPC Case No. 15/1497
)
)
 Respondent.)
)
)
)
)

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

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

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814. On 12/29/2016, I served the following document(s):

- 1. Statement to Respondent;
- 2. FPPC Case No. 15/1497: Accusation;
- 3. Notice of Defense (Two Copies);
- 4. Selected Sections of the California Government Code, Administrative Procedure Act.

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

By personal service. At 1:55 a.m./p.m.:

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

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

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

SERVICE LIST

Personal Delivery

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

Personal Service

John Anagnos
[REDACTED]
[REDACTED]
OR
7889 East Harney Lane
Lodi, CA 95240

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 12/29/2016.

[REDACTED]

Roone Peterson

Exhibit A-8

DEFAULT DECISION AND ORDER FPPC NO. 15/1497

AFFIDAVIT OF SERVICE

STATE OF CALIFORNIA
Before the Fair Political Practices Commission

In the Matter of John Anagnos, Respondent
FPPC No. 15/1497

Commission COL: Galena West & Amanda Kelly, FPPC, 428 "J" St., #620
Sacramento, CA 95814

I, Richard Berberian, Registered California Process Server, state the following:

I am over the age of eighteen (18) years and not a party to the action indicated above.

I received for service of process a Statement to Respondent [Govt. Code Sec. 11505, subdivision (b)], Accusation (Gov. Code 11503), Notice of Defense (Pursuant to Gov. Code 11506), and selected Sections of the California Govt. Code-Administrative Procedure Act, all issued regarding the above-captioned court case proceeding.

On January 22, 2016 at 6:40pm, I served the above-referenced documents on JOHN ANAGNOS, Respondent, personally and in-person by hand, at his residence: [REDACTED]

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

[REDACTED]
Richard Berberian/Stanislaus County No. 07-005
Berberian Legal Service, P.O. Box 5303
Modesto, CA 95352 (209) 526-6517
[REDACTED]

January 27, 2017

Exhibit A-9

DEFAULT DECISION AND ORDER FPPC NO. 15/1497



FAIR POLITICAL PRACTICES COMMISSION

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

June 12, 2015

John Anagnos
Alternate Commissioner
Lodi-Woodbridge Winegrape Commission
[REDACTED]

Re: Statement of Economic Interests – Form 700
Type of Statement: 2014 Annual
Date Statement Due: April 1, 2015

Dear Mr. Anagnos:

The Fair Political Practices Commission has not received your Statement of Economic Interests, Form 700, which was due on the date indicated above.

Government Code Section 91013 imposes a fine of \$10 per day for each day a statement is late, up to a maximum of \$100.

To comply with your filing requirements, please take the following steps:

1. Complete the enclosed Form 700 and return it to the Fair Political Practices Commission at 428 J Street, Suite 620, Sacramento, CA 95814 **within 15 days of the date of this letter.**
2. If you wish to request a waiver of the late filing penalty, please review the enclosed Guidelines for Waiving Late Fines and submit your written request along with your filing. Enclosed is a waiver request form for your convenience. If we do not receive your waiver request along with your filing you will be required to pay the \$100 fine.
3. If you feel you do not qualify for a waiver, send a \$100 check or money order payable to the State of California along with your filing, to the above address.

A copy of your statement will be forwarded to your filing official. We are here to assist you. If you have any questions, please call me at (916) 324-3722.

Sincerely, [REDACTED]

Rene Robertson
Associate Governmental Program Analyst
Technical Assistance Division

Enclosures: Waiver Guidelines/Waiver Request Form
cc: Sherri Cascaden



FAIR POLITICAL PRACTICES COMMISSION

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

July 14, 2015

John Anagnos
Alternate Commissioner
Lodi-Woodbridge Winegrape Commission
[REDACTED]
[REDACTED]

Re: Statement of Economic Interests – Form 700
Type of Statement: 2014 Annual

Dear Mr. Anagnos:

According to our records, on June 12, 2015, you were notified that the Fair Political Practices Commission had not received your Statement of Economic Interests - Form 700, which was due on April 1, 2015. We advised you to file your statement in order to avoid referral to our Enforcement Division. However, to date we have not received your statement; therefore an Enforcement referral is being made.

Mail your completed Form 700 and a \$100 check or money order to the Fair Political Practices Commission, 428 J Street, Ste. 620, Sacramento, CA 95814. The check or money order should be payable to the State of California.

Untimely filing of statements of economic interests deprives the public of information related to your governmental duties and is a breach of an express purpose of the Political Reform Act to ensure that assets and income of public officials are promptly disclosed.

Please be advised that in addition to the late filing penalties imposed by Section 91013, Government Code Section 83116 provides that a fine of up to \$5,000 per violation may be imposed. Payment of the late filing fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

If you have any questions, please call me at (916) 324-3722.

