



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811

March 26, 2018

Roberto Reyes
[REDACTED]

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

**Re: FPPC No. 16/160
In the Matter of Roberto Reyes**

Dear Mr. Reyes:

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 May 17, 2018, and decide whether to impose an administrative penalty of \$3,000 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 October 12, 2016. Under the law, you have therefore received adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file 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 May 17, 2018 meeting. Please contact me at (916) 323-6421 or tgilbertson@fppc.ca.gov if you wish to enter into a negotiated settlement.

Sincerely,



Theresa Gilbertson
Commission Counsel
Enforcement Division

Enclosures

1 GALENA WEST
Chief of Enforcement
2 THERESA GILBERTSON
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
1102 Q Street, Suite 3000
4 Sacramento, CA 95811
Telephone: (916) 323-6421
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9
10 STATE OF CALIFORNIA

11 In the Matter of

12
13 ROBERTO REYES,

14
15 Respondent.

) FPPC No.: 16/160

)
) DEFAULT DECISION AND
) ORDER

) (Government Code Sections 11506
) and 11520)
)

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,¹ Roberto Reyes ("Reyes") has been
21 served with all of the documents necessary to conduct an administrative hearing regarding the above-
22 captioned matter, including the following:

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

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

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

2 Government Code section 11506 provides that failure of a respondent to file a Notice of Defense
3 within fifteen days after being served with an Accusation shall constitute a waiver of respondent's right
4 to a hearing on the merits of the Accusation. The Statement to Respondent, served on Reyes, explicitly
5 stated that a Notice of Defense must be filed in order to request a hearing. Reyes failed to file a Notice of
6 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 Reyes violated the Political Reform Act as described in Exhibit 1, which is attached hereto and
11 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the
12 law and evidence in this matter. This Default Decision and Order is submitted to the Commission to obtain
13 a final disposition of this matter.

14
15 Dated: 3/26/13


David Bainbridge
Assistant Chief Counsel
Fair Political Practices Commission

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ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of \$3,000 upon Roberto Reyes, 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 Roberto Reyes (“Reyes”) served as a Planning Commissioner for the City of Richmond from February 15, 2011 until April 15, 2015. The Political Reform Act (the “Act”)¹ requires every elected official and public employee who makes or influences governmental decisions to file an Annual Statement of Economic Interests (“SEI”) by April 1 of each year.

This matter arose out of a non-filer referral sent to the Fair Political Practices Commission’s (the “Commission”) Enforcement Division by the Commission’s SEI Unit for Reyes’ failure to timely file a 2014 Annual SEI. As a member of the Planning Commission for the City of Richmond, Reyes had a duty to file the 2014 Annual SEI by April 1, 2015. Reyes failed to timely file the 2014 Annual SEI.

DEFAULT PROCEEDINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

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

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

² Section 83116.

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

⁴ Section 11503.

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

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

PROCEDURAL REQUIREMENTS AND HISTORY

A. Initiation of the Administrative Action

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

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

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

Documents supporting the procedural history are included in the attached Certification of Records ("Certification") filed herewith at Exhibit 1, A-1 through A-13, and incorporated herein by reference.

In accordance with Sections 83115.5 and 91000.5, the Enforcement Division initiated the administrative action against Reyes in this matter by sending him a Report in Support of a Finding of Probable Cause (the "Report") (Certification, Exhibit A-1) by certified mail, return receipt requested,¹² on June 13, 2016. The administrative action commenced on June 16, 2016, the date the certified mail receipt was signed (Certification, Exhibit A-2.), and the five-year statute of limitations was effectively tolled on this date.

⁶ Section 11506, subdivision. (c).

⁷ Section 11520, subdivision. (a).

⁸ Section 91000.5, subdivision. (a).

⁹ Section 83115.5.

¹⁰ Section 83115.5.

¹¹ Section 91000.5.

¹² Section 83115.5.

As required by Section 83115.5, the packet served on Reyes contained a cover letter and a memorandum describing probable cause proceedings, advising that Reyes 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.) Reyes 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 Reyes 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 August 3, 2016. (Certification, Exhibit A-4.)

On August 15, 2016, Hearing Officer Jack Woodside, Legal Division, issued a Finding of Probable Cause and an Order to Prepare and Serve an Accusation on Reyes. (Certification, Exhibit A-5.)

C. The Issuance and Service of the Accusation

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

Section 11503 states:

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

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

¹³ Regulation 18361.4, subdivision. (e).

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

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

On October 10, 2016, the Commission's Chief of Enforcement, Galena West, issued an Accusation against Reyes 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 Reyes on October 12, 2016. (Certification, Exhibit A-8.)

Along with the Accusation, the Enforcement Division served Reyes 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.) Reyes did not file a Notice of Defense within the statutory time period, which ended on October 27, 2016.

As a result, March 26, 2018, the Enforcement Division sent a letter to Reyes advising that this matter would be submitted for a Default Decision and Order at the Commission's public meeting scheduled for May 17, 2018. (Certification, Exhibit A-13.) A copy of the Default Decision and Order, and this accompanying Exhibit 1 with attachments, was included with the letter.

SUMMARY OF THE LAW

An express purpose of the Act is to ensure that the assets and income of public officials that may be materially affected by their official actions be disclosed, so that conflicts of interests may be avoided.¹⁷ In furtherance of this purpose, the Act requires certain officials, including members of planning commissions, to disclose these interests.¹⁸

The Act requires specified elected officials to file SEIs that disclose reportable investments, business positions, interests in real property, and sources of income every year by the deadline of

¹⁴ Section 11505, subdivision. (a).

¹⁵ Section 11505, subdivision. (b).

¹⁶ Section 11505, subdivision. (c).

¹⁷ Section 81002, subdivision. (c).

¹⁸ Section 87200.

