

1 GALENA WEST  
Chief of Enforcement  
2 MICHAEL W. HAMILTON  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
1102 Q Street, Suite 3000  
4 Sacramento, CA 95811  
Telephone: (916) 322-5772  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA

10 In the Matter of

11 SAM RAMIREZ,

12 Respondent.

) FPPC No.: 15/1169

) DEFAULT DECISION AND  
) ORDER

) (Government Code Sections 11506  
) and 11520)

13  
14  
15  
16  
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,<sup>1</sup> Sam Ramirez ("Ramirez") 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 <sup>1</sup> 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 Ramirez, explicitly  
5 stated that a Notice of Defense must be filed in order to request a hearing. Ramirez 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           Ramirez 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  
12 the 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: 31 Oct 17

16   
17 \_\_\_\_\_  
18 Galena West, Chief of Enforcement  
19 Fair Political Practices Commission  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$7,000 upon Sam Ramirez, 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 Sam Ramirez (“Ramirez”) is a former member of the Delano City Council and a former Senior Field Representative for Assemblyman Steve Fox of the Thirty-Sixth Assembly District.

The Political Reform Act (the “Act”)<sup>1</sup> requires officials who serve in these positions to annually file Statements of Economic Interests (“SEI”) by April 1 of each year and to file a SEI within 30 days of leaving office.

This matter arose out of non-filer referrals sent to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division by the Commission’s SEI Unit. The SEI Unit referred Ramirez for his failure to timely file a Leaving Office SEI for his position on the Delano City Council and for his failure to timely file a combined 2014 Annual/Leaving Office SEI for his position of the Senior Field Representative.

As a member of the Delano City Council, Ramirez had a duty to timely file the Leaving Office SEI by the January 4, 2013 deadline. Ramirez failed to timely file the Leaving Office SEI by the applicable deadline.

As a designated employee of the California State Assembly, Ramirez had a duty to timely file the combined 2014 Annual/Leaving Office SEI by the February 2, 2015 deadline. Ramirez failed to timely file the combined 2014 Annual/Leaving Office SEI by the applicable deadline.

### **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.<sup>2</sup> Notice of the hearing, and the hearing itself, must be conducted in accordance with the Administrative Procedure Act (the “APA”).<sup>3</sup> 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.<sup>4</sup>

---

<sup>1</sup> 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.

<sup>2</sup> Section 83116.

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

<sup>4</sup> Section 11503.



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.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup>

## 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.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup>

---

<sup>5</sup> Section 11506, subd. (a)(1) – (6).

<sup>6</sup> Section 11506, subd. (c).

<sup>7</sup> Section 11520, subd. (a).

<sup>8</sup> Section 91000.5, subd. (a).

<sup>9</sup> Section 83115.5.

<sup>10</sup> Section 83115.5.

<sup>11</sup> Section 91000.5.

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 Ramirez in this matter by personally serving him with an Amended Report in Support of a Finding of Probable Cause (the “Report”) (Certification, Exhibit A–1)<sup>12</sup> on February 28, 2017. (Certification, Exhibit A–2.) The administrative action commenced on February 28, 2017, and the five-year statute of limitations was effectively tolled on this date.

As required by Section 83115.5, the packet served on Ramirez contained a cover letter and a memorandum describing probable cause proceedings, advising that Ramirez 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.) Ramirez 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 Ramirez 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 June 28, 2017. (Certification, Exhibit A–4.)

On July 11, 2017, Hearing Officer Brian Lau, Senior Commission Counsel, Legal Division, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Ramirez. (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.<sup>13</sup>

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

---

<sup>12</sup> Section 83115.5.

<sup>13</sup> Regulation 18361.4, subd. (e).

have violated, but shall not consist merely of charges phrased in the language of those statutes and rules. The accusation or District Statement of Reduction in Force shall be verified unless made by a public officer acting in his or her official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

Upon the filing of the accusation, the agency must 1) serve a copy thereof on the respondent as provided in Section 11505, subdivision (c); 2) include a post card or other form entitled Notice of Defense that, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506; 3) include (i) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon the respondent of the accusation, and 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.<sup>14</sup> The APA also sets forth the language required in the accompanying statement to the respondent.<sup>15</sup>

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.<sup>16</sup>

On August 9, 2017, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Ramirez 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 Ramirez on August 29, 2017. (Certification, Exhibit A-8.)

Along with the Accusation, the Enforcement Division served Ramirez 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.) Ramirez did not file a Notice of Defense within the statutory time period, which ended on September 13, 2017.

As a result, on October 31, 2017, the Enforcement Division sent a letter to Ramirez advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for November 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.

---

<sup>14</sup> Section 11505, subd. (a).

<sup>15</sup> Section 11505, subd. (b).

<sup>16</sup> Section 11505, subd. (c).

## 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.<sup>17</sup> In furtherance of this purpose, the Act requires every person who leaves an office specified in Section 87200 to file a leaving office SEI, disclosing the person's reportable economic interests including investments, interests in real property, and sources of income during the period since the previous statement filed.<sup>18</sup> Members of city councils are included.<sup>19</sup> This SEI must be filed with the Commission within thirty days after leaving the office.<sup>20</sup>

The Act also 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.<sup>21</sup> 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, interests in real property, and sources of income.<sup>22</sup> 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.<sup>23</sup> An agency's conflict of interest code must also require each designated employee of the agency to file assuming office, annual, and leaving office SEIs at a specified time.<sup>24</sup>

An agency's conflict of interest code may incorporate Regulation 18730, which contains a model conflict of interest code, by reference. The Assembly Rules Committee's Conflict of Interest Code incorporates Regulation 18730. Therefore, annual SEIs must be filed no later than April 1 of the following year and a leaving office SEI must be filed within 30 days of leaving office.

A person that is subject to a conflict of interest code may file a combined annual and leaving office SEI if the person leaves office between January 1 and the filing deadline for the annual SEI.<sup>25</sup>

The Assembly Rules Committee's Conflict of Interest Code designates Senior Field Representative as a position that is required to file SEIs.

---

<sup>17</sup> Section 81002, subd. (c).

<sup>18</sup> Section 87204.

<sup>19</sup> Section 87200.

<sup>20</sup> Section 87204 and Regulation 18722 subd. (b).

<sup>21</sup> Section 87300.

<sup>22</sup> Section 87302, subd. (a).

<sup>23</sup> Sections 82019, subd. (a) and 87302.

<sup>24</sup> Section 87302, subd. (b).

<sup>25</sup> Regulation 18732, subd. (b).

## SUMMARY OF THE EVIDENCE

Ramirez was a member of the Delano City Council from December 6, 2004, until December 4, 2012. As a public official, Ramirez had a duty to file a SEI within thirty days of leaving office. Ramirez failed to timely file his Leaving Office SEI by the January 4, 2013 deadline.

On August 16, 2013, and September 30, 2013, the SEI Unit notified Ramirez in writing that he had failed to timely file the SEI for his position on the Delano City Council. (Certification, Exhibit A-9.) On October 22, 2013, the SEI Unit referred Ramirez as a Leaving Office SEI non-filer to the Enforcement Division. (Certification, Exhibit A-10.)

On April 4, 2014, and June 2, 2014, the Enforcement Division requested in writing that Ramirez file his Leaving Office SEI. (Certification, Exhibit A-11.) On October 8, 2015, Ramirez submitted a signed Leaving Office SEI to the Enforcement Division that had not been stamped or received by his filing officer, which was officially filed on that date. (Certification, Exhibit A-12.)

On August 12, 2013, Ramirez assumed office as a Senior Field Representative for California Assemblyman Steve Fox of the Thirty-Sixth State Assembly District where he served until January 2, 2015. As a designated employee of the California State Assembly, Ramirez was required to file the combined 2014 Annual/Leaving Office SEI by the February 2, 2015 deadline. Ramirez failed to timely file his SEI.

On March 18, 2015, the SEI Unit notified Ramirez in writing that he had failed to timely file his Leaving Office SEI. On April 22, 2015, the SEI Unit sent Ramirez a second written notification that he had failed to timely file his 2014 Annual/Leaving Office SEI. (Certification, Exhibit A-13.) On July 13, 2015, the SEI Unit referred Ramirez as an Annual/Leaving Office SEI non-filer to the Enforcement Division. (Certification, Exhibit A-14.) To date, Ramirez has not filed the SEI.

### Summary of Contact

Overall, Ramirez was contacted at least eighteen times regarding his duty to file his SEIs, as follows:

- August 16, 2013: letter from the SEI Unit regarding the required SEI.
- September 30, 2013: letter from the SEI Unit regarding the required SEI.
- April 4, 2014: letter from the Enforcement Division regarding settlement.
- June 2, 2014: letter from the Enforcement Division regarding settlement.
- July 28, 2014: report in Support of a Finding of Probable Cause served on an agent.
- February 6, 2015: voicemail left by the Enforcement Division.
- February 9, 2015: voicemail left by the Enforcement Division.
- February 11, 2015: voicemail left by the Enforcement Division.