Sincerely, [REDACTED]

Rene Robertson
Associate Governmental Program Analyst
Technical Assistance Division

cc: Sherri Cascaden

Exhibit A-10

DEFAULT DECISION AND ORDER FPPC NO. 15/1497

Agency Name John Anginos Lodi Woodbridge
Filing Official Wendy
Phone number [REDACTED]

8-17-15 - his name on VM
I left VM

Exhibit A-11

DEFAULT DECISION AND ORDER FPPC NO. 15/1497

FPPC Statement of Economic Interests Unit
Form 700 Non-Filer Enforcement Referral
(Staff Use Only)

RECEIVED
FPPC STAFF SERVICES COMMISSION
15 AUG 22 AM 10:41

I. NON-FILER INFORMATION

Name: John Anagnos
Position: Alternate Commissioner Currently Holding Position? Yes No
Agency: Lodi-Woodbridge Winegrape Comm Employer (if known): _____
 Expanded - Agency: _____
Address: [REDACTED]
Telephone (Work): _____ Telephone (Cell): _____ Telephone (Home): [REDACTED]

II. FPPC STAFF AND FILING OFFICIAL INFORMATION

FPPC Staff: Rene' Robertson Telephone: 916-324-3722
Filing Official: Sherri Cascaden Title: _____
Address: 2545 West Turner Road, Lodi, CA 95242
Telephone: 209-367-4727 Fax: 209-367-0737 E-mail: sherri@lodiwine.com

III. STATEMENT INFORMATION

Type of Non-Filed Statement:
 Assuming Annual Year 14 Leaving Candidate W ___ L ___ Date Due: 4 / 1 / 15
Prior Filing History:
Date Assumed Office: 7 / 1 / 11 No. of Prior Filings: 4 Recent Statement Attached Yes No
Date Left Office: ___/___/___ No. of Prior Late Filings: 2 Computer Printout Attached Yes No

IV. NOTIFICATIONS TO FILERS: Attach copies of letters, phone logs, e-mails or other documentation.

FPPC Notifications (Date Order)		Filing Official Notifications	
Date: <u>6 / 12 / 15</u>	<input type="radio"/> Verbal <input checked="" type="radio"/> Letter <input type="radio"/> Email	Date: ___/___/___	<input type="radio"/> Verbal <input type="radio"/> Letter
Date: <u>7 / 14 / 15</u>	<input type="radio"/> Verbal <input checked="" type="radio"/> Letter <input type="radio"/> Email	Date: ___/___/___	<input type="radio"/> Verbal <input type="radio"/> Letter
Date: ___/___/___	<input type="radio"/> Verbal <input type="radio"/> Letter <input type="radio"/> Email	Date: ___/___/___	<input type="radio"/> Verbal <input type="radio"/> Letter

Call Made to Filer on: 8 / 17 / 15 Comments:
I left voice mail. Mr. Anagnos name was on the voice mail. No response.

[REDACTED] 8/31/15
Supervisor's Signature Date

[REDACTED] 8-31-15
Staff Services Analyst Signature Date

Exhibit A-12



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

June 16, 2016

John Anagnos
Alternate Commissioner
Lodi-Woodbridge Winegrape Commission

Re: Statement of Economic Interests – Form 700
Type of Statement: **2015 Annual**
Date Statement Due: **April 1, 2016**

Dear Mr. Anagnos:

The Fair Political Practices Commission has not received your Statement of Economic Interests, Form 700, which was due on the date indicated above.

Government Code Section 91013 imposes a fine of \$10 per day for each day a statement is late, up to a maximum of \$100.

To comply with your filing requirements, please take the following steps:

1. Complete the enclosed Form 700 and return it to the Fair Political Practices Commission at 428 J Street, Suite 620, Sacramento, CA 95814 **within 15 days of the date of this letter.**
2. If you wish to request a waiver of the late filing penalty, please review the enclosed Guidelines for Waiving Late Fines and submit your written request along with your filing. Enclosed is a waiver request form for your convenience. If we do not receive your waiver request along with your filing you will be required to pay the \$100 fine.
3. If you feel you do not qualify for a waiver, send a \$100 check or money order payable to the State of California along with your filing, to the above address.

A copy of your statement will be forwarded to your filing official. We are here to assist you. If you have any questions, please call me at (916) 324-3722.

Sincerely,

Rene Robertson
Associate Governmental Program Analyst
Administration and Technology Division

Enclosures: Waiver Guidelines/Waiver Request Form
cc: Sherri Cascaden



FAIR POLITICAL PRACTICES COMMISSION

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

August 2, 2016

John Anagnos
Alternate Commissioner
Lodi-Woodbridge Winegrape Commission

Re: Statement of Economic Interests – Form 700
Type of Statement: Annual

Dear Mr. Anagnos:

According to our records, on June 16, 2016, you were notified that the Fair Political Practices Commission had not received your Statement of Economic Interests - Form 700, which was due on April 1, 2016. We advised you to file your statement in order to avoid referral to our Enforcement Division. However, to date we have not received your statement; therefore an Enforcement referral is being made.

Mail your completed Form 700 and a \$100 check or money order to the Fair Political Practices Commission, 428 J Street, Ste. 620, Sacramento, CA 95814. The check or money order should be payable to the State of California.