April 1.¹⁹ If an official leaves office prior to the deadline for filing an annual SEI, the official may file a single SEI covering both periods.²⁰ Planning commissioners are required to file the original with their agency, which makes and retains a copy and forwards the original to the Commission, which serves as the filing officer.²¹

SUMMARY OF THE EVIDENCE

Reyes was appointed a Planning Commissioner for the City of Richmond on February 15, 2011. As an official specified by the Act, he had a duty to file a 2014 Annual SEI by April 1, 2015. Reyes left office on April 15, 2015, and therefore, had a duty to file a Leaving Office SEI by May 15, 2015. He was aware of his filing obligations having previously timely filed a 2013 Annual SEI. (Certification, Exhibit A-9.) Reyes violated the Act by failing to timely file his 2014 Annual SEI by April 1, 2015, and his Leaving Office SEI by May 15, 2015.

On June 26, 2015, and September 23, 2015, the SEI Unit notified Reyes in writing that he had failed to timely file the 2014 Annual SEI. (Certification, Exhibit A-10.) On January 27, 2016, the SEI Unit referred Reyes as a 2014 Annual and Leaving Office SEI non-filer to the Enforcement Division. (Certification, Exhibit A-11.)

On March 11, 2016, the Enforcement Division sent a letter via U.S. mail and email to Reyes regarding his delinquent SEI and possible settlement. On April 5, 2016, Reyes filed the required 2014 Annual and Leaving Office SEI. (Certification, Exhibit A-12.) While Reyes was technically required to file separate SEIs for the two periods, the filing was deemed sufficient because Reyes left office less than 15 days after the 2014 Annual SEI was due.

The Enforcement Division made numerous attempts to resolve this matter through settlement. At various points, Reyes engaged in the process and gave assurances that he would sign the settlement agreement and pay the penalty. He repeatedly failed to follow through. As of March 5, 2018, Reyes has failed to complete the terms of the settlement offers presented by the Enforcement Division.

Summary of Contact

Overall, Reyes was contacted at least twenty-two times regarding the required SEI and possible settlement.

- June 26, 2015, letter from the SEI Unit regarding the 2014 Annual SEI.
- September 23, 2015, letter from the SEI Unit regarding the 2014 Annual SEI.
- March 11, 2016, letter and email from the Enforcement Division regarding the 2014 Annual and Leaving Office SEI and possible settlement.

¹⁹ Sections 87203.

²⁰ Regulation 18723, subdivision (d).

²¹ Section 87500, subdivision (g).

- Between March 18, 2016, and May 20, 2016, the Enforcement Division sent approximately seven emails to Reyes regarding the required SEI and possible settlement. Reyes declared twice he would file the delinquent SEI and pay the penalty.
- April 4, 2016, letter from the Enforcement Division regarding the settlement. On May 2, 2016, the Enforcement Division received a settlement agreement signed by Reyes but not the required penalty.
- June 13, 2016, Report in Support of a Finding of Probable Cause served on Reyes.
- July 6, 2016, email from Reyes accepting the findings in the Probable Cause Report.
- August 3, 2016, copy of Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served mailed to Reyes.
- October 12, 2016, Accusation served on Reyes.
- February 16, 2017, phone call from the Enforcement Division, Reyes declared he would sign the settlement agreement and pay the penalty.
- February 21, 2017, letter from the Enforcement Division regarding the settlement.
- February 22, 2017, call and email from the Enforcement Division regarding the settlement.
- February 27, 2017, email from the Enforcement Division regarding the settlement.
- July 27, 2017, email from the Enforcement Division regarding the settlement.
- January 25, 2018, email from the Enforcement Division regarding the settlement.
- March 26, 2018, Notice of Intent to Enter into Default Decision and Order mailed to Reyes.

VIOLATIONS

Reyes committed one violation of the Act, as follows:

COUNT 1

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

Reyes had a duty to file a 2014 Annual SEI by April 1, 2015. By failing to timely file this statement, Reyes violated Government Code Sections 87200 and 87203.

CONCLUSION

This matter consists of one count of violating the Act, which carries a maximum administrative penalty of \$5,000.²²

In determining the appropriate penalty for a particular violation of the Act, the Commission considers the facts of the case, the public harm involved, and the purposes of the Act. Also, the Commission considers factors such as: (a) the seriousness of the violation; (b) the presence or absence of any intention to conceal, deceive or mislead; (c) whether the violation was deliberate, negligent or inadvertent; (d) whether the violation was isolated or part of a pattern; (e) whether

²² Section 83116, subdivision (c).

corrective amendments voluntarily were filed to provide full disclosure; and (f) whether the violator has a prior record of violations.²³

The failure to comply with this obligation denied the public information about his financial activities and potential conflicts of interest. In this matter, Reyes failed to timely file his 2014 Annual and Leaving Office SEI. Though he was technically required to file two statements, a single combined statement was determined to be sufficient and the timing was close, less than 15 days, that would have permitted him to file a combined statement. Therefore, only one violation is being charged. Although he ultimately filed the required SEI and disclosed no reportable interests, he failed to complete the terms of the settlement offers presented by the Enforcement Division. Reyes previously stipulated to a violation and paid a penalty for failing to timely file an Assuming Office SEI and Annual SEIs for 2011 and 2012 in connection with the same position, as described *In the Matter of Roberto Reyes*, FPPC No. 13/1254.

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

- *In the Matter of Allison Scott*, FPPC No. 15/1129. (Commission approved a default decision on April 20, 2017.) As a member of the Mendocino County Archaeological Commission, Scott failed to timely file four Annual SEIs for 2011, 2012, 2013, and 2014. Respondent filed the required SEIs after being contacted by the Enforcement Division. The Commission imposed a penalty of \$3,000 per violation, for a total of \$12,000. Like Scott, Reyes eventually filed his Annual SEI but failed to reach settlement with the Enforcement Division.
- *In the Matter of Sam Ramirez*, FPPC No. 15/1169. (Commission approved a default decision on November 16, 2017.) Ramirez was a member of the Delano City Council until 2012 and, among other violations, failed to timely file a combined Annual and Leaving Office SEI. Respondent filed the required SEI after being contacted by the Enforcement Division. The Commission imposed a penalty of \$3,000 for this violation. Like Ramirez, Reyes left office, eventually filed his combined Annual and Leaving Office SEI, and has a prior history of noncompliance.