- March 18, 2015: letter from the SEI Unit regarding the required SEI.
- April 22, 2015: letter from the SEI Unit regarding the required SEI.
- July 12, 2016: the Enforcement Division sent Ramirez an email regarding his outstanding SEI and asked that he contact the division to resolve the matter.
- July 18, 2016: the Commission Assistant reached out to Ramirez via Facebook and asked him to contact the Enforcement Division as they had been unable to get ahold of him.
- February 28, 2017: report in Support of a Finding of Probable Cause served on Ramirez.
- June 28, 2017: copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to Ramirez.
- August 29, 2017: accusation served on Ramirez.
- October 12, 2017: the Enforcement Division called Ramirez. Ramirez did not answer.
- October 23, 2017: the Enforcement Division spoke with Ramirez regarding the matter of his unfiled SEI and the penalty he owes. Ramirez assured the staff member he would file his SEI for his position as a Senior Field Representative. The staff member explained to Ramirez that this matter was going to be submitted for default in November and that he could avoid this by filing his SEI and paying the penalty prior to its submission. Ramirez said he would prefer filing and paying the penalty because the default penalty is higher.
- October 25, 2017: the Enforcement Division called Ramirez. Ramirez did not answer.

## VIOLATIONS

Ramirez committed two violations of the Act, as follows:

### COUNT 1

#### **Failure to Timely File a Leaving Office Statement of Economic Interests as a member of the Delano City Council**

Ramirez had a duty to file a Leaving Office Statement of Economic Interests by the January 4, 2013 deadline. By failing to timely file this statement, Ramirez violated Government Code Section 87204.

### COUNT 2

#### **Failure to Timely File an Annual/Leaving Office Statement of Economic Interests as a Senior Field Representative**

Ramirez had a duty to file a combined Annual/Leaving Office Statement of Economic Interests by the February 2, 2015 deadline. By failing to timely file this statement, Ramirez 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.<sup>26</sup>

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, Ramirez failed to timely file SEIs. The failure to comply with this obligation denied the public information about his financial activities and potential conflicts of interest. Although Ramirez eventually filed his Leaving Office SEI for his position on the Delano City Council it was twenty-one months late. To date, he still has not filed the Leaving Office SEI for his Senior Field Representative Position.

In aggravation, Ramirez previously violated the gift limits of the Act; FPPC Case No. 09/790. Sam Ramirez, a council member for the City of Delano received a gift of an airline ticket and lodging in the amount of \$1,266.00, in excess of the gift limit.

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

- *In the Matter of Allison Scott*, FPPC No. 15/1129. (Commission approved a default decision on April 20, 2017) The Respondent served on Archaeological Commission. As a designated official, Scott failed to timely file a 2011 Annual SEI, 2012 Annual SEI, 2013 Annual SEI, and a 2014 Annual SEI by the applicable deadlines. Scott filed her outstanding SEIs after being contacted by the Enforcement Division. Like Scott, Ramirez filed his outstanding SEI (in Count 1) after being contacted by the Enforcement Division. The Commission imposed a penalty of \$3,000.

---

<sup>26</sup> Section 83116, subd. (c).

- *In the Matter of Elena Sweda Neff*, FPPC No. 15/716. (Commission approved a default decision on February 16, 2017.) The Respondent was a Board Member on the Los Angeles County West Vector Control District from 2011 to 2015. As a designated official, Neff failed to file a 2011 Annual SEI, 2012 Annual SEI, 2013 Annual SEI, 2014 Annual SEI, and a Leaving Office SEI by the applicable deadlines. Like Ramirez, Neff was no longer in office and failed to file annual and leaving office SEIs for Count 2. The Commission imposed a penalty of \$4,000 per count.

### **PROPOSED PENALTY**

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$3,000 for count 1 and \$4,000 for count 2, for a total penalty of \$7,000, 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, 1102 Q Street, Suite 3000, Sacramento, CA 95811.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. As such, I am authorized to certify copies of those records as being true and correct copies of the original business records which are in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case No. 15/1169; Sam Ramirez*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

- EXHIBIT A-1: Amended Report in Support of a Finding of Probable Cause, dated February 8, 2016
- EXHIBIT A-2: Proof of Service for the Amended Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated February 10, 2017, and Verified Return of Service on February 28, 2017, from process server
- EXHIBIT A-3: Cover letter to the Respondent regarding the Amended Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated February 10, 2017
- EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated June 28, 2017
- EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated July 11, 2017, and Proof of Service, dated July 12, 2017

- EXHIBIT A-6: Accusation, dated August 9, 2017
- EXHIBIT A-7: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated August 9, 2017
- EXHIBIT A-8: Proof of Service on August 29, 2017, for Accusation and accompanying documents from process server, dated August 30, 2017
- EXHIBIT A-9: Letters from the Commission's SEI Unit to Sam Ramirez, dated August 16, 2013, and September 30, 2013
- EXHIBIT A-10: Non-filer referral from the Commission's SEI Unit referring Sam Ramirez as a Leaving Office Statement of Economic Interests non-filer to the Enforcement Division, stamped received on October 23, 2013
- EXHIBIT A-11: Letters from the Commission's Enforcement Division to Sam Ramirez, dated April 4, 2014, and June 2, 2014
- EXHIBIT A-12: Sam Ramirez's Leaving Office Statement of Economic Interests for his position on the Delano City Council, stamped received on October 8, 2015
- EXHIBIT A-13: Letters from the Commission's SEI Unit to Sam Ramirez, dated March 18, 2015, and April 22, 2015
- EXHIBIT A-14: Non-filer referral from the Commission's SEI Unit referring Sam Ramirez as an Annual/Leaving Office Statement of Economic Interests non-filer to the Enforcement Division, stamped received on July 14, 2015
- EXHIBIT A-15: Notice of Intent to Enter into Default Decision and Order, dated October 31, 2017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 31, 2017, at Sacramento, California.



---

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

**Exhibit A-1**

---

DEFAULT DECISION AND ORDER FPPC NO. 15/1169



1 Statements of Economic Interests (SEI) by April 1 of each year and to file a SEI within 30 days of  
2 leaving office.

3 Ramirez violated the Act by failing to timely file a Leaving Office SEI for his position on the  
4 Delano City Council. Additionally, Ramirez committed a subsequent violation of the Act as a Senior  
5 Field Representative for Steve Fox when he failed to timely file his combined 2014 Annual/Leaving  
6 Office SEI.

7  
8 **SUMMARY OF THE LAW**

9 All legal references and discussions of law pertain to the Act's provisions as they existed in  
10 2013 and in 2014.

11 Jurisdiction

12 The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to  
13 enforce the provisions of the Act.<sup>2</sup>

14 Probable Cause Proceedings

15 Prior to the Enforcement Division commencing an administrative action, the General Counsel of  
16 the Commission or her designee (the "hearing officer"), must make a finding that there is probable  
17 cause to believe the respondent has violated the Act.<sup>3</sup> After a finding of probable cause, the  
18 Commission may hold a noticed hearing in accordance with the Administrative Procedure Act<sup>4</sup> to  
19 determine whether violations occurred, and levy an administrative penalty of up to \$5,000 for each  
20 violation.<sup>5</sup>

21  
22 ///

23  
24 ///

---

25 <sup>2</sup> § 83116.  
26 <sup>3</sup> § 83115.5, and Reg. 18361 and 18361.4.  
27 <sup>4</sup> § 11500, et seq.  
28 <sup>5</sup> § 83116, and Reg. 18361.4, subd. (e).

1 Standard for Finding Probable Cause

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

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

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

9 Statement of Economic Interests

10 The Act requires members of city councils and designated employees to file a Statement of  
11 Economic Interest within 30 days of leaving office, disclosing the person's reportable economic interests  
12 including investments, interests in real property, and sources of income.<sup>9</sup>

13 Assembly Rules Committee's Conflict of Interest Code

14 An agency's conflict of interest code must require each designated employee of the agency to  
15 file assuming office and annual SEIs at a time specified in the agency's conflict of interest code.<sup>10</sup> An  
16 agency's conflict of interest code may incorporate Regulation 18730, which contains a model conflict  
17 of interest code, by reference. The Assembly Rules Committee incorporates Regulation 18730.  
18 Therefore, annual statements are due no later than April 1 of the year following year and leaving office  
19 statements are due within 30 days of leaving office.  
20  
21  
22  
23

24 <sup>6</sup> Reg. 18361.4, subd. (e).

25 <sup>7</sup> § 81001, subdivision (h).

26 <sup>8</sup> § 81003.

27 <sup>9</sup> §§ 87200, 87204, 87302, subdivision (b), and Reg. 18730 subdivision (c) (5) (D).

28 <sup>10</sup> § 87302, subdivision (b).

1 Combined Annual SEI and Leaving Office SEI

2 A person that is subject to a conflict interest code may file a combined annual and leaving  
3 office SEI if they leave office between January 1 and the filing deadline for the SEI.<sup>11</sup>

4 Liability for Violations

5 Any person who violates any provision of the Act, who purposely or negligently causes any  
6 other person to violate any provision of the Act, or who aids and abets any other person in the violation  
7 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>12</sup> This only  
8 applies to persons who have filing or reporting obligations under the Act, or who are compensated for  
9 services involving the planning, organizing or directing of any activity regulated or required by the  
10 Act.<sup>13</sup>

12 **SUMMARY OF THE EVIDENCE**

13 As a member of the Delano City Council and as a Senior Field Representative for Assemblyman  
14 Steve Fox, Ramirez was required to file Annual SEIs and Leaving Office SEIs.  
15

16 Delano City Council: Leaving Office Statement of Economic Interest

17 On December 4, 2012, Ramirez left his position on the Delano City Council. The Act requires  
18 members of city councils to file a Leaving Office SEI within 30 days of leaving office. Ramirez failed  
19 to timely file his Leaving Office SEI by the January 4, 2013, deadline.

20 On September 30, 2013, the Delano City Clerk (the "Clerk") notified Ramirez in writing that he  
21 had failed to timely file his Leaving Office SEI. On October 22, 2013, the Clerk referred Ramirez to the  
22 Enforcement Division of the Fair Political Practices Commission.  
23

24  
25 <sup>11</sup> Reg. 18732, subd. (b).