Untimely filing of statements of economic interests deprives the public of information related to your governmental duties and is a breach of an express purpose of the Political Reform Act to ensure that assets and income of public officials are promptly disclosed.

Please be advised that in addition to the late filing penalties imposed by Section 91013, Government Code Section 83116 provides that a fine of up to \$5,000 per violation may be imposed. Payment of the late filing fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

If you have any questions, please call me at (916) 324-3722.

Sincerely


Rene Robertson
Associate Governmental Program Analyst
Administration and Technology Division

cc: Sherri Cascaden

Exhibit A-13

Agency Name John Anagnos, Lodi Woodbridge Wregept

Filing Official

Phone number



10/17 2013 AN

ENE
2014AN

9-12-14 I called -

left VM - got his Thru dead list -

+ sent email with list + Form 700

Exhibit A-14

DEFAULT DECISION AND ORDER FPPC NO. 15/1497

FPPC Statement of Economic Interests Unit
Form 700 Non-Filer Enforcement Referral
(Staff Use Only)

RECEIVED
FNR POLITICAL
PRACTICES COMMISSION
16 SEP 20 PM 1:29

I. NON-FILER INFORMATION

Name: John Anagnos
Position: Board Member Currently Holding Position? Yes No
Agency: Lodi Woodbridge Winegrape Commission Employer (if known): _____

Expanded - Agency: _____
Address: _____
Telephone (Work): _____ Telephone (Cell): _____ Telephone (Home): _____

II. FPPC STAFF AND FILING OFFICIAL INFORMATION

FPPC Staff: Rene' Robertson Telephone: 916-324-3722
Filing Official: Sherri Cascaden Title: _____
Address: 2545 West Turner Road, Lodi, CA 95242
Telephone: 209-367-4727 Fax: _____ E-mail: sherri@lodiwine.com

III. STATEMENT INFORMATION

Type of Non-Filed Statement:
 Assuming Annual Year 15 Leaving Candidate W___L___ Date Due: 4 / 1 / 16
Prior Filing History:
Date Assumed Office: 7 / 1 / 11 No. of Prior Filings: 4 Recent Statement Attached Yes No
Date Left Office: ___/___/___ No. of Prior Late Filings: 2 Computer Printout Attached Yes No

IV. NOTIFICATIONS TO FILERS: Attach copies of letters, phone logs, e-mails or other documentation.

FPPC Notifications (Date Order)		Filing Official Notifications	
Date: <u>6 / 16 / 16</u>	<input type="checkbox"/> Verbal <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Email	Date: ___/___/___	<input type="checkbox"/> Verbal <input type="checkbox"/> Letter
Date: <u>8 / 2 / 16</u>	<input type="checkbox"/> Verbal <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Email	Date: ___/___/___	<input type="checkbox"/> Verbal <input type="checkbox"/> Letter
Date: <u>9 / 12 / 16</u>	<input checked="" type="checkbox"/> Verbal <input type="checkbox"/> Letter <input checked="" type="checkbox"/> Email	Date: ___/___/___	<input type="checkbox"/> Verbal <input type="checkbox"/> Letter

Call Made to Filer on: 9 / 12 / 16 Comments:
I left voice mail. I also sent an email with both letters attached and a copy of Form700.

I have not heard back from the filer.
The filer was referred to Enforcement for not filing his 2014 Annual on 8-31-15.

Supervisor's Signature: _____ Date: 9/20/16

Staff Services Analyst Signature: _____ Date: 9-20-16

Exhibit A-15



FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329

February 16, 2017

Via Certified Mail

John Anagnos
[REDACTED]
[REDACTED]

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC No. 15/1497
In the Matter of John Anagnos**

Dear Mr. Anagnos:

Enclosed please find a copy of the Default Decision and Order, and accompanying Exhibit and attachments, for the above-referenced matter. The Fair Political Practices Commission (the "Commission") will consider these papers at its public meeting on **March 16, 2017**, and decide whether to impose the maximum administrative penalty of \$10,000 against you.

You were previously served on October 20, 2016 with a Report in Support of a Finding of Probable Cause ("Probable Cause Report"), advising you of your right to request a probable cause conference or submit a written response to the Probable Cause Report. You did not request a probable cause conference, nor did you submit anything in writing for the Commission's Hearing Officer to consider in his determination of probable cause.

Following the issuance of the Probable Cause Report, the Commission's Hearing Officer found probable cause that you committed two violations of the Political Reform Act. Thereafter, the Commission's Chief of Enforcement issued an Accusation against you on these violations. The Accusation was personally served on you on January 22, 2017. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file your Notices of Defense within 15 days after service of the Accusation. You failed to file the Notices of Defense forms. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

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

At its public meeting on March 16, 2017, the Commission may impose an administrative penalty against you in the amount of \$10,000, the maximum penalty for the two violations.

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

This letter is your last opportunity to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the March 16, 2017 meeting. Please contact me at (916) 322-7771 or akelly@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,

A solid black rectangular box redacting the signature of Amanda Kelly.

Amanda Kelly
Commission Counsel
Enforcement Division

Enclosures