PROPOSED PENALTY

After considering the factors of Regulation 18361.5 and the penalties imposed in prior cases, a penalty of \$3,000 per count, for a total penalty of \$3,000, is recommended.

²³ Regulation 18361.5, subdivision (d).

Exhibit A-1

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

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

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

10
11 In the Matter of) FPPC No. 16/160
12)
13 **ROBERTO REYES,**) **REPORT IN SUPPORT OF A FINDING OF**
14) **PROBABLE CAUSE**
15) Conference Date: TBA
16) Conference Time: TBA
17) Conference Location: Commission Offices
18) 428 J Street, Suite 620
19) Sacramento, CA 95814
20)

21 **INTRODUCTION**

22 Respondent Roberto Reyes (“Respondent”) was appointed to the City of Richmond Planning
23 Commission on February 15, 2011. He left office on April 15, 2014. As a planning commissioner,
24 Reyes is subject to the Political Reform Act (the “Act”).¹

25 The Act requires planning commissioners to periodically file a Statement of Economic Interests
26 (“SEI”) disclosing all relevant economic interests. Reyes failed to timely file an Annual SEI on April 1,
27 2014, and to timely file a Leaving Office SEI by May 15, 2014.

28 ///

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

1 **SUMMARY OF THE LAW**

2 All legal references and discussions of law pertain to the Act’s provisions as they existed in
3 2014.

4 Jurisdiction

5 The Fair Political Practices Commission (the “Commission”) has administrative jurisdiction to
6 enforce the provisions of the Act.²

7 Probable Cause Proceedings

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

14 Standard for Finding Probable Cause

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

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

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

22
23

² Section 83116.

24 ³ Section 83115.5, and Regulations 18361 and 18361.4.

25 ⁴ Section 11500, et seq.

26 ⁵ Section 83116, and Regulation 18361.4, subd. (e).

27 ⁶ Regulation 18361.4, subd. (e).

28 ⁷ Section 81001, subd. (h).

⁸ Section 81003.

1 One central purpose of the Act is to increase transparency and decrease conflicts of interest in
2 the actions of public officials by requiring disclosure of their financial interests.⁹ Another is to provide
3 adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹⁰

4 Disclosure of Economic Interests

5 The Act requires planning commissioners to annually disclose all reportable interests in their
6 investments, real property, and income on their SEIs.¹¹ Failure to comply with the disclosure
7 requirements is a violation of the Act.¹² When a planning commissioner leaves his office, he must file
8 an SEI within thirty days of leaving office.¹³

9 Liability for Violations

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

14 **SUMMARY OF THE EVIDENCE**

15 Reyes was appointed to the Richmond Planning Commission on February 15, 2011. He filed a
16 2013 Annual SEI on April 1, 2014. He did not timely file a 2014 annual SEI on April 1, 2015. After he
17 left the Planning Commission on April 15, 2015, he did not timely file a Leaving Office SEI by May
18 15, 2015.

19 Prior to referring the case to the Enforcement Division, the Technical Assistance Division twice
20 attempted to notify Reyes of his duty to file his 2014 Annual SEI. These written notifications were sent
21 on June 26, 2015 and September 23, 2015. Both notifications were returned to the FPPC. After the case
22

23
24 ⁹ Section 81002, subd. (c)

25 ¹⁰ Section 81002, subd. (f).

26 ¹¹ Section 87200 and 87203.

27 ¹² Section 87200.

28 ¹³ Section 87204.

¹⁴ Sections 83116, and 83116.5.

1 was referred to Enforcement Division, Reyes responded to phone calls and emails regarding his unfiled
2 annual and leaving office SEIs.

3 The Enforcement Division contacted Reyes by email regarding his unfiled SEIs and the
4 penalties he owed on March 11, 2016, March 18, 2016, March 28, 2016, March 29, 2016, April 4,
5 2016, April 11, 2016, May 2, 2016, and May 20, 2016. On March 18, 2016, Reyes stated that he would
6 file his SEI and pay his \$1,000 fine and confirmed the same by email on May 3, 2016. Reyes filed his
7 combined Annual and Leaving Office SEI on April 5, 2016. Reyes did not pay his \$1,000 fine, and did
8 not respond to a follow-up email from the Enforcement Division on May 20, 2016.

9 As of June 7, 2016, Reyes has not paid his \$1,000 fine.

10
11 **VIOLATIONS**

12 Count 1: Failure to Timely File an Annual SEI

13 Respondent Roberto Reyes, a Richmond city planning commissioner, failed to timely file a 2014
14 Annual SEI, due by April 1, 2015, in violation of Sections 87200 and 87203.

15 Count 2: Failure to Timely File a Leaving Office SEI

16 Respondent Roberto Reyes, a Richmond city planning commissioner, failed to timely file a
17 Leaving Office SEI within thirty days of leaving the planning commission in April 2015, in violation of
18 Sections 87200 and 87204.

19
20 **OTHER RELEVANT MATERIAL**

21 Reyes has a previous enforcement history with the Commission for his failure to timely file his
22 2011 and 2012 Annual SEIs. On April 17, 2014, the Commission approved a streamlined stipulation
23 which fined Reyes \$200 for his failure to timely file his 2011 and 2012 Annual SEIs. (FPPC Case No.
24 13/1254).