26 <sup>12</sup> §§ 83116, and 83116.5.

27 <sup>13</sup> § 83116.5.



1 On April 4, 2014, and June 2, 2014, the Enforcement Division requested in writing that Ramirez  
2 file his Leaving Office SEI. Ramirez submitted a signed Leaving Office SEI to the Enforcement  
3 Division that had not been stamped or received by his filing officer.

4 Senior Field Representative: 2014 Annual and Leaving Office Statement of Economic Interest

5 On August 12, 2013, Ramirez assumed office as a senior field representative for California  
6 Assemblyman Steve Fox of the Thirty-Sixth State Assembly District where he served until January 2,  
7 2015. As a designated employee of the California State Assembly, Ramirez was required to file a  
8 combined 2014 Annual SEI and a Leaving Office SEI. Ramirez did not timely file this statement.  
9

10 On March 18, 2015, the Commission's Technical Assistance Division (TAD) notified Ramirez in  
11 writing that he had failed to timely file his Leaving Office SEI.

12 On April 22, 2015, TAD sent Ramirez a second written notification that he had failed to file his  
13 Leaving Office SEI/2014 Annual SEI. Ramirez was referred to the Enforcement Division by TAD on  
14 July 13, 2015.

15 On July 24, 2014, the Enforcement Division sent a Probable Cause ("PC") Report to Ramirez. A  
16 finding of PC was never issued. That prior PC Report is withdrawn and is hereby amended to include an  
17 additional violation.  
18

19 **VIOLATIONS**

20 Count 1: Failure to timely file Leaving Office Statement as a member of the Delano City Council

21 Ramirez was a member of the Delano City Council from December 6, 2004, until December 4,  
22 2012. As a public official, Ramirez had a duty to file an SEI within thirty days of leaving office. By not  
23 filing his leaving office statement by the January 4, 2013, deadline, Ramirez violated Section 87204 of  
24 the Government Code.  
25

26 ///



1 Count 2: Failure to file an Annual/Leaving Office statement as a Senior Field Representative

2 Ramirez served as a Senior Field Representative for State Assemblyman Steve Fox of the  
3 Thirty-Sixth State Assembly District from August 12, 2013, until January 2, 2015. As a designated  
4 employee, Ramirez had a duty to file a combined Annual/Leaving Office SEI within thirty days of  
5 leaving office. By not filing his SEI by the February 2, 2015, deadline, Ramirez violated Section 87300  
6 of the Government Code.

7  
8 **OTHER RELEVANT MATERIAL AND ARGUMENTS**

9 Ramirez was prosecuted by the Commission for a violation of the gift limits in 2010.

10 Ramirez is currently a member of the board of directors for the Paramount Academy Charter  
11 School in Delano, California.

12 **EXCULPATORY AND MITIGATING INFORMATION**

13 Mitigating Information:

14 Ramirez sent his Leaving Office SEI for his position on the Delano City Council to the  
15 Enforcement Division.  
16

17 ///

18 ///

19 ///

1 **CONCLUSION**

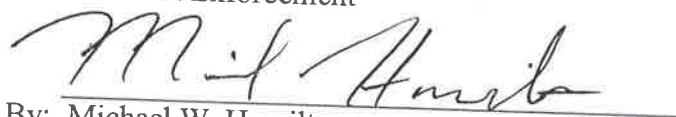
2 Probable cause exists to believe that Ramirez committed two violations of the Act as set forth  
3 above. The Enforcement Division respectfully requests an order finding probable cause pursuant to  
4 Section 83115.5 and Regulation 18361.4.

5 Dated: February 8, 2016

6  
7 Respectfully Submitted,

8 **FAIR POLITICAL PRACTICES COMMISSION**

9 Galena West  
10 Chief of Enforcement

11 

12 By: Michael W. Hamilton  
13 Commission Counsel  
14 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 02/10/17, I served the following document(s):

1. Letter dated February 10, 2017;
2. FPPC Case No. 15/1169 Amended Report in Support of a Finding of Probable Cause;
3. Memorandum regarding Probable Cause proceedings;
4. Selected Sections of the California Government Code 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 service. At 10:35 (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 Service

Sam Ramirez  
2070 Veneto Street  
Delano, CA 93215

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 02/10/17.



\_\_\_\_\_  
Roone Petersen

VERIFIED RETURN OF SERVICE

State of California

Case Number: FPPC NO. 15/1169

Plaintiff:

**In the Matter of**

vs.

Respondent:

**Sam Ramirez**

For:

Roone Petersen

Fair Political Practices Commission

428 J Street

Suite 620

Sacramento, CA 95814

Received by Investigative Services of Bakersfield on the 10th day of February, 2017 at 10:49 am to be served on **Sam Ramirez, 2070 Vento Street, Delano, CA 93215.**

I, Kimberly J. Pelletier, do hereby affirm that on the **28th day of February, 2017 at 5:30 pm, I:**

**INDIVIDUALLY/PERSONALLY** served by delivering a true copy of the **Amended Report in Support of Finding of Probable Cause; Memorandum Regarding Probable Cause Proceedings; Selected Sections of the California Government Code Probable Cause Proceedings for the Fair Political Practices Commission; Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings; Letter dated February 10, 2017** with the date and hour of service endorsed thereon by me, to: **Sam Ramirez** at the address of: **2070 Vento Street, Delano, CA 93215**, and informed said person of the contents therein, in compliance with state statutes.

**Description** of Person Served: Age: 44, Sex: M, Race/Skin Color: Hisp, Height: 5-9, Weight: 165, Hair: Blk, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

  
\_\_\_\_\_  
Kimberly J. Pelletier  
371

Investigative Services of Bakersfield  
9530 Hageman Rd., Ste. B-371  
Bakersfield, CA 93312  
(661) 205-7850

Our Job Serial Number: ISB-2017000227

**Exhibit A-3**



## FAIR POLITICAL PRACTICES COMMISSION

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

February 10, 2017

### PERSONAL SERVICE

Sam Ramirez  
2070 Veneto Street  
Delano, CA 93215

### In the Matter of SAM RAMIREZ; FPPC No. 15/1169

Dear Mr. Ramirez:

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 April 4, 2014, and June 2, 2014. The enclosed Amended Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence. The original Probable Cause Report that was sent to you on July 24, 2014, is superseded by this Report which contains additional information and violations. The report has been filed with the Commission's General Counsel (the "Hearing Officer") and is now being served upon you.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Hearing Officer. In your response, please indicate whether you would like the Hearing Officer to make a determination of probable cause based on the written materials alone (the Report and your response) or request a conference, during which you may orally present your case to the Hearing Officer. Probable cause conferences are held in our office which is located at 428 J Street, Ste. 620, Sacramento, CA 95814. You may appear at the conference in person or by telephone and you are entitled to be represented by counsel. *If you wish to submit a written response or request a probable cause conference, it must be filed with the Commission Assistant, Sheva Tabatabainejad, the address listed above within 21 days from the date of service of this letter.* You can reach 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 Enforcement Division 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 me at (916) 322-5772 or [mhamilton@fppc.ca.gov](mailto:mhamilton@fppc.ca.gov).*** Finally, you have the right to request discovery of the evidence in possession of, and relied upon by, the Enforcement Division. ***This request must also be filed with Ms. Tabatabainejad 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,



Michael W. Hamilton  
Commission Counsel  
Enforcement Division

Enclosures



## 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 evidence<sup>1</sup>.

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

---

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

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

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

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

### **Probable Cause Order and Accusation**

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

### **Continuances**

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

### **Settlements**

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

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

### **CONCLUSION**

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

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



## CALIFORNIA GOVERNMENT CODE

### Probable Cause Statutes

---

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

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

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

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

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

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

**Probable Cause Regulations**

---

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

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

**§ 18361.4. Probable Cause Proceedings**

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

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

- (1) A copy of the probable cause report;
  - (2) Notification that the proposed respondents have the right to respond in writing to the probable cause report and to request a probable cause conference at which the proposed respondent may be present in person and represented by counsel, and;
  - (3) If the Commission met in executive session on this matter pursuant to Regulation 18361.2, a copy of any staff memoranda submitted to the Commission at that time along with the recording of any discussion between the Commission and the staff at the executive session as required in subdivision (b) of Regulation 18361.2.
- (c) Response to Probable Cause Report.
- (1) Each proposed respondent may submit a written response to the probable cause report. The response may contain a summary of evidence, legal arguments, and any mitigating or exculpatory information. A proposed respondent who submits a response must file it with the Commission Assistant who will forward the response to the General Counsel or an attorney in the Legal Division (the "hearing officer") and provide a copy, by service of process or registered or certified mail with return receipt requested, to all other proposed respondents listed in the probable cause report not later than 21 days following service of the probable cause report.
  - (2) Within 21 calendar days following the service of the probable cause report, a proposed



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

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

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

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

#### **§ 18362. Access to Complaint Files**

- (a) Access to complaints, responses thereto, and investigative files and information shall be granted in accordance with the requirements of the Public Records Act (Government Code Section 6250, et seq.).
- (b) When release of material is requested pursuant to subdivision (a), the Executive Director, or his or her designee, shall review the material prior to its release or prior to a claim of exemption to determine that the requirements of the Public Records Act have been satisfied.
- (c) Any person requesting copies of material pursuant to subdivision (a) shall reimburse the Commission \$0.10 per page for each page copied or supply copying equipment and make copies in the offices of the Commission. Documents may not be removed from the offices of the Commission. If the request is for copies totaling ten pages or less, the copies shall be provided without charge for copying since the administrative costs do not warrant collection of \$1.00 or less. If the request is for copies totaling more than ten pages, reimbursements of copying costs shall include the cost for the first ten pages. Charges imposed pursuant to this subdivision are for the purpose of recovering the cost of copying.
- (d) Requests for access and copies pursuant to subdivision (a) shall be made in writing and shall specifically identify the documents sought.