25 ///

26 ///

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 June 13, 2016, I served the following document(s):

1. Letter dated June 13, 2016 from Tanya Smith;
2. FPPC No. 16/160 Report in Support of a Finding of Probable Cause;
3. Probable Cause Fact Sheet
4. Selected Sections of the California Government Code regarding Probable Cause Proceedings for the Fair Political Practices Commission; and
5. Selected Regulations of the Fair Political Practices Commission regarding Probable Cause Proceedings

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

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

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

SERVICE LIST

Certified Mail, Return Receipt Requested

Roberto Reyes


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 13, 2016


Linda Studer

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Roberto Reyes



9590 9403 0234 5146 5233 85

2. Article Number (Transfer from service label)

7016 0340 0000 4006 8270

PS Form 3811, April 2015 PSN 7530-02-000-9063

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Handwritten Signature]* Agent Addressee

B. Received by (Print Name) *6-16* C. Date of Delivery *10/17*

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

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
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Fair Political Practices Commission
428 J Street, Ste. 620
Sacramento, CA 95814

Attn: Tanya Smith

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[Redacted Address]

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LOCATION

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OR 97216

June 16, 2016 , 7:56 am

Arrived at Unit

PORTLAND, OR 97216

June 15, 2016 , 8:49 pm

Arrived at USPS Facility

PORTLAND, OR 97220

June 14, 2016 , 1:30 am

Departed USPS Facility

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SACRAMENTO, CA 95799

June 13, 2016 , 9:45 pm

Arrived at USPS Facility

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Exhibit A-3



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

June 13, 2016

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Roberto Reyes

In the Matter of ROBERTO REYES; FPPC No. 16/160

Dear Mr. Reyes:

The Enforcement Division of the Fair Political Practices 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 May 20, 2016, May 2, 2016, April 11, 2016, April 4, 2016, March 28, 2016, and March 11, 2016. The enclosed Report in Support of a Finding of Probable Cause (the "Report") contains a summary of the alleged violations and the relevant law and evidence.

You have the right to file a written response to the Report. That response may contain any information you think is relevant and that you wish to bring to the attention of the Commission's General Counsel or her designee (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 Tabatabaiejad, at the address listed above within 21 days from the date of service of this letter.* You can reach Ms. Tabatabaiejad 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) 322-5021 or tsmith@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,



Tanya Smith
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 evidence¹.

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

Response to Probable Cause Report

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

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

Staff Reply

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

Probable Cause Conference

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

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

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

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

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

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

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

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

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

Probable Cause Order and Accusation

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

Continuances

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

Settlements

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

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

CONCLUSION

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

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

CALIFORNIA GOVERNMENT CODE

Probable Cause Statutes

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

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

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

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

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

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

Probable Cause Regulations

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

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

§ 18361.4. Probable Cause Proceedings

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

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

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

(c) Response to Probable Cause Report.

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

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

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

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

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

§ 18362. Access to Complaint Files

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

§ 18361.2. Memorandum Respecting Civil Litigation.

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

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

(1) Initiate civil litigation.

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

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

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

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

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

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

Exhibit A-4

GALENA WEST
Chief of Enforcement
TANYA SMITH
Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5021
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of

ROBERTO REYES,

Respondent.

) FPPC No. 16/160
)
) EX PARTE REQUEST FOR A FINDING OF
) PROBABLE CAUSE AND AN ORDER THAT
) AN ACCUSATION BE PREPARED AND
) SERVED
)
) Gov. Code § 83115.5

**TO THE HEARING OFFICER OF THE FAIR POLITICAL PRACTICES
COMMISSION:**

Pursuant to Section 83115.5 of the Political Reform Act (the "Act")¹ and Regulation 18361.4, Respondent Roberto Reyes was served with a copy of a report in support of a finding of probable cause ("Report") in the above-entitled matter.² The Report, attached as "Exhibit A," was part of a packet of materials, including a cover letter and a memorandum describing probable cause proceedings, which was sent to Reyes on June 13, 2016, by certified mail, with a return receipt requested, and received by Reyes on June 16, 2016. A copy of the signed return receipt is attached as "Exhibit B".

In the cover letter dated June 13, 2016, and the attached materials, Reyes 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. Reyes was further advised that in order to have a probable

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

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

1 cause conference he needed to make a written request for one on or before 21 days of the date he
2 received the Report. Additionally, Reyes was advised that if he did not request a probable cause
3 conference, such a conference would not be held and probable cause would be determined based solely
4 on the Report and any written response that he submitted within 21 days of the date he was served with
5 the Report. On July 6, 2016, Reyes sent an email to the Enforcement Division stating that he accepted
6 the findings in the PC report and did not wish to have a PC hearing.

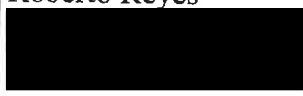
7 WHEREFORE, based on the attached Report, the Enforcement Division requests a finding by
8 the Hearing Officer that probable cause exists to believe that Reyes committed a violation of the Act,
9 stated as follows:

10 Count 1: Respondent Roberto Reyes, a Richmond city planning commissioner, failed to timely file
11 a 2014 Annual SEI, due by April 1, 2015, in violation of Sections 87200 and 87203.

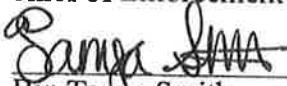
12 Count 2: Respondent Roberto Reyes, a Richmond city planning commissioner, failed to timely file
13 a Leaving Office SEI within thirty days of leaving the planning commission in April
14 2015, in violation of Sections 87200 and 87204.

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

17 A copy of this Request was mailed via U.S. Mail to Reyes on August 3, 2016, at the last known
18 address, as follows:

19 Roberto Reyes
20 

21 Dated: Aug. 3, 2016

22 Respectfully Submitted,
23 **FAIR POLITICAL PRACTICES COMMISSION**
24 Galena West
25 Chief of Enforcement
26 
By: Tanya Smith
Commission Counsel, Enforcement Division

27 ³ Gov. Code § 11503.

Exhibit A

**EX PARTE REQUEST FOR A FINDING OF PROBABLE CAUSE AND AN ORDER RE:
FPPC NO. 15/1763**

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

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

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

11 In the Matter of) FPPC No. 16/160
12)
13 **ROBERTO REYES,**) **REPORT IN SUPPORT OF A FINDING OF**
14) **PROBABLE CAUSE**
15 Respondent.) Conference Date: TBA
16) Conference Time: TBA
Conference Location: Commission Offices
428 J Street, Suite 620
Sacramento, CA 95814

17 **INTRODUCTION**

18 Respondent Roberto Reyes ("Respondent") was appointed to the City of Richmond Planning
19 Commission on February 15, 2011. He left office on April 15, 2014. As a planning commissioner,
20 Reyes is subject to the Political Reform Act (the "Act").¹

21 The Act requires planning commissioners to periodically file a Statement of Economic Interests
22 ("SEI") disclosing all relevant economic interests. Reyes failed to timely file an Annual SEI on April 1,
23 2014, and to timely file a Leaving Office SEI by May 15, 2014.

24 ///

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

1 **SUMMARY OF THE LAW**

2 All legal references and discussions of law pertain to the Act's provisions as they existed in
3 2014.

4 Jurisdiction

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

7 Probable Cause Proceedings

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

14 Standard for Finding Probable Cause

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

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

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

22
23
24 ² Section 83116.

³ Section 83115.5, and Regulations 18361 and 18361.4.

⁴ Section 11500, et seq.

⁵ Section 83116, and Regulation 18361.4, subd. (e).

⁶ Regulation 18361.4, subd. (e).

⁷ Section 81001, subd. (h).

⁸ Section 81003.

1 One central purpose of the Act is to increase transparency and decrease conflicts of interest in
2 the actions of public officials by requiring disclosure of their financial interests.⁹ Another is to provide
3 adequate enforcement mechanisms so that the Act will be “vigorously enforced.”¹⁰

4 Disclosure of Economic Interests

5 The Act requires planning commissioners to annually disclose all reportable interests in their
6 investments, real property, and income on their SEIs.¹¹ Failure to comply with the disclosure
7 requirements is a violation of the Act.¹² When a planning commissioner leaves his office, he must file
8 an SEI within thirty days of leaving office.¹³

9 Liability for Violations

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

13
14 **SUMMARY OF THE EVIDENCE**

15 Reyes was appointed to the Richmond Planning Commission on February 15, 2011. He filed a
16 2013 Annual SEI on April 1, 2014. He did not timely file a 2014 annual SEI on April 1, 2015. After he
17 left the Planning Commission on April 15, 2015, he did not timely file a Leaving Office SEI by May
18 15, 2015.

19 Prior to referring the case to the Enforcement Division, the Technical Assistance Division twice
20 attempted to notify Reyes of his duty to file his 2014 Annual SEI. These written notifications were sent
21 on June 26, 2015 and September 23, 2015. Both notifications were returned to the FPPC. After the case
22
23

24 ⁹ Section 81002, subd. (c)

25 ¹⁰ Section 81002, subd. (f).

26 ¹¹ Section 87200 and 87203.

27 ¹² Section 87200.

28 ¹³ Section 87204.

¹⁴ Sections 83116, and 83116.5.

1 was referred to Enforcement Division, Reyes responded to phone calls and emails regarding his unfiled
2 annual and leaving office SEIs.

3 The Enforcement Division contacted Reyes by email regarding his unfiled SEIs and the
4 penalties he owed on March 11, 2016, March 18, 2016, March 28, 2016, March 29, 2016, April 4,
5 2016, April 11, 2016, May 2, 2016, and May 20, 2016. On March 18, 2016, Reyes stated that he would
6 file his SEI and pay his \$1,000 fine and confirmed the same by email on May 3, 2016. Reyes filed his
7 combined Annual and Leaving Office SEI on April 5, 2016. Reyes did not pay his \$1,000 fine, and did
8 not respond to a follow-up email from the Enforcement Division on May 20, 2016.

9 As of June 7, 2016, Reyes has not paid his \$1,000 fine.

11 VIOLATIONS

12 Count 1: Failure to Timely File an Annual SEI

13 Respondent Roberto Reyes, a Richmond city planning commissioner, failed to timely file a 2014
14 Annual SEI, due by April 1, 2015, in violation of Sections 87200 and 87203.

15 Count 2: Failure to Timely File a Leaving Office SEI

16 Respondent Roberto Reyes, a Richmond city planning commissioner, failed to timely file a
17 Leaving Office SEI within thirty days of leaving the planning commission in April 2015, in violation of
18 Sections 87200 and 87204.

20 OTHER RELEVANT MATERIAL

21 Reyes has a previous enforcement history with the Commission for his failure to timely file his
22 2011 and 2012 Annual SEIs. On April 17, 2014, the Commission approved a streamlined stipulation
23 which fined Reyes \$200 for his failure to timely file his 2011 and 2012 Annual SEIs. (FPPC Case No.
24 13/1254).

25 ///

26 ///

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Roberto Reyes



9590 9403 0234 5146 5233 85

2. Article Number (Transfer from service label)

7016 0340 0000 4006 8270

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Agent
 Addressee

B. Received by (Printed Name)

6-16

C. Date of Delivery

10/27

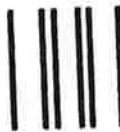
D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

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First-Class Mail
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Permit No. G-10

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

Fair Political Practices Commission
428 J Street, Ste. 620
Sacramento, CA 95814

Attn:
Tanya
Smith

16 JUN 20 PM 2:42

USPS TRACKING#



9590 9403 0234 5146 5233 85

RECEIVED
POLITICAL
GROUPS COMM

Exhibit B



USPS Tracking®



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Updated Delivery Day: Thursday, June 16, 2016