#### **§ 18361.2. Memorandum Respecting Civil Litigation.**

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



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

(1) Initiate civil litigation.

(2) Decide whether probable cause proceedings should be commenced pursuant to 2 Cal. Code of Regulations Section 18361.4.

(3) Return the matter to the staff for further investigation.

(4) Take no further action on the matter or take any other action it deems appropriate.

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

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

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



**Exhibit A-4**

---

DEFAULT DECISION AND ORDER FPPC NO. 15/1169

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

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of ) FPPC No. 15/1169  
)  
SAM RAMIREZ, ) EX PARTE REQUEST FOR A FINDING OF  
) PROBABLE CAUSE AND AN ORDER THAT  
) AN ACCUSATION BE PREPARED AND  
) SERVED  
Respondent. )  
) 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")<sup>1</sup> and Regulation 18361.4, Respondent Sam Ramirez ("Ramirez") was served with a copy of an amended report in support of a finding of probable cause ("Report") in the above-entitled matter.<sup>2</sup> The Report, attached as "Exhibit A," was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was personally served on Ramirez on February 28, 2017. A copy of the proof of service is attached as "Exhibit B".

In the cover letter dated February 10, 2017, and the attached materials, Ramirez was advised that he could respond in writing to the Report and orally present the case to the Hearing Officer at a probable cause conference to be held in Sacramento. Ramirez was further advised that in order to have a probable

<sup>1</sup> 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.

<sup>2</sup> Gov. Code § 83115.5; Cal. Code Reg., tit. 2, § 18361.4.

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

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

9 Count 1: Ramirez was a member of the Delano City Council from December 6, 2004, until  
10 December 4, 2012. As a public official, Ramirez had a duty to file an SEI within thirty days  
11 of leaving office. By not filing his leaving office statement by the January 4, 2013,  
12 deadline, Ramirez violated Section 87204 of the Government Code.

13 Count 2: Ramirez served as a Senior Field Representative for State Assemblyman Steve Fox of the  
14 Thirty-Sixth State Assembly District from August 12, 2013, until January 2, 2015. As a  
15 designated employee, Ramirez had a duty to file a combined Annual/Leaving Office SEI  
16 within thirty days of leaving office. By not filing his SEI by the February 2, 2015, deadline,  
17 Ramirez violated Section 87300 of the Government Code.

18 Additionally, after finding probable cause exists, the Enforcement Division requests an order by  
19 the Hearing Officer that an accusation be prepared against Ramirez and served upon him.<sup>3</sup>  
20  
21

22 ///

23 ///

24 ///

25  
26  
27 <sup>3</sup> Gov. Code § 11503.

1 A copy of this Request was mailed via U.S. Mail to Ramirez on 4/28/17, at the last known  
2 address, as follows:

3 Sam Ramirez  
4 2070 Veneto Street  
5 Delano, CA 93215

6 Dated: 4/28/17

7 Respectfully Submitted,

8 **FAIR POLITICAL PRACTICES COMMISSION**

9 Galena West  
10 Chief of Enforcement

11 

12 By: Michael W. Hamilton  
13 Commission Counsel  
14 Enforcement Division

**EXHIBIT A**

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

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

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

11 In the Matter of ) FPPC No. 15/1169  
12 )  
13 )  
14 ) **AMENDED REPORT IN SUPPORT OF A**  
15 ) **FINDING OF PROBABLE CAUSE**  
16 )  
17 ) Conference Date: TBA  
18 ) Conference Time: TBA  
19 ) Conference Location: Commission Offices  
428 J Street, Suite 620  
Sacramento, CA 95814  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

13 SAM RAMIREZ,  
14  
15 Respondent.

20 **INTRODUCTION**

21 Respondent Sam Ramirez ("Ramirez") is a former member of the Delano City Council and  
22 former Senior Field Representative for Assemblyman Steve Fox of the Thirty-Sixth Assembly District.  
23 The Political Reform Act (the "Act")<sup>1</sup> requires officials who serve in these positions to annually file  
24

25  
26 <sup>1</sup> 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  
27 Regulations.

1 Statements of Economic Interests (SEI) by April 1 of each year and to file a SEI within 30 days of  
2 leaving office.

3 Ramirez violated the Act by failing to timely file a Leaving Office SEI for his position on the  
4 Delano City Council. Additionally, Ramirez committed a subsequent violation of the Act as a Senior  
5 Field Representative for Steve Fox when he failed to timely file his combined 2014 Annual/Leaving  
6 Office SEI.

### 8 SUMMARY OF THE LAW

9 All legal references and discussions of law pertain to the Act's provisions as they existed in  
10 2013 and in 2014.

#### 11 Jurisdiction

12 The Fair Political Practices Commission (the "Commission") has administrative jurisdiction to  
13 enforce the provisions of the Act.<sup>2</sup>

#### 14 Probable Cause Proceedings

15 Prior to the Enforcement Division commencing an administrative action, the General Counsel of  
16 the Commission or her designee (the "hearing officer"), must make a finding that there is probable  
17 cause to believe the respondent has violated the Act.<sup>3</sup> After a finding of probable cause, the  
18 Commission may hold a noticed hearing in accordance with the Administrative Procedure Act<sup>4</sup> to  
19 determine whether violations occurred, and levy an administrative penalty of up to \$5,000 for each  
20 violation.<sup>5</sup>

22 ///

24 ///

---

25 <sup>2</sup> § 83116.

26 <sup>3</sup> § 83115.5, and Reg. 18361 and 18361.4.

27 <sup>4</sup> § 11500, et seq.

28 <sup>5</sup> § 83116, and Reg. 18361.4, subd. (e).

1 Standard for Finding Probable Cause

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

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

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

9 Statement of Economic Interests

10 The Act requires members of city councils and designated employees to file a Statement of  
11 Economic Interest within 30 days of leaving office, disclosing the person's reportable economic interests  
12 including investments, interests in real property, and sources of income.<sup>9</sup>

13 Assembly Rules Committee's Conflict of Interest Code

14 An agency's conflict of interest code must require each designated employee of the agency to  
15 file assuming office and annual SEIs at a time specified in the agency's conflict of interest code.<sup>10</sup> An  
16 agency's conflict of interest code may incorporate Regulation 18730, which contains a model conflict  
17 of interest code, by reference. The Assembly Rules Committee incorporates Regulation 18730.  
18 Therefore, annual statements are due no later than April 1 of the year following year and leaving office  
19 statements are due within 30 days of leaving office.

20 <sup>6</sup> Reg. 18361.4. subd. (e).

21 <sup>7</sup> § 81001, subdivision (h).

22 <sup>8</sup> § 81003.

23 <sup>9</sup> §§ 87200, 87204, 87302, subdivision (b), and Reg. 18730 subdivision (c) (5) (D).

24 <sup>10</sup> § 87302. subdivision (b).



1 Combined Annual SEI and Leaving Office SEI

2 A person that is subject to a conflict interest code may file a combined annual and leaving  
3 office SEI if they leave office between January 1 and the filing deadline for the SEI.<sup>11</sup>

4 Liability for Violations

5 Any person who violates any provision of the Act, who purposely or negligently causes any  
6 other person to violate any provision of the Act, or who aids and abets any other person in the violation  
7 of any provision of the Act, is liable for administrative penalties up to \$5,000 per violation.<sup>12</sup> This only  
8 applies to persons who have filing or reporting obligations under the Act, or who are compensated for  
9 services involving the planning, organizing or directing of any activity regulated or required by the  
10 Act.<sup>13</sup>

12 **SUMMARY OF THE EVIDENCE**

13 As a member of the Delano City Council and as a Senior Field Representative for Assemblyman  
14 Steve Fox, Ramirez was required to file Annual SEIs and Leaving Office SEIs.

15 Delano City Council: Leaving Office Statement of Economic Interest

16 On December 4, 2012, Ramirez left his position on the Delano City Council. The Act requires  
17 members of city councils to file a Leaving Office SEI within 30 days of leaving office. Ramirez failed  
18 to timely file his Leaving Office SEI by the January 4, 2013, deadline.

19 On September 30, 2013, the Delano City Clerk (the "Clerk") notified Ramirez in writing that he  
20 had failed to timely file his Leaving Office SEI. On October 22, 2013, the Clerk referred Ramirez to the  
21 Enforcement Division of the Fair Political Practices Commission.  
22  
23  
24

25 <sup>11</sup> Reg. 18732, subd. (b).

26 <sup>12</sup> §§ 83116. and 83116.5.

27 <sup>13</sup> § 83116.5.

1 On April 4, 2014, and June 2, 2014, the Enforcement Division requested in writing that Ramirez  
2 file his Leaving Office SEI. Ramirez submitted a signed Leaving Office SEI to the Enforcement  
3 Division that had not been stamped or received by his filing officer.