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
June 16, 2016 , 2:26 pm	Delivered, Left with Individual	PORTLAND, OR 97216
June 16, 2016 , 7:56 am	Arrived at Unit	PORTLAND, OR 97216
June 15, 2016 , 8:49 pm	Arrived at USPS Facility	PORTLAND, OR 97220
June 14, 2016 , 1:30 am	Departed USPS Facility	WEST SACRAMENTO, CA 95799
June 13, 2016 , 9:45 pm	Arrived at USPS Facility	WEST SACRAMENTO, CA 95799

Track Another Package

Tracking (or receipt) number

Track It

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

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

OFFICIAL USE

<p>Certified Mail Fee</p> <p>\$ _____</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input checked="" type="checkbox"/> Return Receipt (hardcopy) \$ _____</p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p>	Postmark Here
<p>Postage</p> <p>\$ _____</p> <p>Total Postage and Fees</p> <p>\$ _____</p>	
<p>Sent To Roberto Reyes</p>	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 0340 0000 4006 8270

Exhibit A-5

1 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

2 STATE OF CALIFORNIA

3
4 In the Matter of

5 ROBERTO REYES,

6 Respondent.

) FPPC No. 16/160
)
)
) FINDING OF PROBABLE CAUSE AND
) ORDER TO PREPARE AND SERVE AN
) ACCUSATION
)
) Gov. Code § 83115.5
)
)

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, dated August 3, 2016, the Enforcement Division submitted the
11 above-entitled matter to the Hearing Officer for a determination of Probable Cause. As set forth in the
12 Ex Parte Request For a Finding of Probable Cause and an Order that an Accusation be Prepared and
13 Served (Ex Parte Request), the Enforcement Division served a Report in Support of a Finding of
14 Probable Cause (PC Report) on Respondent Roberto Reyes concerning this matter on June 16, 2016, by
15 certified mail, return receipt requested. Accompanying the PC Report was a packet of materials that
16 informed Reyes of his right to file a written response to the PC Report and to request a probable cause
17 conference within 21 days following service of the PC Report. During the 21 days that followed service
18 of the PC Report, Reyes did not 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.¹

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
24 the respondent.

25
26
27 ¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of
the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code
of Regulations.

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

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

6 Count 1: Respondent Roberto Reyes, a Richmond city planning commissioner, failed to timely file
7 a 2014 Annual SEI, due by April 1, 2015, in violation of Sections 87200 and 87203.

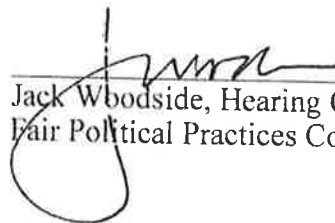
8 Count 2: Respondent Roberto Reyes, a Richmond city planning commissioner, failed to timely file
9 a Leaving Office SEI within thirty days of leaving the planning commission in April
10 2015, in violation of Sections 87200 and 87204.

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

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

16 IT IS SO ORDERED.

17
18
19 Dated: 8-15-16

20 
21 Jack Woodside, Hearing Officer
22 Fair Political Practices Commission
23
24
25
26

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

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

Exhibit A-6

1 GALENA WEST
Chief of Enforcement
2 TANYA SMITH
Commission Counsel
3 **FAIR POLITICAL PRACTICES COMMISSION**
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 322-5021
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant
7
8

9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
10 STATE OF CALIFORNIA

11 In the Matter of) FPPC No. 16/160
12)
13 ROBERTO REYES,) **ACCUSATION**
14)
15 Respondent.) (Gov. Code §11503)
16)

17
18 Complainant, the Enforcement Division of the Fair Political Practices Commission, after a
19 finding 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
22 Commission and makes this Accusation in its official capacity and in the public interest.

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

1 SEI was past due. These notifications were sent on June 26, 2015 and September 23, 2015. Both
2 were returned to the Technical Assistance Division by the post office because Reyes left no
3 forwarding address.

4 17. On January 27, 2016, the Technical Assistance Division referred Reyes to the
5 Enforcement Division for failing to file his 2014 Annual SEI and his Leaving Office SEI.

6 18. The Enforcement Division contacted Reyes by email regarding his unfiled SEIs
7 and penalties owed on March 11, 2016, March 18, 2016, March 28, 2016, March 29, 2016, April
8 4, 2016, April 11, 2016, May 2, 2016, and May 20, 2016.

9 19. The Enforcement Division called Reyes regarding his unfiled SEIs and penalties
10 owed on March 18, 2016, April 25, 2016, and May 2, 2016.

11 20. On April 5, 2016, Reyes filed a combined Annual and Leaving Office SEI.

12 21. The Enforcement Division initiated the administrative action against Reyes in this
13 matter by serving him by certified mail on June 16, 2016 with a packet containing a cover letter, a
14 Report in Support of a Finding of Probable Cause ("PC Report"), a fact sheet regarding probable
15 cause proceedings, selected sections of the Government Code regarding probable cause
16 proceedings for the Commission, and selected regulations of the Commission regarding probable
17 cause proceedings. The information contained in the PC Report packet advised Reyes that he had
18 21 days in which to request a probable cause conference and/or to file a written response to the PC
19 Report.

20 22. On July 6, 2016, Reyes sent an email to the Enforcement Division stating that he
21 accepted the findings in the PC Report and did not wish to have a PC hearing.

22 23. By means of an Ex Parte Request for a Finding of Probable Cause and an Order
23 that an Accusation be Prepared and Served ("Ex Parte Request"), dated August 3, 2016, the
24 Enforcement Division submitted the matter to the Hearing Officer for a determination of Probable
25 Cause.

26 24. On August 15, 2016, the Hearing Officer issued an order finding, based on the Ex
27 Parte Request, and the PC Report, there was probable cause to believe Reyes violated the Act, and
28

1 directed the Enforcement Division to issue an accusation against Reyes in accordance with the
2 finding.