4 Senior Field Representative: 2014 Annual and Leaving Office Statement of Economic Interest

5 On August 12, 2013, Ramirez assumed office as a senior field representative for California  
6 Assemblyman Steve Fox of the Thirty-Sixth State Assembly District where he served until January 2,  
7 2015. As a designated employee of the California State Assembly, Ramirez was required to file a  
8 combined 2014 Annual SEI and a Leaving Office SEI. Ramirez did not timely file this statement.  
9

10 On March 18, 2015, the Commission's Technical Assistance Division (TAD) notified Ramirez in  
11 writing that he had failed to timely file his Leaving Office SEI.

12 On April 22, 2015, TAD sent Ramirez a second written notification that he had failed to file his  
13 Leaving Office SEI/2014 Annual SEI. Ramirez was referred to the Enforcement Division by TAD on  
14 July 13, 2015.

15 On July 24, 2014, the Enforcement Division sent a Probable Cause ("PC") Report to Ramirez. A  
16 finding of PC was never issued. That prior PC Report is withdrawn and is hereby amended to include an  
17 additional violation.  
18

19 **VIOLATIONS**

20 Count 1: Failure to timely file Leaving Office Statement as a member of the Delano City Council

21 Ramirez was a member of the Delano City Council from December 6, 2004, until December 4,  
22 2012. As a public official, Ramirez had a duty to file an SEI within thirty days of leaving office. By not  
23 filing his leaving office statement by the January 4, 2013, deadline, Ramirez violated Section 87204 of  
24 the Government Code.  
25

1 Count 2: Failure to file an Annual Leaving Office statement as a Senior Field Representative

2 Ramirez served as a Senior Field Representative for State Assemblyman Steve Fox of the  
3 Thirty-Sixth State Assembly District from August 12, 2013, until January 2, 2015. As a designated  
4 employee, Ramirez had a duty to file a combined Annual/Leaving Office SEI within thirty days of  
5 leaving office. By not filing his SEI by the February 2, 2015, deadline, Ramirez violated Section 87300  
6 of the Government Code.

7  
8 **OTHER RELEVANT MATERIAL AND ARGUMENTS**

9 Ramirez was prosecuted by the Commission for a violation of the gift limits in 2010.

10 Ramirez is currently a member of the board of directors for the Paramount Academy Charter  
11 School in Delano, California.

12 **EXCULPATORY AND MITIGATING INFORMATION**

13 Mitigating Information:

14 Ramirez sent his Leaving Office SEI for his position on the Delano City Council to the  
15 Enforcement Division.  
16

17 ///

18 ///

19 ///

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

**CONCLUSION**

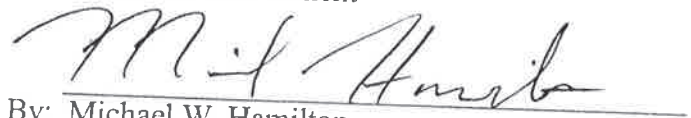
Probable cause exists to believe that Ramirez committed two violations of the Act as set forth above. The Enforcement Division respectfully requests an order finding probable cause pursuant to Section 83115.5 and Regulation 18361.4.

Dated: February 8, 2016

Respectfully Submitted,

**FAIR POLITICAL PRACTICES COMMISSION**

Galena West  
Chief of Enforcement



By: Michael W. Hamilton  
Commission Counsel  
Enforcement Division

**EXHIBIT B**

**VERIFIED RETURN OF SERVICE**

**State of California**

Case Number: FPPC NO. 15/1169

Plaintiff:  
**In the Matter of**

vs.

Respondent:  
**Sam Ramirez**

For:  
Roone Petersen  
Fair Political Practices Commission  
428 J Street  
Suite 620  
Sacramento, CA 95814

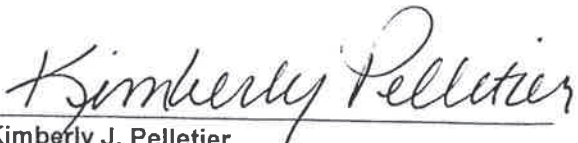
Received by Investigative Services of Bakersfield on the 10th day of February, 2017 at 10:49 am to be served on **Sam Ramirez, 2070 Vento Street, Delano, CA 93215.**

I, Kimberly J. Pelletier, do hereby affirm that on the **28th day of February, 2017 at 5:30 pm, I:**

**INDIVIDUALLY/PERSONALLY** served by delivering a true copy of the **Amended Report in Support of Finding of Probable Cause; Memorandum Regarding Probable Cause Proceedings; Selected Sections of the California Government Code Probable Cause Proceedings for the Fair Political Practices Commission; Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings; Letter dated February 10, 2017** with the date and hour of service endorsed thereon by me, to: **Sam Ramirez** at the address of: **2070 Vento Street, Delano, CA 93215**, and informed said person of the contents therein, in compliance with state statutes.

**Description** of Person Served: Age: 44, Sex: M, Race/Skin Color: Hisp, Height: 5-9, Weight: 165, Hair: Blk, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

  
\_\_\_\_\_  
Kimberly J. Pelletier  
371

Investigative Services of Bakersfield  
9530 Hageman Rd., Ste. B-371  
Bakersfield, CA 93312  
(661) 205-7850

Our Job Serial Number: ISB-2017000227

**Exhibit A-5**



1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3 In the Matter of

) FPPC No. 15/1169

4 )  
5 SAM RAMIREZ,

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

6 Respondent.

) Gov. Code § 83115.5  
7 )  
8 )

9 By means of an Ex Parte Request for an Order Finding Probable Cause and an Order that an  
10 Accusation be Prepared and Served, the Enforcement Division submitted the above-entitled matter to the  
11 Hearing Officer for a determination of Probable Cause. As set forth in the Ex Parte Request For a  
12 Finding of Probable Cause and an Order that an Accusation be Prepared and Served (Ex Parte Request),  
13 the Enforcement Division served a Report in Support of a Finding of Probable Cause (PC Report) on  
14 Respondent Sam Ramirez concerning this matter on February 28, 2017, by personal service.  
15 Accompanying the PC Report was a packet of materials that informed Ramirez of his right to file a  
16 written response to the PC Report and to request a probable cause conference within 21 days following  
17 service of the PC Report. During the 21 days that followed service of the PC Report, Ramirez did not  
18 file a response to the PC Report or request a probable cause conference. Pursuant to California Code of  
19 Regulations title 2, section 18361.4, determination of probable cause may be made solely on papers  
20 submitted when the respondent does not request a probable cause conference.<sup>1</sup>

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

25  
26  
27 <sup>1</sup> 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."<sup>2</sup>

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

6 Count 1: Ramirez was a member of the Delano City Council from December 6, 2004, until  
7 December 4, 2012. As a public official, Ramirez had a duty to file an SEI within thirty  
8 days of leaving office. By not filing his leaving office statement by the January 4, 2013,  
9 deadline, Ramirez violated Section 87204 of the Government Code.

10 Count 2: Ramirez served as a Senior Field Representative for State Assemblyman Steve Fox of the  
11 Thirty-Sixth State Assembly District from August 12, 2013, until January 2, 2015. As a  
12 designated employee, Ramirez had a duty to file a combined Annual/Leaving Office SEI  
13 within thirty days of leaving office. By not filing his SEI by the February 2, 2015,  
14 deadline, Ramirez violated Section 87300 of the Government Code.

15 Based on the Ex Parte Request given to me, I find that notice has been given to Ramirez.<sup>3</sup> I  
16 further find, based on the PC Report and the Ex Parte Request, that there is probable cause to believe  
17 Ramirez violated the Political Reform Act as alleged in Counts 1 and 2, as identified above.

18 I therefore direct that the Enforcement Division issue an accusation against Ramirez in  
19 accordance with this finding.

20 IT IS SO ORDERED.

21 Dated: 7/11/17



Brian Lau, Hearing Officer  
Fair Political Practices Commission

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

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

FPPC No. 15/1169, In the matter of Sam Ramirez

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. Sam Ramirez  
2070 Vento Street  
Delano, CA 93215

(By Personal Service) On Wednesday, July 12, 2017, at approximately 4:15 p.m., I personally served:

Michael Hamilton, Commission Counsel, at 428 J Street, Suite 700, Sacramento, CA 95814.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document is executed at Sacramento, California, on July 12, 2017.

  
Sheva Tabatabaiejad

**Exhibit A-6**

1 GALENA WEST  
Chief of Enforcement  
2 MICHAEL W. HAMILTON  
Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5772  
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. 15/1169  
12 )  
13 SAM RAMIREZ, ) **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

1 Enforcement Division the duty to administer, implement, and enforce the provisions of the Political  
2 Reform Act, found at Government Code sections 81000 through 91014.

3 3. When enacting the Political Reform Act (the "Act"),<sup>1</sup> California voters specifically found  
4 and declared previous laws regulating political practices had suffered from inadequate enforcement, and  
5 it was their purpose to ensure that the Act be vigorously enforced.<sup>2</sup>

6 4. To that end, section 81003 requires that the Act be liberally construed to achieve its  
7 purposes.

8 5. One of the stated purposes of the Act is to ensure that the assets and income of public  
9 officials that may be materially affected by their official actions be disclosed so that conflicts of interest  
10 may be avoided.<sup>3</sup> In furtherance of this purpose, the Act requires every state and local agency to adopt  
11 and promulgate a conflict of interest code.<sup>4</sup>

12 **RESPONDENT**

13 6. Respondent Sam Ramirez ("Ramirez") was a member of the City Council for the City of  
14 Delano from December 6, 2004 through December 4, 2012.

15 7. Ramirez served as a Senior Field Representative for State Assemblyman Steve Fox of the  
16 Thirty-Sixth State Assembly District from August 12, 2013 through January 2, 2015.

17 **APPLICABLE LAW**

18 8. All applicable law in this Accusation is the law as it existed during the relevant time for  
19 the violation alleged.

20 **A. Duty to File Annual Statements of Economic Interests**

21 9. Section 87200 of the Act requires certain public officials to disclose reportable interests.  
22 Every candidate for the offices specified in Section 87200 shall file no later than the filing date specified

---

23  
24 <sup>1</sup>The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of the  
25 Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of  
Regulations.

26 <sup>2</sup> §§81001, subd. (h), and 81002, subd. (f).

27 <sup>3</sup> §81002, subd. (c).

28 <sup>4</sup> §87200 and 87300.

1 by Commission regulations, a statement disclosing his or her investments, interests in real property, and  
2 any income received during the period since the previous statement filed.<sup>5</sup> The statement shall include any  
3 investments and interests in real property held at any time during the period covered by the statement,  
4 whether or not they are still held at the time of filing.<sup>6</sup> Further, enumerated officials must file an additional  
5 statement within 30 days of leaving office.<sup>7</sup> Failure to comply with the above is a violation of the Act.

6 10. Every state and local government agency must adopt a conflict of interest code that requires  
7 public officials whose positions are designated in the conflict of interest code to file periodic statements  
8 of economic interests.<sup>8</sup> The Assembly Rules Committee's Conflict of Interest Code has incorporated  
9 Regulation 18730 of the Act, a model code that may be adopted by agencies. The position of Senior Field  
10 Representative is designed by the Assembly Rules Committee's Conflict of Interest Code as a position  
11 that is required to file SEIs. If an official leaves office before the annual SEI for the previous year is due,  
12 the official may file a joint annual and leaving office SEI.

13 **B. Factors to be Considered by the Fair Political Practices Commission**

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

23  
24  
25 <sup>5</sup> §87203.

<sup>6</sup> §87203.

<sup>7</sup> §87204.

<sup>8</sup> §§ 87300 and 87302.

<sup>9</sup> Reg. §18361.5, subd. (d).



1 **GENERAL FACTS**

2 12. Ramirez was a member of the city council for the City of Delano from December 6, 2004  
3 through December 4, 2012.

4 13. Ramirez served as a Senior Field Representative for State Assemblyman Steve Fox from  
5 August 12, 2013 through January 2, 2015.

6 14. As a member of the city council for the City of Delano, Ramirez was required to file an  
7 Annual SEI for each of his years in office with the City of Delano Clerk by the filing deadlines.  
8 Additionally, Ramirez was required to file a Leaving Office SEI within 30 days of his leaving office,  
9 December 4, 2012. Ramirez failed to timely file his Leaving Office SEI by the applicable January 4, 2013  
10 deadline.

11 15. As a Senior Field Representative for State Assemblyman Steve Fox, Ramirez was required  
12 to file a combined Leaving Office and 2014 Annual SEI within 30 days of his leaving office. Ramirez  
13 failed to file a combined Leaving Office and 2014 Annual SEI by the applicable February 2, 2015  
14 deadline.

15 16. Ramirez completed his Leaving Office SEI for the city council position in response to  
16 communications by Enforcement staff in August of 2014. As of the date of this Accusation, Ramirez has  
17 not filed the combined Leaving Office and 2014 Annual SEI for his position as a Senior Field  
18 Representative due February 2, 2015.

19 **PROCEDURAL HISTORY**

20 17. The Enforcement Division initiated the administrative action against Ramirez in this matter  
21 by serving him with a packet containing a cover letter, an amended Report in Support of a Finding of  
22 Probable Cause ("PC Report"), a fact sheet regarding probable cause proceedings, selected sections of the  
23 Government Code regarding probable cause proceedings for the Commission, and selected regulations of  
24 the Commission regarding probable cause proceedings.

25 18. Ramirez was personally served on February 28, 2017 with the PC Report. The information  
26 contained in the PC Report packet advised Ramirez that he had 21 days in which to request a probable  
27

1 cause conference and/or to file a written response to the PC Report. As of the date of this Accusation,  
2 Ramirez has not responded to the PC Report.

3 19. By means of an Ex Parte Request for a Finding of Probable Cause and an Order that an  
4 Accusation be Prepared and Served, dated June 28, 2017, the Enforcement Division submitted the matter  
5 to the Hearing Officer for a determination of probable cause.

6 20. On July 11, 2017, the Hearing Officer found, based on the PC Report and Ex Parte Request  
7 for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served, that there was  
8 probable cause to believe Ramirez violated the Act and directed the Enforcement Division to issue an  
9 accusation against Ramirez in accordance to with the finding.

10 **VIOLATIONS**

11 21. Ramirez has committed two violations of the Act, as follows:

12 **Count 1**

13 **Failure to Timely File a Leaving Office SEI**

14 22. Complainant incorporates paragraphs 1 – 21 of this Accusation, as though completely set  
15 forth herein.

16 23. Ramirez, as -a city councilmember for the City of Delano, had a duty under the Act to file  
17 a Leaving Office SEI by the January 4, 2013 deadline.

18 24. Ramirez failed to file a Leaving Office SEI with the City of Delano Clerk by the January  
19 4, 2013 deadline.

20 25. By failing to timely file a Leaving Office SEI by the January 4, 2013 deadline, Ramirez  
21 violated Section 87204 of the Government Code.

22 **Count 2**

23 **Failure to Timely File a Combined Leaving Office and 2014 Annual SEI**

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

1 27. Ramirez, as a Senior Field Representative for State Assemblyman Steve Fox, had a duty  
2 under the Act to file a combined Leaving Office and 2014 Annual SEI by the February 2, 2015 deadline.

3 28. Ramirez failed to file a combined Leaving Office and 2014 Annual SEI with the designated  
4 filing officer by the February 2, 2015 deadline.

5 29. By failing to timely file a combined Leaving Office and 2014 Annual SEI by the February  
6 2, 2015 deadline, Ramirez violated Section 87300 of the Government Code.

7 **MITIGATING OR EXCULPATORY FACTORS**

8 30. Ramirez ultimately filed his Leaving Office SEI for his city council position.

9 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

10 31. Though Ramirez has since filed his Leaving Office SEI for the city council position in  
11 response to persistent communication by the Enforcement Division, Ramirez has thus far failed to file  
12 the combined Leaving Office and 2014 Annual SEI for the Assembly position. Further, Ramirez has  
13 failed to respond to several communications by the Enforcement Division.

14 32. Before referring the case to the Enforcement Division, the City of Delano Clerk notified  
15 Ramirez of his obligation to file. Ramirez did not respond.

16 33. In Case No. 09/0790, Ramirez was subject to enforcement action by the Enforcement  
17 Division for a single count for accepting a gift over the statutory limit.

18 **PRAYER**

19 WHEREFORE, Complainant prays as follows:

20 1. That the Commission hold a hearing pursuant to section 83116 and regulation 18361.5, and  
21 at such hearing find that Ramirez violated the Act as alleged herein;

22 2. That the Commission, pursuant to section 83116, subdivision (c), order Ramirez to pay a  
23 monetary penalty of not more than Five Thousand Dollars (\$5,000) for the violation of the Act alleged in

24 **Count 1;**

1           3.       That the Commission, pursuant to section 83116, subdivision (c), order Ramirez to pay a  
2 monetary penalty of not more than Five Thousand Dollars (\$5,000) for the violation of the Act alleged in

3 **Count 2;**

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

13           5.       That the Commission grants such other and further relief as it deems just and proper.  
14  
15

16 Dated: 9 Aug 17

  
\_\_\_\_\_  
Galena West  
Chief of Enforcement  
Fair Political Practices Commission

**Exhibit A-7**





STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

**STATEMENT TO RESPONDENT**

[Government Code Section 11505, subdivision (b)]

*Sam Ramirez*

*FPPC Case No. 15/1169*

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

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

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

If you desire a list of the names and addresses of witnesses against you, or an opportunity to inspect and copy the items mentioned in Section 11507.6 of the Government Code that are in the possession, custody, or control of this agency, or if you wish to discuss the possibility of resolving this matter without a formal hearing, you may contact Michael W. Hamilton, Commission Counsel, FPPC Enforcement Division.

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

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

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



*Before the Fair Political Practices Commission*

---

**State of California**

|                  |   |                                 |
|------------------|---|---------------------------------|
| In the Matter of | ) | NOTICE OF DEFENSE               |
|                  | ) | (Pursuant to Gov. Code § 11506) |
|                  | ) |                                 |
| SAM RAMIREZ,     | ) | FPPC Case No. 15/1169           |
|                  | ) |                                 |
|                  | ) |                                 |
| Respondent.      | ) |                                 |
|                  | ) |                                 |
|                  | ) |                                 |
|                  | ) |                                 |

---

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

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

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

**GROUND FOR NOTICE OF DEFENSE**

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

---

---

---

---

---

---

---

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip



*Before the Fair Political Practices Commission*

---

**State of California**

In the Matter of

SAM RAMIREZ,

Respondent.

) NOTICE OF DEFENSE  
) (Pursuant to Gov. Code § 11506)  
)  
) FPPC Case No. 15/1169  
)  
)  
)  
)  
)  
)  
)  
)

---

Sam Ramirez, 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, 1102 Q Street, Suite 3000, Sacramento, California 95811. On 08/09/17, I served the following document(s):

1. Statement to Respondent;
2. FPPC Case No. 15/1169: Accusation;
3. Notice of Defense (Two Copies);
4. Selected Sections of the California Government Code, Administrative Procedure Act.

By personal service. At 12:00 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 Service

Sam Ramirez  
2070 Veneto Street  
Delano, CA 93215

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on 08/09/17.