3 **VIOLATIONS**

4 25. Reyes committed two violations of the Act, as follows:

5 **Count 1**

6 **Failure to Timely File an Annual SEI**

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

9 27. Reyes, as a Richmond city planning commissioner, failed to timely file a 2014
10 Annual SEI by April 1, 2015, in violation of sections 87200 and 87203.

11 **Count 2**

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

13 28. Complainant incorporates paragraphs 1 – 27 of this Accusation, as though
14 completely set forth herein.

15 29. Reyes, as a Richmond city planning commissioner, failed to timely file a Leaving
16 Office SEI within thirty days of leaving the planning commission on April 15, 2015, in violation
17 of sections 87200 and 87204.

18 **MITIGATING OR EXCULPATORY FACTORS**

19 30. None known.

20 **AGGRAVATING FACTORS AND OTHER RELEVANT MATERIALS**

21 31. On April 17, 2014, the Commission imposed a \$200 penalty on Reyes after he
22 failed to timely file a 2012 Annual SEI. (FPPC Case No. 13/1254).

23 32. Reyes failed to file his combined 2014 Annual and Leaving Office SEI until at
24 least five written requests and one phone call from the Enforcement Division to file his SEIs.

25 **PRAYER**

26 WHEREFORE, Complainant prays as follows:
27
28

Exhibit A-7

STATEMENT TO RESPONDENT

[Government Code Section 11505, subdivision (b)]

Roberto Reyes

FPPC Case No. 16/160

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 Tanya Smith, 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.

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

GROUNDS FOR NOTICE OF DEFENSE

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

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

Dated: _____

Respondent

Print Name

Mailing Address

City, State, Zip

California Government Code sections 11506 through 11508

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

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

(1) Request a hearing.

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

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

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

(5) Present new matter by way of defense.

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

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

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

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

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

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

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

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

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

§ 11507.3. Consolidated proceedings; Separate hearings

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

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

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

///

§ 11507.5. Exclusivity of discovery provisions

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

HISTORY: Added Stats 1968 ch 808 § 3.

§ 11507.6. Request for discovery

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

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

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

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

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

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

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

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

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

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

§ 11507.7. Motion to compel discovery; Order

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

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

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

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

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

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

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

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

§ 11508. Time and place of hearing

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

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

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

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

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

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

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

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My business address is Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814. On October 10, 2016, I served the following document(s):

1. Statement to Respondent Roberto Reyes;
2. FPPC Case No. 16/160: Accusation;
3. Notice of Defense (Two Copies);
4. Selected Sections of the California Government Code, Administrative Procedure Act.

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

By personal service. At 3:30 a.m. (p.m.):

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

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

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

SERVICE LIST

Personal Delivery

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

Personal Service

Roberto Reyes


I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 10, 2016.



Roone Petersen

Exhibit A-8

Exhibit A-9

STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

RECEIVED
 Date Received
 CITY CLERK'S OFFICE
 CITY OF RICHMOND

2014 APR -1 PM 3:44

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)
 Reyes Roberto F.

1. Office, Agency, or Court

Agency Name (Do not use acronyms)
 City of Richmond
 Division, Board, Department, District, if applicable
 Planning Commission
 Your Position
 Commissioner
 ▶ If filing for multiple positions, list below or on an attachment. (Do not use acronyms)
 Agency: Workforce Investment Board Position: Member

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

State Judge or Court Commissioner (Statewide Jurisdiction)
 Multi-County County of Contra Costa
 City of Richmond Other

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

Annual: The period covered is January 1, 2013, through December 31, 2013.
 -or-
 The period covered is _____ through December 31, 2013.
 Assuming Office: Date assumed _____
 Leaving Office: Date Left _____ (Check one)
 The period covered is January 1, 2013, through the date of leaving office.
 The period covered is _____ through the date of leaving office.
 Candidate: Election year _____ and office sought, if different than Part 1: _____

4. Schedule Summary

Check applicable schedules or "None." ▶ Total number of pages including this cover page: _____
 Schedule A-1 - Investments - schedule attached Schedule C - Income, Loans, & Business Positions - schedule attached
 Schedule A-2 - Investments - schedule attached Schedule D - Income - Gifts - schedule attached
 Schedule B - Real Property - 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)
 627 35th Street Richmond CA 94805
 DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS (OPTIONAL)
 (510) 230-1828

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 04/01/2014
 (month, day, year)

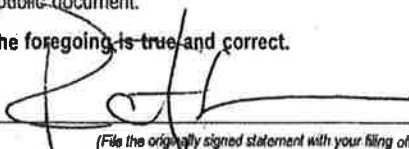
Signature 
 (File the originally signed statement with your filing official.)

Exhibit A-10



FAIR POLITICAL PRACTICES COMMISSION

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

(916) 322-5660 • Fax (916) 322-0886

June 26, 2015

Roberto Reyes
Planning Commissioner
City of Richmond

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

Dear Mr. Reyes:

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

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

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

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

A copy of your statement will be forwarded to your filing official. We are here to assist you. If you have any questions, please call me at (916) 323-6229.

Sincerely,

A handwritten signature in cursive script that reads "Sonia Rangel".

Sonia Rangel
Staff Services Analyst
Technical Assistance Division

Enclosures: Waiver Guidelines/Waiver Request Form
cc: Diane Holmes

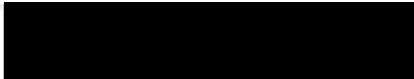


FAIR POLITICAL PRACTICES COMMISSION

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

September 23, 2015

Roberto Reyes
Planning Commissioner
City of Richmond



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

Dear Mr. Reyes:

According to our records, on June 26, 2015, you were notified that the Fair Political Practices Commission had not received your Statement of Economic Interests - Form 700, which was due on April 1, 2015. We advised you to file your statement in order to avoid referral to our Enforcement Division. However, to date we have not received your statement; therefore an Enforcement referral is being made.

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

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

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

If you have any questions, please call me at (916) 323-6229.

Sincerely,

A handwritten signature in cursive script that reads "Sonia Rangel".