\_\_\_\_\_  
Roone Petersen

**Exhibit A-8**



|   |  |
|---|--|
| <p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br/> <b>Galena West</b><br/> <b>Fair political Practices Commission</b><br/> <b>428 J Street, Suite 620</b><br/> <b>Sacramento CA 95814</b></p> <p>TELEPHONE NO.: 916-322-5772                      FAX NO. (Optional): 916-322-1932</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p> | <p style="text-align: center;"><b>FOR COURT USE ONLY</b></p> |
| <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> <p>STREET ADDRESS: <b>Before the Fair Political Practices Commission</b></p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>  |  |
| <p>PETITIONER/PLAINTIFF: <b>In the Matter of</b></p> <p>RESPONDENT/DEFENDANT: <b>Sam Ramirez</b></p>  |  |
| <p style="text-align: center;"><b>PROOF OF PERSONAL SERVICE—CIVIL</b></p>   | <p>CASE NUMBER:<br/> <b>FPPC No. 15/1169</b></p>             |

*(Do not use this Proof of Service to show service of a Summons and Complaint.)*

- I am over 18 years of age and **not a party to this action.**
- I served the following documents (specify):  
**Statement to Respondent; FPPC Case No. 15/1669: Accusation; Notice of Defense (two copies); Selected sections of the California Government Code, Administrative Procedure Act**

The documents are listed in the *Attachment to Proof of Personal Service—Civil (Documents Served)* (form POS-020(D)).

- I personally served the following persons at the address, date, and time stated:
  - Name: **Sam Ramirez**
  - Address: **Wonderful College Prep Academy 2070 Veneto St., Delano CA 93215**
  - Date: **08/29/17**
  - Time: **17:30**

The persons are listed in the *Attachment to Proof of Personal Service—Civil (Persons Served)* (form POS-020(P)).

- I am
  - not a registered California process server.
  - a registered California process server.
  - an employee or independent contractor of a registered California process server.
  - exempt from registration under Business & Professions Code section 22350(b).

- My name, address, telephone number, and, if applicable, county of registration and number are (specify):  
**Joe W. Devers CCPS - Kern Co. #487**  
**Investigative Services of Bakersfield**  
**9530 Hageman Road Suite B371**  
**Bakersfield CA 93312 (661)205-7850**

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: **08/30/17**

**Joe W Devers CCPS**  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

▶   
 \_\_\_\_\_  
 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

**Exhibit A-9**



FAIR POLITICAL PRACTICES COMMISSION

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

August 16, 2013

Sam Ramirez  
City Council Member  
City of Delano  
1710 High Street, Ste. 168  
Delano, California 93215

Re: Statement of Economic Interests – Form 700  
Type of Statement: **Annual**  
Date Statement Due: **April 1, 2013**

Dear Mr. Ramirez:

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

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.**
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 full \$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.

**If we do not receive a response from you within 15 days from the date of this letter, this matter will be referred to our Enforcement Division.** 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 fine under Section 91013 does not preclude further enforcement action, including the imposition of the additional fine under Section 83116.

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) 322-5187.

Sincerely,

Tina Nezrab  
Staff Services Analyst  
Technical Assistance Division

Enclosures: Waiver Guidelines/Request Form  
cc: Phyllis Kraft



September 30, 2013

Sam Ramirez  
City of Delano



Re: Statement of Economic Interests -- Form 700  
Type of Statement: **Annual**

Dear Mr. Ramirez:

According to our records, on August 16<sup>th</sup> 2013, you were notified that the Fair Political Practices Commission had not received your Statement of Economic Interests - Form 700, which was due on April 2<sup>nd</sup> 2013. 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) 322-5187.

Sincerely,

Tina Nezrab  
Staff Services Analyst  
Technical Assistance Division

cc: Phyllis Kraft

**Exhibit A-10**

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

I. NON-FILER INFORMATION

Name: Sam Ramirez  
Position: City Council member Currently Holding Position?  Yes  No  
Agency: City of Delano Employer (if known):  
 Expanded - Agency: [REDACTED]  
Address: [REDACTED]

Telephone (Work): 661-201-0654 Telephone (Home): [REDACTED] \* call cell first

II. FPPC STAFF AND FILING OFFICIAL INFORMATION

FPPC Staff: Tina Nezrab Telephone: 916-322-5187  
Filing Official: Phyllis Kraft Title: Clerk  
Address: 1615 11<sup>th</sup> Ave Delano  
Telephone: 661-720-2228 Fax: \_\_\_\_\_ E-mail: pkraft@cityofdelano.org

RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION  
OCT 23 AM 10:59

III. STATEMENT INFORMATION

Type of Non-Filed Statement:  
 Assuming  Annual  Leaving  Candidate Date Due: 1,4,13  
Year W L  
Prior Filing History:  
Date Assumed Office: 12,6,04 Date Left Office: 12,4,12  
No. of Prior Filings: 12 No. of Prior Late Filings: 2 Computer Printout Attached  Yes  No  
(Attach copy of most recent statement filed.)

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

| FPPC Notifications   | Filing Official Notifications  |
|--|--|
| Date: <u>7,10,13</u> <input type="radio"/> Verbal <input checked="" type="radio"/> Written | Date: ___/___/___ <input type="radio"/> Verbal <input type="radio"/> Written |
| Date: <u>8,16,13</u> <input type="radio"/> Verbal <input checked="" type="radio"/> Written | Date: ___/___/___ <input type="radio"/> Verbal <input type="radio"/> Written |
| Date: <u>9,30,13</u> <input type="radio"/> Verbal <input checked="" type="radio"/> Written | Date: ___/___/___ <input type="radio"/> Verbal <input type="radio"/> Written |

Comments: 10.17.13 per phyllis still no stmt.

Dat May 10/22/13  
Supervisor's Signature Date



**Exhibit A-11**



## FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

### Protected Settlement Communication Pursuant to Evidence Code Sections 1152 and 1154

April 4, 2014

Mr. Sam Ramirez  
41319 12 Street West, Suite 105  
Palmdale, CA 93551

**Streamlined Settlement:**      **FPPC No. 14/161; Sam Ramirez**

Dear Mr. Ramirez:

The Enforcement Division of the Fair Political Practices Commission (FPPC) received a Statement of Economic Interests (Form 700) Non-Filer Enforcement Referral from the FPPC's Technical Assistance Division for your failure to file your Form 700 Leaving Office statement in connection with your position as a City of Delano City Council Member by the January 4, 2013 deadline.

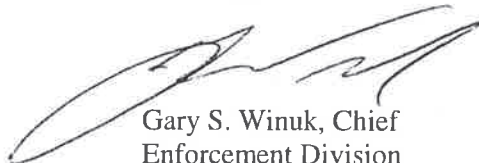
By failing to timely file your leaving office statement, you have violated the Political Reform Act (Act).<sup>1</sup> The FPPC may now commence an enforcement action against you, and obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 per violation.

Before the FPPC commences an enforcement action, it encourages respondents to participate in a streamlined settlement program. Under this program, we can swiftly resolve this matter with your payment of \$200 per violation, as well as the \$100 late filing fine assessed by the Technical Assistance Division. *Please note that the penalty will gradually increase for every additional attempt to resolve this matter.* To take advantage of this program you must:

1. Complete the Form 700<sup>2</sup>;
2. Sign the enclosed Stipulation, Decision and Order (Stipulation); and
3. Return the completed Form 700, the signed Stipulation, and a **cashier's check or money order**, not a personal check, made payable to the "State of California" in the amount of \$300<sup>3</sup> postmarked no later than **April 25, 2014**.

For more information on the Form 700, visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If you need any guidance regarding your specific obligations, please call Tracey Frazier at (916) 327-2019.

Sincerely,



Gary S. Winuk, Chief  
Enforcement Division

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014.

<sup>2</sup> Please find the **2014 Form 700** at: <http://www.fppc.ca.gov/forms/700-13-14/Form700-13-14.pdf>

<sup>3</sup> \$200 represents the administrative penalty assessed by the Enforcement Division. \$100 represents the late filing fine assessed by the Technical Assistance Division as your filing officer.



## FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

Protected Settlement Communication

Pursuant to Evidence Code Sections 1152 and 1154

June 2, 2014

Sam Ramirez  
41319 12 Street West, Suite 105  
Palmdale, CA 93551

**Streamlined Settlement:**      **FPPC No. 14/161; Sam Ramirez**

Dear Mr. Ramirez:

On April 4, 2014, we contacted you by letter advising that the Enforcement Division of the Fair Political Practices Commission ("FPPC") received a non-filer referral from the Fair Political Practices Commission, Technical Assistance Division for your failure to file your Leaving Office Statement of Economic Interest as a City Council Member for the City of Delano by the January 4, 2013 deadline.

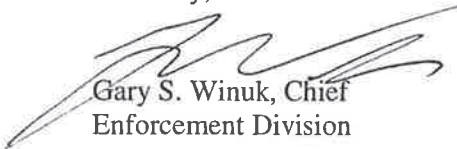
Our April 4, 2014 letter offered a stipulated settlement of \$300 provided you filed your Leaving Office Statement of Economic Interests and returned the signed stipulation by May 23, 2014. The deadline to take advantage of the stipulated settlement of \$300 has passed. As of this writing, the proposed settlement has increased to \$500. Be advised that we may commence enforcement action against you to obtain an order that you pay a monetary penalty to the State of California of up to \$5,000 for the violation.

Before commencing that enforcement action, you are again encouraged to participate in the Enforcement Division's streamline settlement program wherein we can significantly reduce that fine if you comply with filing your Leaving Office Statement of Economic Interest and stipulate to a reduced fine of \$500. To take advantage of this offer you must:

1. Complete the Form 700<sup>1</sup> and any applicable schedules and file with the FPPC's Technical Assistance Division;
2. Sign the enclosed Stipulation, Decision and Order (Stipulation); and
3. Return the signed Stipulation and a **cashier's check or money order**, not a personal check, made payable to the "State of California" in the amount of \$500 postmarked no later than **June 20, 2014**.

For more information on the Form 700, visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If you need any guidance regarding your specific obligations, please call Brendan Rochford at (916) 323-7050.

Sincerely,

  
Gary S. Winuk, Chief  
Enforcement Division

<sup>1</sup> Please find the **2012 Form 700** at: <http://fppc.ca.gov/forms/700-11-12/Form700-11-12.pdf>

<sup>2</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014.

GW:tf:BR

**Exhibit A-12**

COVER PAGE

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)  
Ramirez Sam

1. Office, Agency, or Court

Agency Name  
City of Delano  
Division, Board, Department, District, if applicable  
City Council  
Your Position  
Councilmember

► If filing for multiple positions, list below or on an attachment.

Agency: \_\_\_\_\_ Position: \_\_\_\_\_

2. Jurisdiction of Office (Check at least one box)

- State
- Multi-County \_\_\_\_\_
- City of Delano
- Judge or Court Commissioner (Statewide Jurisdiction)
- County of \_\_\_\_\_
- Other \_\_\_\_\_

3. Type of Statement (Check at least one box)

- Annual: The period covered is January 1, 2011, through December 31, 2011.
- or-
- The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through December 31, 2011.
- Assuming Office: Date assumed \_\_\_\_/\_\_\_\_/\_\_\_\_
- Candidate: Election Year \_\_\_\_\_ Office sought, if different than Part 1: \_\_\_\_\_
- Leaving Office: Date Left 12 / 11 / 2012  
(Check one)
- The period covered is January 1, 2011, through the date of leaving office.
- The period covered is \_\_\_\_/\_\_\_\_/\_\_\_\_, through the date of leaving office.

4. Schedule Summary

Check applicable schedules or "None."

► Total number of pages including this cover page: \_\_\_\_\_

- Schedule A-1 - Investments - schedule attached
- Schedule A-2 - Investments - schedule attached
- Schedule B - Real Property - schedule attached
- Schedule C - Income, Loans, & Business Positions - schedule attached
- Schedule D - Income - Gifts - schedule attached
- Schedule E - Income - Gifts - Travel Payments - schedule attached

-or-

None - No reportable interests on any schedule

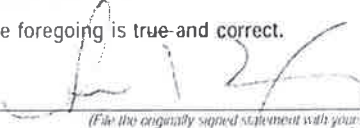
5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE  
(Business or Agency Address Recommended - Public Document)  
1225 Oxford Street Delano CA 93215  
DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS (OPTIONAL)  
( 661 ) 437-5377 samramirez2008@gmail.com

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

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

Date Signed 08/01/2014  
*(month, day, year)*

Signature   
*(File the originally signed statement with your filing official.)*

**SCHEDULE D**  
**Income – Gifts**

Name \_\_\_\_\_

▶ NAME OF SOURCE  
 Garcia, Ruiz, Calderon  
 ADDRESS (Business Address Acceptable)  
 625 Broadway #900, San Diego, CA 92101  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 Law Firm

| DATE (mm/dd/yy) | VALUE     | DESCRIPTION OF GIFT(S) |
|-----------------|-----------|------------------------|
| 08 / 26 / 12    | \$ 240.00 | Dodger Tickets         |
| ___ / ___ / ___ | \$ _____  | _____                  |
| ___ / ___ / ___ | \$ _____  | _____                  |

▶ NAME OF SOURCE  
 Grapevine Advisors  
 ADDRESS (Business Address Acceptable)  
 24440 Mulholland Hwy. Calabasas, CA 91302  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 Real Estate Development

| DATE (mm/dd/yy) | VALUE    | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| 06 / 29 / 12    | \$ 80.00 | Meals                  |
| ___ / ___ / ___ | \$ _____ | _____                  |
| ___ / ___ / ___ | \$ _____ | _____                  |

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

| DATE (mm/dd/yy) | VALUE    | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___ / ___ / ___ | \$ _____ | _____                  |
| ___ / ___ / ___ | \$ _____ | _____                  |
| ___ / ___ / ___ | \$ _____ | _____                  |

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

| DATE (mm/dd/yy) | VALUE    | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___ / ___ / ___ | \$ _____ | _____                  |
| ___ / ___ / ___ | \$ _____ | _____                  |
| ___ / ___ / ___ | \$ _____ | _____                  |

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

| DATE (mm/dd/yy) | VALUE    | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___ / ___ / ___ | \$ _____ | _____                  |
| ___ / ___ / ___ | \$ _____ | _____                  |
| ___ / ___ / ___ | \$ _____ | _____                  |

▶ NAME OF SOURCE  
 \_\_\_\_\_  
 ADDRESS (Business Address Acceptable)  
 \_\_\_\_\_  
 BUSINESS ACTIVITY, IF ANY, OF SOURCE  
 \_\_\_\_\_

| DATE (mm/dd/yy) | VALUE    | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___ / ___ / ___ | \$ _____ | _____                  |
| ___ / ___ / ___ | \$ _____ | _____                  |
| ___ / ___ / ___ | \$ _____ | _____                  |

Comments: \_\_\_\_\_



**Exhibit A-13**



FAIR POLITICAL PRACTICES COMMISSION

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

March 18, 2015

Sam Ramirez  
Former Senior Field Representative  
Assembly Staff



Re: Statement of Economic Interests – Form 700  
Type of Statement: **Leaving Office**

Dear Mr. Ramirez:

The Political Reform Act of 1974 requires Senate and Assembly staff members who are designated in the conflict-of-interest code of their agency to file Statements of Economic Interests - Form 700.

We have been notified by Assembly Rules that you left the position of Senior Field Representative with the Assembly staff on January 2, 2015. As an employee whose position is designated in the agency's conflict-of-interest code, you are required to file a leaving office statement of economic interests **within 30 days of leaving office**. However, if you transfer from one designated position to another between the Senate and/or Assembly without a break in service of 30 days or more, please contact me.

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

Enclosed please find a Statement of Economic Interests - Form 700 and a copy of the Senate's/Assembly's conflict-of-interest code. Please complete the Form 700 and return it to the Fair Political Practices Commission, 428 J Street, Ste. 620, Sacramento, CA 95814.

We are here to assist you. If you have any questions, please call me at (916) 327-2756.

Sincerely,

Theresa Poon  
Staff Services Analyst  
Technical Assistance Division

*A mail 3/19/15*



FAIR POLITICAL PRACTICES COMMISSION

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

April 22, 2015

Sam Ramirez  
Senior Field Representative  
Assembly Staff



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

Dear Mr. Ramirez:

According to our records, on March 18, 2015, you were notified that the Fair Political Practices Commission had not received your Statement of Economic Interests - Form 700, which was due on February 2, 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) 327-2756.

Sincerely,

A handwritten signature in cursive script that reads "Theresa Poon".

Theresa Poon  
Staff Services Analyst  
Technical Assistance Division

461-437-5377 left a message 6/11/15

**Exhibit A-14**

---

DEFAULT DECISION AND ORDER FPPC NO. 15/1169

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

le

**I. NON-FILER INFORMATION**

Name: Sam Ramirez  
Position: Senior Field Representative Currently Holding Position?  Yes  No  
Agency: Assembly Staff Employer (if known): \_\_\_\_\_  
 Expanded - Agency: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone (Work): 661-437-5377 Telephone (Cell): \_\_\_\_\_ Telephone (Home): \_\_\_\_\_

RECEIVED  
FAIR POLITICAL  
PRACTICES COMMISSION  
15 JUL 14 PM 2:17

**II. FPPC STAFF AND FILING OFFICIAL INFORMATION**

FPPC Staff: Theresa Poon Telephone: 916-327-2756  
Filing Official: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

**III. STATEMENT INFORMATION**

Type of Non-Filed Statement:  
 Assuming  Annual Year 14  Leaving  Candidate W \_\_\_ L \_\_\_ Date Due: 02 / 02 / 15  
Prior Filing History:  
Date Assumed Office: 08 / 12 / 13 No. of Prior Filings: 16 Recent Statement Attached  Yes  No  
Date Left Office: 01 / 02 / 15 No. of Prior Late Filings: 3 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>04 / 22 / 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>03 / 18 / 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 |

Comments:  
Left a message on 6/1/15 as of 6/9/15 with no respond.

[Signature]  
Supervisor's Signature Date 7/13/15

[Signature]  
Staff Services Analyst Signature Date 6/10/15

**Exhibit A-15**





## FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

October 31, 2017

Sam Ramirez  
2070 Veneto Street  
Delano, CA 93215

### NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC No. 15/1169  
In the Matter of Sam Ramirez**

Dear Mr. Ramirez:

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 November 16, 2017, and decide whether to impose an administrative penalty of \$7,000 against you.

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

Following the issuance of the Report in Support of a Finding of Probable Cause, 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 August 29, 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 Notice 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.

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 November 16, 2017 meeting. Please contact me at (916) 322-5772 if you wish to enter into a negotiated settlement.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Hamilton". The signature is fluid and cursive, with the first name being the most prominent.

Michael W. Hamilton  
Commission Counsel  
Enforcement Division

Enclosures