Sonia Rangel
Staff Services Analyst
Administration and Technology Division

cc: Pamela Christian

Exhibit A-11

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

RECEIVED
FPPC STAFF SERVICES
13 JUN 27 PM 4:35

I. NON-FILER INFORMATION

Name: Roberto Reyes
Position: Planning Commissioner Currently Holding Position? Yes No
Agency: City of Richmond Employer (if known): _____
 Expanded - Agency: _____
Address: 1673 Santa Clara Street, Richmond, CA 94804
Telephone (Work): n/a Telephone (Cell): _____ Telephone (Home): _____

II. FPPC STAFF AND FILING OFFICIAL INFORMATION

FPPC Staff: Sonia Rangel Telephone: 323-6229
Filing Official: Pamela Christian Title: City Clerk
Address: 450 Civic Center Plaza, Richmond, CA 94804
Telephone: 510-620-6513 Fax: _____ E-mail: pamela_christian@ci.richmond

III. STATEMENT INFORMATION

Type of Non-Filed Statement:

Assuming Annual Year 14 Leaving Candidate W ___ L ___ Date Due: 04 / 01 / 15

Prior Filing History:

Date Assumed Office: 02 / 15 / 11 No. of Prior Filings: 4 Recent Statement Attached Yes No
Date Left Office: ___ / ___ / ___ No. of Prior Late Filings: 2 Computer Printout Attached Yes No

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

FPPC Notifications (Date Order)

Filing Official Notifications

Date: <u>06 / 26 / 15</u> <input type="radio"/> Verbal <input type="radio"/> Letter <input checked="" type="radio"/> Email	Date: ___ / ___ / ___ <input type="radio"/> Verbal <input type="radio"/> Letter
Date: <u>09 / 23 / 15</u> <input type="radio"/> Verbal <input type="radio"/> Letter <input checked="" type="radio"/> Email	Date: ___ / ___ / ___ <input type="radio"/> Verbal <input type="radio"/> Letter
Date: ___ / ___ / ___ <input type="radio"/> Verbal <input type="radio"/> Letter <input type="radio"/> Email	Date: ___ / ___ / ___ <input type="radio"/> Verbal <input type="radio"/> Letter

Call Made to Filer on: ___ / ___ / ___ Comments:

No phone number listed. Also need his Leaving Office statement (LO date unknown).

Per email from clerk, Mr. Reyes has moved out of the country, and left no forwarding address. Therefore, no letter was written re: his LO statement.

Cindy Glass 1/27/16
Supervisor's Signature Date

Sonia Rangel
Staff Services Analyst Signature Date

Exhibit A-12

STATEMENT OF ECONOMIC INTERESTS

RECEIVED
 CITY CLERKS OFFICE
 CITY OF RICHMOND

COVER PAGE

2016 APR -5 AM 10:35

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)
 Reyes Roberto Flores

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

City of Richmond

Division, Board, Department, District, if applicable

Planning Commission

Your Position

Member

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: _____ Position: _____

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

- State
- Multi-County _____
- City of Richmond
- 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, 2014, through December 31, 2014.
 -or-
 The period covered is _____, through December 31, 2014.
- Assuming Office:** Date assumed _____
- Candidate:** Election year _____ and office sought, if different than Part 1: _____
- Leaving Office:** Date Left 04 / 15 / 2015
 (Check one)
 The period covered is January 1, 2014, 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)

8539 SW Alder St. Portland Or

DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS
 (503) 807-6574 reaztlan@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 04/28/2016
 (month, day, year)

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

Exhibit A-13



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

CERTIFICATION OF RECORDS

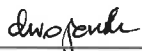
The undersigned declares and certifies as follows:

1. I am employed as an Associate Governmental Program 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. 16/160; Roberto Reyes*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents prepared in the normal course of business and which are contained in files maintained by the Commission. The attached documents are as follows:

- EXHIBIT A-1: Report in Support of a Finding of Probable Cause, dated June 13, 2016
- EXHIBIT A-2: Proof of Service for the Report in Support of a Finding of Probable Cause and applicable statutes and regulations, dated June 13, 2016, and Return Receipt received by the Commission on June 20, 2016
- EXHIBIT A-3: Cover letter to the Respondent regarding the Report in Support of a Finding of Probable Cause, memorandum describing Probable Cause Proceedings, and applicable statutes and regulations, dated June 13, 2016
- EXHIBIT A-4: Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation Be Prepared and Served, dated August 3, 2016
- EXHIBIT A-5: Finding of Probable Cause and Order to Prepare and Serve an Accusation, dated August 15, 2016

- EXHIBIT A-6: Accusation, dated October 10, 2016
- EXHIBIT A-7: Statement to the Respondent, Notices of Defense, applicable statutes, and Proof of Service for Accusation and accompanying documents, dated October 10, 2016
- EXHIBIT A-8: Proof of Service on October 12, 2016, for Accusation and accompanying documents from process server, dated October 14, 2016
- EXHIBIT A-9: Roberto Reyes' 2013 Annual Statement of Economic Interests, stamped received on April 1, 2014
- EXHIBIT A-10: Letters from the Commission's SEI Unit to Roberto Reyes, dated June 26, 2015, and September 23, 2015
- EXHIBIT A-11: Non-filer referral from the Commission's SEI Unit referring Roberto Reyes as a 2014 Annual and Leaving Office Statement of Economic Interests non-filer to the Enforcement Division, stamped received on January 27, 2016
- EXHIBIT A-12: Roberto Reyes' 2014 Annual and Leaving Office Statement of Economic Interests, stamped received on April 5, 2016
- EXHIBIT A-13: Notice of Intent to Enter into Default Decision and Order, dated March 26, 2018

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 26, 2018, at Sacramento, California.



Dominika Wojenska
Associate Governmental Program Analyst
Enforcement Division
Fair Political Practices Commission